

PLANNING COMMISSION

REGULAR MEETING

Date: September 13, 2018

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

Cody Leis, Vice Chair

Rusty Caldwell, Commissioner

Joline Hahn, Commissioner

Jim Heywood, Commissioner

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

Jeff Codega, 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 Jeff Codega, 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.

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**REGULAR MEETING AGENDA
HESPERIA PLANNING COMMISSION**

As a courtesy, please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.

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 PM

- A. Pledge of Allegiance to the Flag**
- B. Invocation**
- C. Roll Call**

*Tom Murphy Chair
Cody Leis Vice Chair
Rusty Caldwell Commissioner
Joline Bell Hahn Commissioner
James Heywood Commissioner*

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name 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

- 1. Page 5 Consideration of the July 12, 2018 Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on July, 12, 2018

Staff Person: Administrative Secretary Erin Baum

Attachments: [07-12-2018 PC MINUTES](#)

PUBLIC HEARINGS

- 2. Page 9 Consideration of Conditional Use Permit CUP18-00003 to construct a 4,631 square foot convenience store that includes the sale of beer and wine for

off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 8.3 gross acres within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of US Highway 395 and Phelan Road (APNs 3064-401-07 & 08; Applicant: Pipeline Petroleum Banning LLC).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-14 recommending that the City Council approve CUP18-00003.

Staff Person: Senior Planner Ryan Leonard

Attachments: [Staff Report](#)

[Attachment 1 - Site Plan](#)

[Attachment 2 - General Plan Map](#)

[Attachment 3 - Aerial photo](#)

[Attachment 4 - Floor plans](#)

[Attachment 5 - Color Elevations](#)

[Attachment 6 - Census Tract Map](#)

[Attachment 7 -Initial Study](#)

[Resolution No. PC-2018-14](#)

[Conditions of Approval](#)

3. Page 65

Consideration of Conditional Use Permit CUP18-00005 to allow a 12,000-square foot diesel exhaust fluid (DEF) manufacturing facility within the General Industrial (GI) Zone of the Main Street and Freeway Corridor Specific Plan on one gross acre located at the terminus of Chestnut Street, west of 'C' Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects (Applicant: Robert Jacobson; APNs: 0410-091-13, 28 & 29).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-15 approving Conditional Use Permit CUP18-00005 to allow a 12,000-square foot diesel exhaust fluid (DEF) manufacturing facility.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [Staff Report](#)

Attachment 1- Site Plan

Attachment 2- Land Use Map

Attachment 3- Aerial Photo

Attachment 4- Floor Plan

Attachment 5 - Bldg Elevations

Attachment 6 - Resolution

[Conditions of Approval](#)**PRINCIPAL PLANNER'S REPORT**

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

D. DRC Comments**E. Major Project Update****PLANNING COMMISSION BUSINESS OR REPORTS**

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

ADJOURNMENT

I, Erin Baum, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, September 6, 2018 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Erin Baum,
Planning Commission Secretary*

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City of Hesperia

Meeting Minutes

Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345
www.cityofhesperia.us

Thursday, July 12, 2018

6:30 PM

AGENDA

HESPERIA PLANNING COMMISSION

CALL TO ORDER - 6:34 PM

A. Pledge of Allegiance to the Flag

Pledge of Allegiance led by Vice Chair Cody Leis

B. Invocation

Invocation led by Commissioner Joline Hahn.

C. Roll Call

PRESENT: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Joline Hahn
Commissioner Jim Heywood

ABSENT: Commissioner Rusty Caldwell

JOINT PUBLIC COMMENTS

Chair Tom Murphy opened the Joint Public Comments at 6:37
There were no Public Comments
Chair Tom Murphy closed the Joint Public Comments at 6:37

CONSENT CALENDAR

1. Consideration of the June 14, 2018 Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on June 14, 2018.

Sponsors: Executive Secretary Erin Baum

Motion by Vice Chair Cody Leis to approve Amended Draft Minutes from the Regular Meeting held on June 14, 2018, Seconded by Commissioner Joline Hahn, passed with the following roll call vote:

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Joline Hahn
Commissioner Jim Heywood

ABSENT: Commissioner Rusty Caldwell

PUBLIC HEARINGS

- 2. Consideration of Conditional Use Permit CUP18-00008 to construct a new 18,200 square foot indoor shooting range and retail gun store on a 1.7 gross acre lot zoned General Commercial (C-2) located on the east side of Hesperia Road, approximately 1,080 feet south of Eucalyptus Street (Applicant: Got Range LLC; APN: 0415-132-04)**

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-13 approving CUP18-00008.

Sponsors: Senior Planner Ryan Leonard

Senior Planner Ryan Leonard presented CUP18-00008.
Chair Tom Murphy opened the Public Hearing at 6:45
There were no Public Comments
Chair Tom Murphy closed the Public Hearing at 6:45

Motion by Commissioner Joline Hahn to adopt Resolution PC-2018-13 approving CUP18-00008, Seconded by Commissioner Cody Leis, passed with the following roll call vote:

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Joline Hahn
Commissioner Jim Heywood

ABSENT: Commissioner Rusty Caldwell

PRINCIPAL PLANNER'S REPORT

Principal Planner Jeff Codega gave a brief report on upcoming projects and advised that the regularly scheduled August 9, 2018 Planning Commission meeting may be cancelled as there are no items currently at the appropriate stage for consideration.

PLANNING COMMISSION BUSINESS OR REPORTS

No reports given.

ADJOURNMENT

Meeting adjourned at 6:51 pm until Thursday, August 9, 2018.

Tom Murphy
Chair

By: Erin Baum,
Planning Commission Secretary

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DATE: September 13, 2018
TO: Planning Commission
FROM: Jeff Codega, Principal Planner
BY: Ryan Leonard, Senior Planner
SUBJECT: Conditional Use Permit CUP18-00003; Applicant: Pipeline Petroleum Banning LLC; APN: APNs 3064-401-07 & 08

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2018-14 recommending that the City Council approve CUP18-00003.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 4.2 acres of an 8.3 gross acre site (Attachment 1).

Location: On the northwest corner of Highway 395 and Phelan Road. Highway 395 is designated as a 130-foot wide Special Street on the City's adopted Circulation Plan and Phelan Road is designated as 120-foot wide Major Arterial.

Current General Plan, Zoning and Land Uses: The site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The subject site as well as the surrounding properties are vacant (Attachment 3).

ISSUES/ANALYSIS

The Specific Plan allows the convenience store, fast food restaurant and drive-thru restaurant as permitted uses, but requires approval of a CUP for the proposed fueling station, carwash and the sale of alcoholic beverages. In addition, the City Council adopted Ordinance No. 2017-08 on October 3, 2017 which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action. Such establishments must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan.

The proposed CUP consists of the development of a 4,631 square foot convenience store that includes an attached 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary (Attachment 4). The commissary will be enclosed by a 7 foot high wrought iron fence and two automatic vehicle gates for restricted access. The CUP also includes the sale of beer and wine from the convenience store for off-site consumption (Type 20 License).

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 57 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces.

Table 1: Parking Spaces Required

| Use (sq. ft) | Parking Formula | Spaces Required |
|--------------------------------------|---|-----------------|
| Convenience Store (4,631 sq. ft.) | 4.0 spaces per 1,000 square feet gross floor area | 19 |
| Fast Food Restaurant (1,858 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 19 |
| Carwash (1,343 sq. ft.) | 10 spaces | 10 |
| Commissary (2,330 sq. ft.) | 4.0 spaces per 1,000 square feet gross floor area | 9 |
| Total | | 57 |

The site design complies with the architectural guidelines of the Specific Plan. The exterior of the buildings utilize a stucco finish with varying accent colors and stacked stone columns and accent walls. A complementary dark bronze metal roof is planned over each of the buildings. The buildings also incorporate changes in wall and roof planes, and include other architectural features such as awnings, cornices, corbels, and decorative lighting on the walls of the buildings (Attachment 5). The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the developed site; the project provides 38,834 square feet (21%) of total landscape coverage.

The applicant will file an application for a Type 20 (Off-Sale Beer and Wine) license with the California Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages. Table 2 identifies four active off-sale alcoholic beverage licenses within Census Tract 100.09 (Attachment 6). ABC authorizes this census tract to have two off-sale licenses. Therefore approval of CUP18-00003 will exceed the limitation of two licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 8).

Table 2: Existing On-Sale Licenses in Census Tract 100.09

| Status | Business Name | Business Address | Type of License |
|--------|------------------------------|--------------------------------------|---------------------------|
| Active | Walgreens | 13655 Bear Valley Road (Victorville) | 20-Beer and Wine |
| Active | Sky Market Inc. | 12720 Main Street | 21-Beer, Wine, and Liquor |
| Active | Depot 8 Valero | 12080 Amargosa Road (Victorville) | 20-Beer and Wine |
| Active | Western Refining Retail, LLC | 12750 Main Street. | 20-Beer and Wine |

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is proposed to store the necessary volume.

Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The development will be connected to the existing 12-inch water line in Phelan Road. The proposed project is allowed to use an approved on-site septic waste system.

Traffic/Street Improvements: A Traffic Impact Study (TIS) was prepared for the project, due to the projects proximity to Highway 395 and Phelan Road and Caltrans responsibility over street dedication and site access along Highway 395. According to the City's General Plan Circulation Element, Highway 395 is constructed as a 130-foot wide Special Street Section, which provides two travel lanes in each direction (plus ancillary lanes) and Phelan Road is to be constructed as a 120-foot wide Major Arterial Street Section which currently provide 2 travel lanes in each direction. As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along the project frontages of Highway 395 and Phelan Road. In addition, the driveway approach onto Highway 395 will be restricted to right-in and right-out only. The eastern driveway approach on Phelan Road will also be restricted to a right-in and right-out only. A full access driveway that is signalized will be required approximately 1,000 feet west of U.S. Highway 395 on Phelan Road.

Environmental: Approval of this project requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 7) prepared for this project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided. The site does not contain habitat for the desert tortoise nor any other threatened or endangered species. A pre-construction survey for the burrowing owl will be conducted prior to the issuance of a grading permit. The cultural report states that the property does not contain any historical or paleontological resources. Three Native American tribes were notified consistent with AB 52; The San Manuel Band of Mission Indians (SMBMI) elected consultation for this project pursuant to CEQA. As a condition of approval, either additional archeological testing will be conducted in accordance with a testing plan created by the SMBMI, or monitoring will be conducted by an archaeologist as well as a representative of SMBMI during any and all ground disturbing activities. With these conditions of approval the project will have a less than significant impact on cultural resources.

Conclusion: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. Further, approval of the sale of beer and wine is appropriate, particularly to allow the convenience store to be competitive with similar businesses and to meet customer demand.

FISCAL IMPACT

None.

ALTERNATIVE(S)

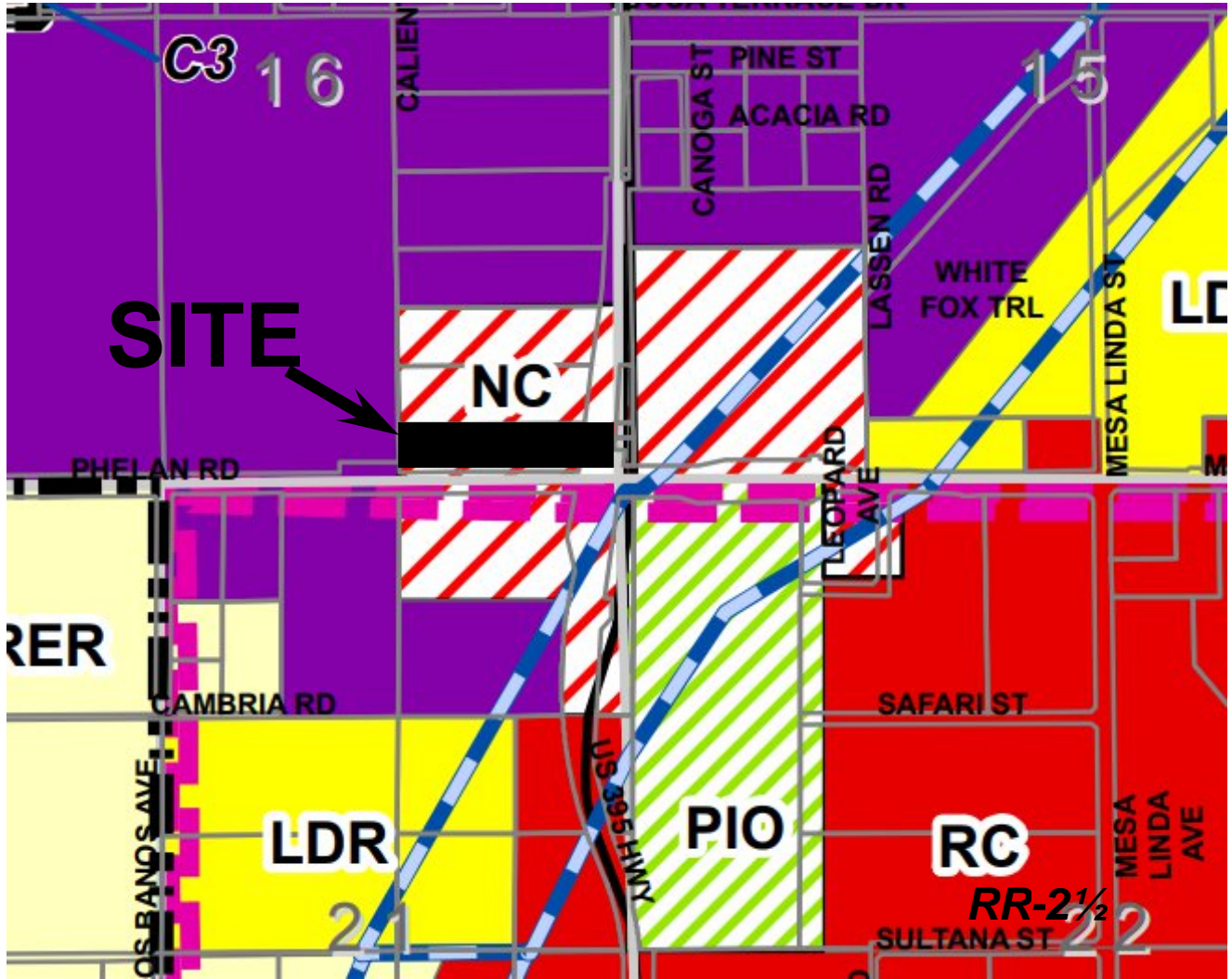
1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan

3. Aerial photo
4. Floor plans
5. Color elevations
6. Census Tract Map
7. Negative Declaration ND18-00003 and its initial study
8. Resolution No. PC-2018-14, with list of conditions

ATTACHMENT 2



APPLICANT(S): PIPELINE PETROLEUM BANNING LLC

FILE NO(S): CUP18-00003

LOCATION: NORTHWEST CORNER OF HIGHWAY 395 AND PHELAN ROAD

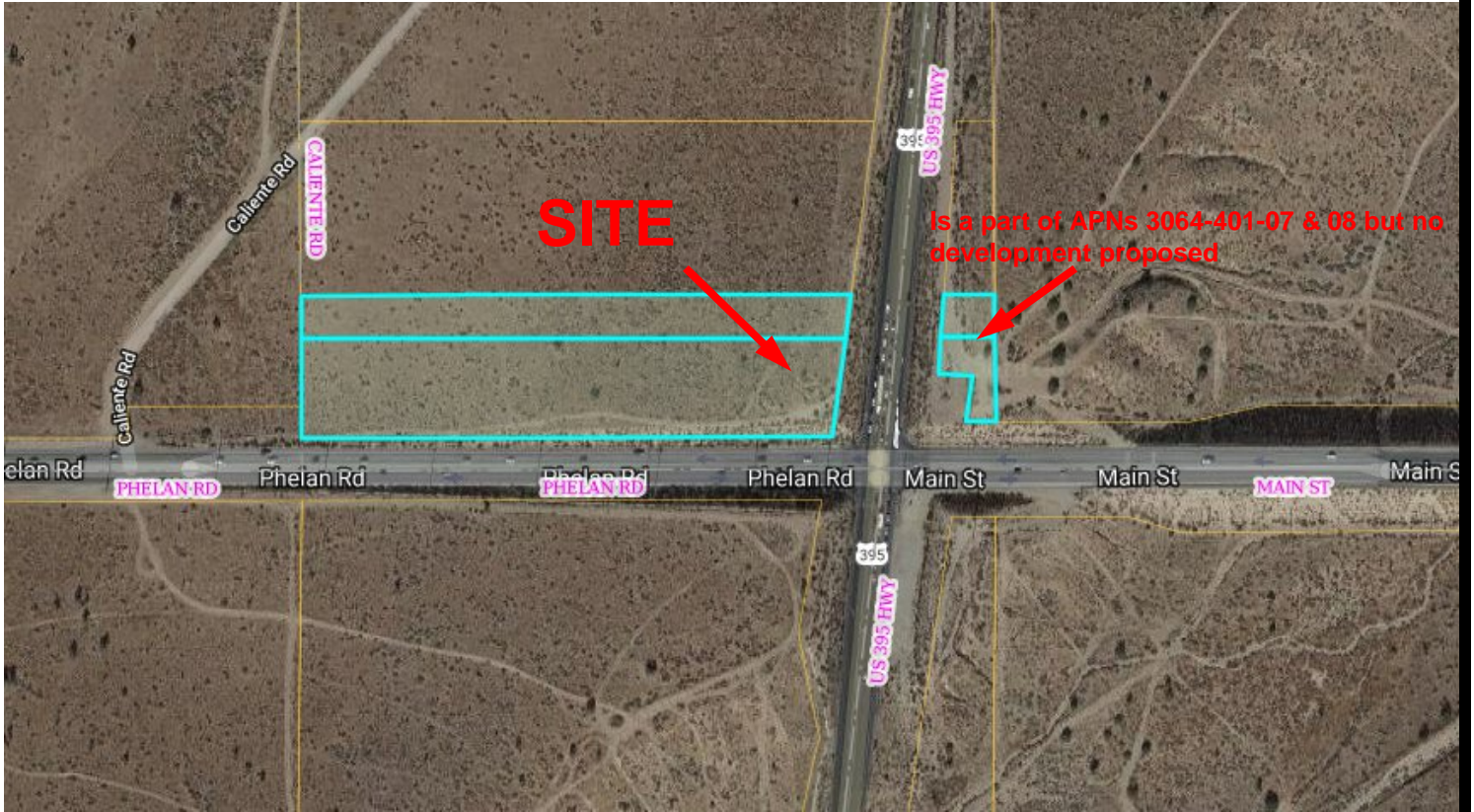
APN(S):
3064-401-07 & 08

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP18-00003 TO CONSTRUCT A 4,631 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 1,858 SQUARE FOOT FAST FOOD RESTAURANT, A 5,110 SQUARE FOOT FUELING STATION WITH 9 FUEL ISLANDS, A 1,343 SQUARE FOOT AUTOMATED CARWASH TUNNEL, AND A 2,330 SQUARE FOOT FOOD TRUCK COMMISSARY ON APPROXIMATELY 8.3 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



GENERAL PLAN MAP

ATTACHMENT 3



APPLICANT(S): PIPELINE PETROLEUM BANNING LLC

FILE NO(S): CUP18-00003

LOCATION: NORTHWEST CORNER OF HIGHWAY 395 AND PHELAN ROAD

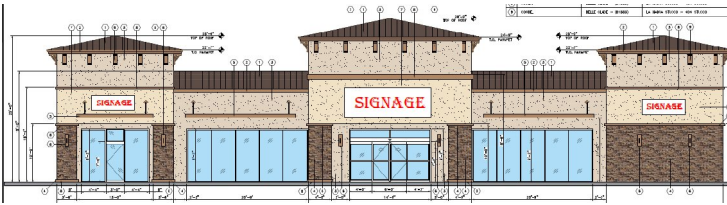
APN(S):
3064-401-07 & 08

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AERIAL PHOTO

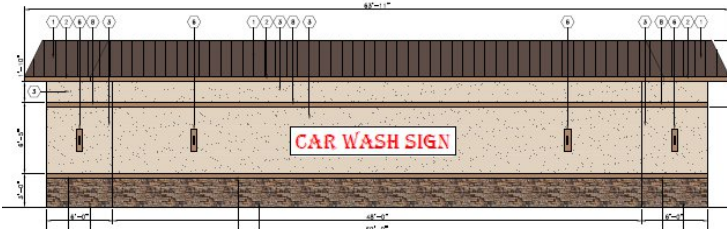
ATTACHMENT 5



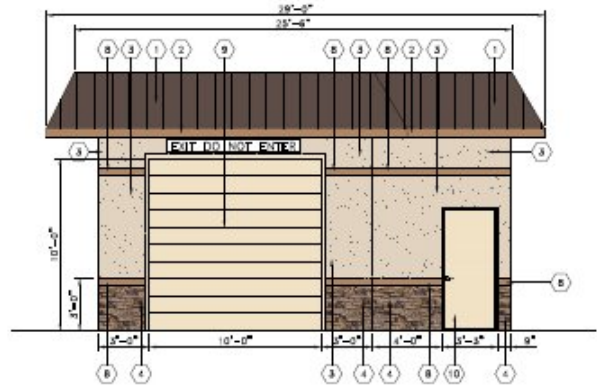
CONVENIENCE STORE AND FAST FOOD RESTAURANT
EAST ELEVATION



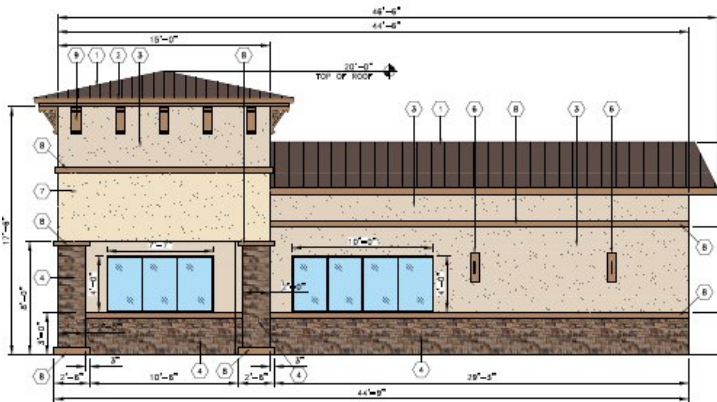
CONVENIENCE STORE AND FAST FOOD RESTAURANT
WEST ELEVATION



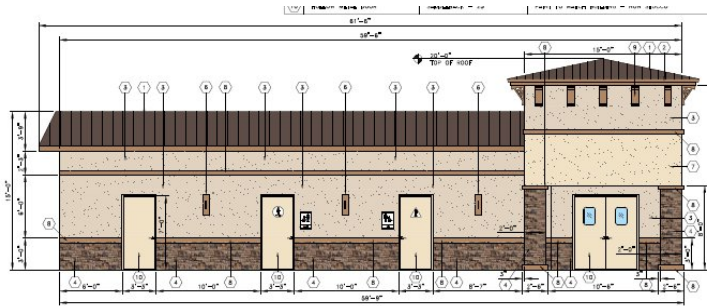
CARWASH SOUTH ELEVATION



CARWASH WEST ELEVATION



COMMISSARY SOUTH ELEVATION



COMMISSARY WEST ELEVATION

APPLICANT(S): PIPELINE PETROLEUM BANNING LLC

FILE NO(S): CUP18-00003

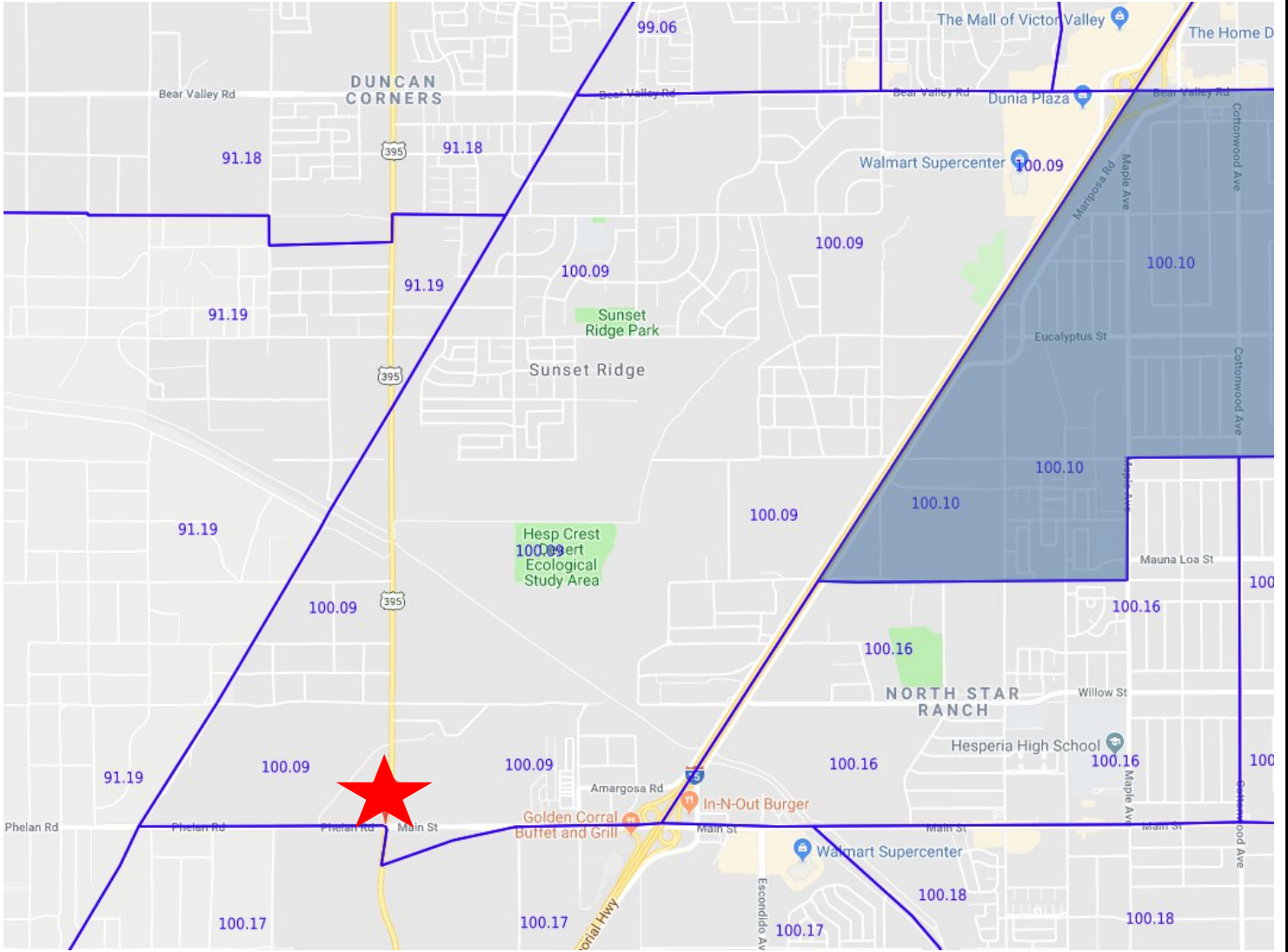
LOCATION: NORTHWEST CORNER OF HIGHWAY 395 AND PHELAN ROAD

APN(S):
3064-401-07 & 08

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP18-00003 TO CONSTRUCT A 4,631 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 1,858 SQUARE FOOT FAST FOOD RESTAURANT, A 5,110 SQUARE FOOT FUELING STATION WITH 9 FUEL ISLANDS, A 1,343 SQUARE FOOT AUTOMATED CARWASH TUNNEL, AND A 2,330 SQUARE FOOT FOOD TRUCK COMMISSARY ON APPROXIMATELY 8.3 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.

COLOR ELEVATIONS

ATTACHMENT 6



| | |
|---|--------------------------------|
| APPLICANT(S): PIPELINE PETROLEUM BANNING LLC | FILE NO(S): CUP18-00003 |
|---|--------------------------------|

| | |
|--|------------------------------------|
| LOCATION: NORTHWEST CORNER OF HIGHWAY 395 AND PHELAN ROAD | APN(S):
3064-401-07 & 08 |
|--|------------------------------------|

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP18-00003 TO CONSTRUCT A 4,631 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 1,858 SQUARE FOOT FAST FOOD RESTAURANT, A 5,110 SQUARE FOOT FUELING STATION WITH 9 FUEL ISLANDS, A 1,343 SQUARE FOOT AUTOMATED CARWASH TUNNEL, AND A 2,330 SQUARE FOOT FOOD TRUCK COMMISSARY ON APPROXIMATELY 8.3 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



CENSUS TRACT MAP

Attachment 7

PLANNING DIVISION

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

NEGATIVE DECLARATION ND-2018-03

Preparation Date: August 9, 2018

Name or Title of Project: CUP18-00003

Location: On the northwest corner of Phelan Road and U.S. Highway 395 (APN: 3064-401-07 & 08).

Entity or Person Undertaking Project: Heady Design Inc.

Description of Project: Conditional Use Permit CUP18-00003 to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 4.2 acres of a 6.9 gross acre site.

The project is within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The convenience store will include the retail sale of beer and wine for off-site consumption. The proposed project will be constructed in a single phase. The total area of the site that will be disturbed/developed is approximately 4.2 acres, while the remaining portion of the site will remain vacant. Access to the site is proposed from a right-in and right-out driveway approach on Highway 395, from a right-in and right-out driveway approach on Phelan Road and from a signalized driveway on Phelan Road.

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

Mitigation Measures:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
4. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted by the Lead Agency if any such find occurs and be provided, by the Lead Agency, the information collected by the archaeologist, and be permitted/invited to perform a site visit prior to treatment and disposition, so as to provide Tribal input.
5. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop

an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.

- a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
- b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

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 14, 2018 through September 13, 2018.

Adopted by the Planning Commission: September 13, 2018

Attest:

JEFF CODEGA, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Conditional Use Permit CUP18-00003
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Ryan Leonard, AICP, Senior Planner
Phone number: (760) 947-1651.
4. **Project Location:** On the northwest corner of Highway 395 and Phelan Road (APN: 3064-401-07 & 08).
5. **Project Sponsor:** Heady Design Inc
Address: 7365 Carnelian St #239, Rancho Cucamonga CA, 91730
6. **General Plan & Zoning:** The site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan.

7. **Description of project:**

Conditional Use Permit CUP18-00003 to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 4.2 acres of a 6.9 gross acre site.

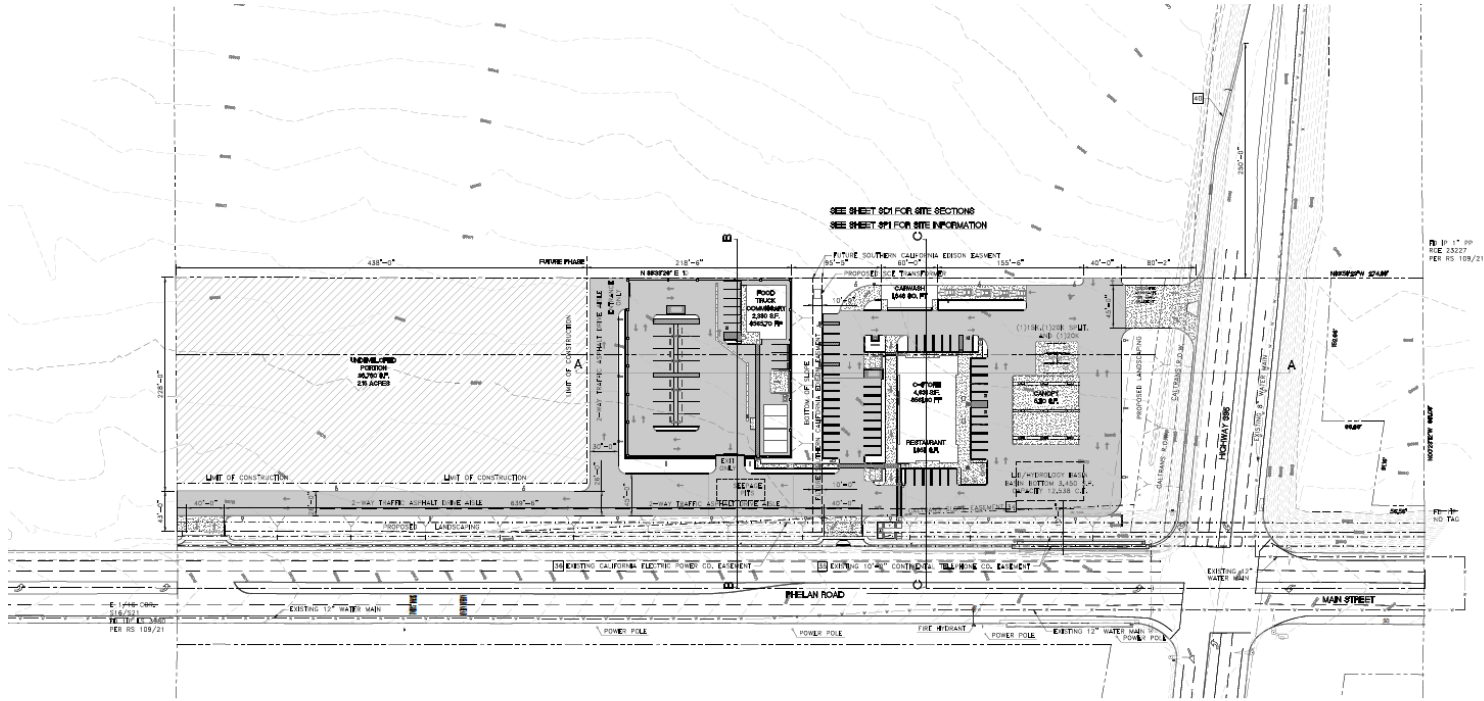
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8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The subject property as well as the surrounding properties are vacant, as shown on Attachment "A.". The subject property and the properties to the north, south, and east are also within the NC Zone. The property to the west is zoned Commercial Industrial Business Park (CIBP).
9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City.

Attachment A- Project Location



Attachment B- Site Plan



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1 & 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, 3 & 4) ? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (5) ? | | | X | |

Comments.

The subject property as well as the surrounding properties are vacant**(1 & 2)**. Approval of the proposed project will result in development of approximately 4.2 acres of the eastern portion of the 8.3 gross acre property. Consequently, only a slight change in the visual character of the area would occur with project development. The Ore Grande wash is located to the east of the site, but does not traverse thru the site.

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

In addition, the development meets the development standards of the Specific Plan **(5)**, which limit building height and provide for minimum yard, maximum floor area ratio and architectural standards. Although commercial development will produce additional light and glare, any light or glare produced would be subject to Title 16 regulations which requires that all exterior lighting fixtures to be hooded and directed downward to minimize light and glare impacts on neighboring properties **(1 & 5)**. Consequently, development of the site will not substantially degrade the existing visual character or quality of the site and its surroundings. As such, development of the project would have a less than significant 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 (2 & 8) ? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (8, 9 & 10) ? | | | | 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)) (10) ? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (1, 10 & 11) ? | | | | 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 (1, 9 & 10) ? | | | | X |

Comments.

The project site is not presently, nor does it have the appearance of previous agricultural uses. The soil at this location is classified by the U.S. Soil Conservation Service as *Hesperia loamy fine sand, two to five percent slopes*. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility **(12)**. Further, the proximity of commercial and industrial uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that “Urban and built-up land and water areas cannot be considered prime farmland...” The project site does not contain any known agricultural activities or any known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. Further, the site is not within the area designated by the State of California as “unique farmland.” The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. The proposed project will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract, as the site is currently within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan **(10)**. The site was also evaluated for past agricultural uses. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(13)**. 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 **(14)**. The project site is located in the northwest portion of the City within the U.S. Highway 395/I-15 corridor **(1)**. During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century **(11)**. 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 (15, 16 & 17)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (15, 16 & 17)? | | | 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) (15, 16 & 17)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (2, 15 & 16)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (1, 2, 15 & 16)? | | | | X |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) address the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors **(15 & 16)**. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the single-family residences located approximately 1,800 feet to the east of the site **(1)**.

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 **(15)**. 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 **(15 & 16)**.

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(17)**. 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 site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products by equipment. However, such odors are part of the ambient odor environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring AQMD permits.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The General Plan Update Environmental Impact Report (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 (7). As part of the GPUEIR, the impact of commercial and residential development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. The impact of the proposed project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan. The projected number of vehicles trips and turning movements associated with this project is analyzed within Section XV. Transportation/Traffic. Although the proposed development will increase traffic in the area it will not result in the creation of an unacceptable level of service (LOS). Therefore approval of this project will not result in a significant impact upon air quality.

| 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 (10 & 21)? | | | | 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, 10 & 23)? | | | | 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, 10 & 23)? | | | | 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&10)? | | X | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (10 & 19)? | | | | 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 (10, 21 & 23)? | | | | 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 **(21)**. The desert tortoise is also not expected to inhabit the site, given its proximity to Phelan Road and U.S. Highway 395 **(1)**. The site is outside the range of the arroyo toad, which has been documented to inhabit a portion of the Tapestry Specific Plan and adjacent areas **(22)**.

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

A protected plant plan was prepared as part of the biological report. This protected plant plan will ensure that 6 of the site’s 20 Joshua Trees which are protected under the City’s Native Plant Protection Ordinance, will be relocated or protected in place **(20)**. The 14 which will not be protected are unsuitable for transplanting and/or are unhealthy. The grading plan for the project shall stipulate that all protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 26.

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 Tapestry Specific Plan and vicinity **(21)**. The project site is located approximately six miles to the northwest within a developed portion of the City. Consequently, approval of the proposed project will not have an impact upon biological resources, subject to the recommended mitigation measures.

| V. CULTURAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (24 & 26) ? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (24 & 26) ? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (24) ? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (27) ? | | | | X |

Comments.

The Cultural Resources Sensitivity Map indicates that the site has a moderate sensitivity potential for containing cultural resources. As such an Archaeological Survey Report was prepared for the project by

Lauren DeOliveira, Archaeologist, in November of 2017 **(28)**. After a thorough field investigation, no archaeological or paleontological resources were found on-site. The Archaeological Survey Report stated that “no impacts are expected to occur and no further work for cultural resources is needed.” Even though the Archeological Survey Report did not recommend any mitigation measures, there is a possibility that resources may exist below the surface. Therefore, a mitigation measures are listed on page 26, which will be imposed should any cultural resources be unearthed during construction.

Since this project is not exempt from the California Environmental Quality Act (CEQA), and the proposed project requires that Native American tribes be contacted as per AB52, the City sent a letter dated July 26, 2018 giving all interested tribes the opportunity to consult pursuant to Section 21080.3.1 of the California Public Resources Code (AB 52). The City will also notify the tribes in writing of the Planning Commission and City Council meeting dates. As of the date of preparation of this document, staff has not received a consultation request. 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) **(27)**. 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. Consequently, this project is not expected to have an impact upon cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (29, 30 & 31) . | | | | X |
| ii) Strong seismic ground shaking (32 & 33) ? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (12 & 32) ? | | | | X |
| iv) Landslides (32) ? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (12) ? | | | 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 (12 & 32) ? | | | | 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 (12) ? | | | | 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 (12) ? | | | | X |

Comments.

The project site contains generally flat topography with slopes of two to five percent. No large hills or mountains are located within the project site. The state geologist has identified (zoned) several faults in

California for which additional geologic studies are required. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur adjacent to or within the project site or within its vicinity and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone **(29)**. 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 **(29 & 30)**. 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 **(34)**. The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault **(29 & 30)**. Further, the soil at this site does not have the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse **(12)**.

The soil at this location is identified as Hesperia loamy fine sand, two to five percent slopes **(12)**. This soil is limited by high soil blowing hazard, high water intake rate, and moderate to high available water capacity. The site’s shallow slope and moderately rapid permeability negates the potential for soil instability.

Because the project disturbs more than one acre of land area, the project is required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to the start of land disturbance activities. Issuance of these permits requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting stormwater. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts.

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code **(6)** and the Building Code **(77)**, which ensures that the structures will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, the impact upon geology and soils associated with the proposed development is considered less than significant.

| VII. GREENHOUSE GAS EMISSIONS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (35) ? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (35, 36 & 37) ? | | | 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 **(37)**. 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)**(35)**. 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 **(36)**.

Development of the proposed project will not increase greenhouse gas (GHG) emissions beyond that analyzed within the GPUEIR. The additional job creation from this development will also reduce the number of residents commuting to other communities for work, reducing vehicle miles traveled and resulting in additional GHG reductions. All buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations **(77)** will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. The building size is below the allowable floor area ratio.

Although the proposed use will result in an additional number of vehicle trips, it will not exceed the maximum allowable Floor Area Ratio allowed by the Neighborhood Commercial (NC) District of the Specific Plan. The GPUEIR analyzed the impact to air quality upon build-out of the General Plan at this intensity. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts **(7)**. As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of commercial development to the maximum allowable density permitted by the Land Use Plan was analyzed. The intensity of the proposed project is 0.05 and the NC Zone allows a maximum FAR of 0.23. In addition, this project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan **(17)**. Therefore, the proposed development does not exceed the level of development anticipated by the GPUEIR. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2 & 38) ? | | | X | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (2 & 38) ? | | | 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 (2) ? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (2) ? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (39) ? | | | | 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 (39) ? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (40) ? | | | | 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 (41) ? | | | | X |

Comments.

The property is currently vacant and has no history of commercial development. There is no evidence that hazardous materials have been used on the property. A component of the proposed project will involve the construction of a vehicle fueling station, which entails handling of hazardous materials. Prior to storing hazardous materials on-site, a Hazardous Materials Business Plan (HMBP) shall be approved **(38)**, which shall be subject to review and approval by the San Bernardino County Fire Department. These materials shall be stored and transported/disposed of in accordance with the HMBP. Although these issues pose a potential health risk, compliance with the HMBP will reduce the possibility of an accidental release to an acceptable level.

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

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

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

The site is 3.25 miles from the nearest school (Hesperia High School) at 10275 Cypress Avenue **(1)**. Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school **(18)**. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. The project will not pose a significant health threat to any existing or proposed schools.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately 7 miles north of the Hesperia Airport, and is not within a restricted use zone associated with air operations **(39)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along a designated emergency evacuation route or near a potential emergency shelter **(40)** and will not interfere with emergency evacuation plans.

The project’s potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest **(41 & 42)**. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the proposed project 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 (43 & 44) ? | | | | 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) (45 & 46)? | | | 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 (47)? | | | | 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 (5 & 47)? | | | | 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 (48)? | | | | X |
| f) Otherwise substantially degrade water quality (48)? | | | X | |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (2, 41, 49 & 50)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2, 41 & 50)? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (2, 10 & 50)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (41)? | | | | X |

Comments.

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 **(52)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water **(52)**. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff **(2)**. Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16 **(51)**. The site is also not within a Flood Zone, based upon the latest Flood Insurance Rate Maps **(50)**. The retention facility required by the City will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from storm water runoff prior to any release into a street.

The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be

inundated by floodwater (51). 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 (53). Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. The subject property exhibits a 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 (54). 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 (55).

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 available water supply, which is projected to match demand beyond the year 2030 (46). 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 proposed project is considered less than significant.

| X. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (10)? | | | X | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (23)? | | | | X |

Comments.

The site is currently vacant and within an existing area with commercial related land uses and is consistent with the proposed Neighborhood Commercial (NC) zoning **(1)**. This project is in conformity with the existing zoning as well as the adjacent area and will therefore not physically divide an established community.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Tapestry Specific Plan and vicinity **(23)**. The project site is located approximately 5 miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project would have a less than significant impact upon land use and planning.

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (55) ? | | | | 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 (55) ? | | | | 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 **(55)**. 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. The project contain does not contain a wash and/or unique mineral resources. Consequently, the proposed project 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, 2 & 56) ? | | X | | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (56 & 57) ? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (55 & 59) ? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (59) ? | | | 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 & 60) ? | | | | 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 (10 & 60) ? | | | | X |

Comments.

Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site, but also including noise from the operation of the facility, in particular from roof top mechanical equipment associated with convenience store and foot truck commissary buildings, mechanical equipment within the carwash, and four self-service vacuum stalls located to the west of the convenience store.

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

The project site will be subjected to higher levels of noise, due to its proximity to Phelan Road and U.S. Highway 395. However, commercial uses are not sensitive to noise and may be subjected to up to 65 dB (A) all day and night **(58 & 59)**. The project site currently receives 71 dB (A) from Phelan Road. A noise level of 74 dB (A) is expected upon build-out in accordance with the General Plan, based upon a 50-foot distance from Phelan Road **(59)**. Since commercial activities are not sensitive to excessive noise and vibration and U.S. Highway 395 is exempt from noise and vibration standards, the impact of noise and vibration upon the proposed use is not significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive uses to the site are the townhomes located approximately 1,200 feet to the east **(1)**. At this distance, the proposed project will not pose any increase in the noise level in proximity to the residences.

Operation of the proposed project will create additional noise associated with operations as well as due to customer traffic. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by commercial activities. Phelan Road is a Major Arterial roadway, which is designed to facilitate large volumes of traffic **(55)**. Although the use will generate an increase in vehicular traffic, the impact of noise from U.S. Highway 395 and Phelan Road will have a greater impact than the proposed use. Therefore, noise mitigation is unnecessary.

The project site is approximately five miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport **(60)**. The project site is even

farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (7). Inasmuch as this project is consistent with the adjacent land uses and Neighborhood Commercial (NC) District, the difference in noise impact is not significant.

| XIII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (1 & 2)? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1)? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1)? | | | | X |

Comments.

The proposed project is consistent with the General Plan Land Use designation (10). Establishment of the proposed gas station, fast food restaurant, car wash and food truck commissary will not create a direct increase in the demand for housing. Further, the site is in close proximity to water and other utility systems (62). As a result, development of the project would not require significant extension of major improvements. The site is vacant and is zoned to allow for development of commercial uses(1 & 10). Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere. Consequently, the proposed project will not have a significant impact upon population and housing.

| XIV. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (63): | | | X | |
| Fire protection? (63) | | | X | |
| Police protection? (63) | | | X | |
| Schools? (63) | | | X | |

| | | | | |
|--------------------------------------|--|--|---|--|
| Parks? (63) | | | X | |
| Other public facilities? (63) | | | X | |

Comments.

The proposed project will create an increase in demand for public services however, that increase is not significantly greater than that analyzed by the GPUEIR. The development will be connected to an existing 12-inch water line in Phelan Road within the City’s water system **(62)**. The proposed project is allowed to use an approved on-site septic waste system. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the project **(2)**. Additionally, the project will be conditioned to construct a traffic signal at the western boundary of the project site to allow for full access onto Phelan Road. In addition, the project is subject to the payment of required development impact fees. These fees will be collected at the time that building permits are issued, which will provide the City partial funding for the construction of other signal improvements along Phelan Road to reduce the impacts of additional vehicular traffic. **(64)**. These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the proposed project upon public services is less than significant.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (2) ? | | | | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (2) ? | | | | X |

Comments.

Approval of the proposed project will not induce population growth, as commercial uses are proposed **(2)**. Therefore, the proposed project 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 (65 &77) ? | | 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 (66 & 67 & 77)? | | | 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 (39 & 77)? | | | | 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, 2 66 & 77)? | | | | X |
| e) Result in inadequate emergency access (2)? | | | | 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 (68)? | | | | X |

Comments.

The proposed project has frontage along Phelan Road and U.S. Highway 395. Phelan Road is designated as 120-foot wide Major Arterial. As part of development of this project, Phelan Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers will be constructed beyond the frontage **(76)**. These improvements will not conflict with the Traffic Circulation Plan, nor will they be inconsistent with an ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The City’s General Plan includes a non-motorized transportation network **(69)**. Neither Phelan Road nor U.S. Highway 395 is part of the Bikeway System Plan. The site is not adjacent to a bus route either. Therefore, a bus stop is not warranted at this location. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. Access to the site is planned from two driveways on Phelan Road and one right in and right out driveway onto U.S. Highway 395.

The driveway approach onto U.S. highway 395 will be restricted to a right-in and right-out. In addition, the eastern driveway approach on Phelan Road will also be restricted to a right-in and right-out. A full access driveway and signalized intersection at approximately 1,000 feet west of U.S. Highway 395 is required by the City **(76)**.

The City’s Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(55)**. The CMP requires a minimum Level of Service (LOS) standard of “E.” When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction’s standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The applicant provided a Traffic Impact Analysis by Albert Wilson and Associates dated June 4, 2018 **(78)**. The TIA analyzes existing traffic conditions and project related impacts for the anticipated opening year 2020. .

The proposed project is expected to generate 111 and 163 new trips for the morning and evening peak hours respectively and 1,775 total daily trips. The LOS of Phelan Road and U.S. Highway 395 will not be significantly negatively affected by the increased number of vehicle trips created by this use. However, due to the difficulty of turning left (east) from the project site onto Phelan Road, the City is going to require the installation of a traffic signal at that intersection **(78)**.

The project will be located approximately five miles from the Hesperia Airport and will not cause a change in air traffic patterns, nor an increase in traffic levels or location. The project site will also not impact the air

traffic patterns for the Southern California Logistics Airport, nor the Apple Valley Airport.

The GPEIR analyzed development of this site to the maximum allowable commercial FAR and the maximum allowable residential density. The development of the proposed project is consistent with the planned land uses and intensity analyzed in the GPEIR. Therefore, the impact of the proposed project upon transportation/ traffic will not exceed that which was analyzed by the GPEIR. Consequently, the impact of this project upon transportation/traffic is not significant.

| XVII. TRIBAL CULTURAL RESOURCES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | X |
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | | | | X |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | | | | X |

Comments.

The questions related to impacts to tribal cultural resources required as part of Assembly Bill 52 approved by the Office of Administrative Law on September 27, 2016 were included in this checklist. All California Native American tribes that requested to be informed pursuant to Public Resources Code 21080.3.1(a) were notified prior to release of this environmental document. As of the date of preparation of this document, staff has not received a consultation request. An Archaeological Survey Report was prepared for the project by Lauren DeOliveira, Archaeologist, in November of 2017 (28). After a thorough field investigation, no evidence of tribal cultural resources, historic resources, or prehistoric resources were observed during the field investigation (28). Consequently, approval of the project will not have an impact upon cultural resources.

| XVIII. 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 (70) ? | | | | 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 (71) ? | | | | 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 (47 & 66) ? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (45 & 46) ? | | | | 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 (72) ? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (73 & 75) ? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (75) ? | | | | X |

Comments.

The proposed project will increase the amount of wastewater. However, the additional amount is consistent with the amount that was considered as part of the GPUEIR. The development will be connected to the existing 12-inch water line in Phelan Road within the City's water system **(62)**. The proposed project is allowed to use an approved on-site septic waste system. Therefore, water and sewage capacity will be sufficient for the use. As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project **(76)**. A drainage system will be installed on the southeast side of the property to prevent impacting downstream properties. Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(56)**.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere of Influence (SOI). The UWMP evidences that the City is currently using its available water supply and that supply is projected to match demand beyond the year 2030 (72). The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled (75). Currently, approximately 75 percent of the solid waste within the City is being recycled (73 & 74). The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 1,500 tons per day in order to accommodate future development. Therefore, the proposed project will not cause a significant negative impact upon utilities and service systems.

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

Comments.

Based upon the analysis in this initial study, a 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.

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
4. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, San Manuel Band of Mission Indians will be contacted by the Lead Agency if any such find occurs and be provided, by the Lead Agency, the information collected by the archaeologist, and be permitted/invited to perform a site visit prior to treatment and disposition, so as to provide Tribal input.
5. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
 - a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
 - b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of

Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken in Spring 2017 and on-site field investigations conducted in August 2018.
- (2) CUP18-00003 applications and related materials.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (4) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (5) Section H of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, pages 204 thru 209.
- (6) Section 16.16.350 - Development standards of the Hesperia Municipal Code.
- (7) Resolution No. 2010-057, making the environmental findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, certifying the final environmental impact report, and adopting a mitigation monitoring and reporting plan adopting the 2010 Hesperia General Plan Update (GPA10-10185).
- (8) Residential Designations within the Hesperia General Plan Land Use Element, Pages LU-29 thru LU-40.
- (9) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2.
- (10) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (11) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- (12) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Page 44.
- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (15) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- (16) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (17) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (18) California Health and Safety Code Section 25232 (b) (1) (A-E).
- (19) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.

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- (20) Clearance Letter for Tortoises and Burrowing Owl & Native Protected Plants for the site prepared by ALTEC Land Planning, January 15, 2018
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- (21) Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
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- (22) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, Exhibit CN-7.
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- (23) Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
-
- (24) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
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- (25) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5h.
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- (26) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
-
- (27) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
-
- (28) Archaeological Survey Report for the site prepared by Lauren DeOliveira, Archaeologist, November 1, 2017.
-
- (29) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
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- (30) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-4 thru 1-79.
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- (31) Section 1.3 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-12 thru 1-13.
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- (32) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (33) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
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- (34) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
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- (35) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
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- (36) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
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- (37) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
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- (38) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (39) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (40) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
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- (41) 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.
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- (42) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
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- (43) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (44) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
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- (45) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (46) Mojave Water Agency letter dated March 27, 1996.
-
- (47) Hydrology/Drainage Study for the site prepared by Marshall Engineering Group, Inc. on May 31, 2018
-
- (48) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-8 thru 4-9.
-
- (49) 1992 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
-
- (50) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (51) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-1 thru 3.8-7.
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- (52) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
-
- (53) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (54) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
-
- (55) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-9..
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- (56) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10 and CN-20.
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- (57) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (58) Section 16.20.125 of the Hesperia Municipal Code, pages 467 thru 468.
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- (59) Section 3.11 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.11-25 thru 3.11-51.
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- (60) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
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- (61) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-36.
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- (62) Current Hesperia water and sewer line maps.
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- (63) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
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- (64) 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, updated November 16, 2014.
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- (65) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 70.
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- (66) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (67) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
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- (68) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 thru 76.
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- (69) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, figure 6-1.
-
- (70) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUER), pages 3.8-8 thru 3.8-14.
-
- (71) 2013 California Plumbing Code.
-
- (72) Hesperia Water District's Urban Water Management Plan (UWMP).
-
- (73) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
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- (74) 2014 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (75) California Integrated Waste Management Act (AB 939).
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- (76) Conditions of Approval for CUP18-00003
-
- (77) 2016 California Building Code.
-
- (78) Traffic Impact Analysis for the project Prepared by Albert Wilson and Associates dated June 4 2018
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ATTACHMENT 8

RESOLUTION NO. PC-2018-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,631 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 1,858 SQUARE FOOT FAST FOOD RESTAURANT, A 5,110 SQUARE FOOT FUELING STATION WITH 9 FUEL ISLANDS, A 1,343 SQUARE FOOT AUTOMATED CARWASH TUNNEL, AND A 2,330 SQUARE FOOT FOOD TRUCK COMMISSARY ON APPROXIMATELY 4.2 ACRES OF AN 8.3 GROSS ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTHWEST CORNER OF HIGHWAY 395 AND PHELAN ROAD (CUP18-00003)

WHEREAS, Pipeline Petroleum Banning LLC has filed an application requesting approval of CUP18-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 8.3 gross acres located on the northwest corner of Highway 395 and Phelan Road and consists of Assessor's Parcel Numbers 3064-401-07 & 08; and

WHEREAS, the Application, as contemplated, proposes to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary; and

WHEREAS, the 8.3 gross acre site and the surrounding properties are all vacant; and

WHEREAS, the subject property as well as the properties to the north, east and south are within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan and the property to the west is zoned Commercial Industrial Business Park (CIBP) within the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on August 14, 2018, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND18-00003 was subsequently prepared; and

WHEREAS, on September 13, 2018, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 13, 2018 hearing, including public testimony and

written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND18-00003 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment;
- (b) The Planning Commission has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the Development Code.
- (d) The proposed sale of beer and wine for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of alcoholic beverages at this location supports the public convenience and necessity and is consistent with the allowable uses within the NC zone with approval of a conditional use permit.
- (e) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the NC Zone of the Main Street and Freeway Corridor Specific Plan, with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. Further, the sale of alcoholic beverages (beer and wine) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (f) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the NC Zone of the Specific Plan. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be

constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

- (g) The site for the proposed use will have adequate access based upon its frontage along Phelan Road and Highway 395. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (h) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the NC zone of the Specific Plan. A gas station, carwash, food truck commissary and the sale of alcoholic beverages are allowable uses with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP18-00003, subject to the conditions of approval as shown in Attachment "A" and Negative Declaration ND18-00003, which is attached to the staff report for this item.

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

ADOPTED AND APPROVED on this 13th day of September 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP18-00003

Approval Date:
Effective Date:
Expiration Date:

This list of conditions applies to: Consideration of Conditional Use Permit CUP18-00003 to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 6.3 gross acres within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of US Highway 395 and Phelan Road (APN 3064-401-07 & 08; Applicant: Pipeline Petroleum Banning LLC).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.

B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed Traffic Engineer. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the Citys Engineering Analyst, Jamie Carone at (760) 947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. 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)

COMPLETED

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required

NOT IN COMPLIANCE

improvement plans shall be prepared by a registered Civil Engineer per City standards and per the Citys 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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GRADING PLAN. The Developer shall submit 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 basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the Citys Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC SIGNAL(S). The Developer shall design to construct, relocate, and modify traffic signal(s) at the intersection of Phelan Road (Main Street) and Highway 395 as identified in a Traffic Impact Analysis to be prepared by a Registered Traffic Engineer and approved by the City Engineer. T.I.A. shall also be submitted to Caltrans for review and approval before final approval by the City Engineer. Also, prior to Occupancy, a traffic signal shall be constructed and energized at the Project westerly driveway and Phelan Road (Main Street) to mitigate level of service deficiency. Traffic signal preemption device(s) for emergency vehicle operation shall be included. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED

COMPLIED BY

PHELAN ROAD (MAIN STREET). All existing improvements

NOT IN COMPLIANCE

across project frontage on both Phelan Road (Main Street) and Highway 395 shall be removed and relocated at ultimate location which will be based on the City's adopted Circulation Plan and approved Traffic Impact Analysis. Saw-cut (2-foot min.) and match-up asphalt pavement on Phelan Road (Main Street) across the project frontage, based on City's 120-foot Major Arterial Roadway Standard. The curb face is to be located at 46' from the approved centerline unless otherwise noted in approved Traffic Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Curb adjacent sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s) and relocation of existing storm drain structures.
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HIGHWAY 395. All existing improvements across project frontage on both Phelan Road (Main Street) and Highway 395 shall be removed and relocated at ultimate location which will be based on the City's adopted Circulation Plan and approved Traffic Impact Analysis. Saw-cut (2-foot min.) and match-up asphalt pavement on Highway 395 across the project frontage, based on City's 130-foot Special Street Section for U.S. Highway 395. The curb face is to be located at 53' from the approved centerline unless otherwise noted in approved Traffic Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable and the design shall be submitted to Caltrans for review and approval, as well as the City of Hesperia, before the City will approve street plan. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Curb adjacent sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s) and relocation of existing storm drain structures.
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps

- per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index to be determined by Caltrans.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
- B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC water line in Phelan Road (Main Street) per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements. However, the City is requiring that the Developer coordinate with the proposed future industrial project, to the north, to identify a point of future connection and construct a dry sewer lateral. It is the Developer's responsibility to connect to sewer and pay the appropriate fees once sewer is available.
- D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required. The Wastewater Questionnaire is only required once the project is required to connect to sewer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRY SEWER LATERAL. A dry sewer lateral shall be installed from the building to the property line and shall be connected to the public sewer system and the private disposal system destroyed within ninety days of availability. Connection fees shall apply. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE FLOW TEST. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This

requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRIBAL RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,330.75 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. TCR-1 (Option 1)
Due to the sensitivity of the project area to the San Manuel Band of Mission Indians (SMBMI), one of the following options shall occur (for which SMBMI will be notified at least 21 days prior to implementation):

OPTION 1. Prior to any ground-disturbing activity, subsurface archaeological testing shall be conducted on the project site via the employ of a number of subsurface investigative methods, including shovel test probes, remote sensing, and/or deep testing via controlled units or trenching of appropriate landscapes. A Testing Plan shall be created by SMBMI, approved by all parties, and implemented in the field by at least one archaeological monitor with at least 3 years of regional experience in archaeology. SMBMI shall be given 2 weeks notice prior to testing so that there is ample time to prepare the Testing Plan, as well as for all parties to the review/approve the Testing Plan. Testing shall not occur below 4 feet and no collection of artifacts or excavation of features shall occur during testing. All discovered properties shall be properly recorded, as outlined in the Testing Plan, and then reburied in situ. The Lead Agency shall, in good faith, consult with SMBMI concerning the results of testing. Any finds during testing shall be subject to the Treatment and Disposition Plan, as described within TCR-3.

OR

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. TCR-1-Continued (Option 2):

OPTION 2. An archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], etc.). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Applicant shall provide compensation (hourly wages, mileage, etc.) for all archaeological monitors and the services these individuals provide as part of the monitoring effort for the Project. A Monitoring Plan shall be created by the archaeological monitor prior to any and all ground-disturbing activity, in consultation with SMBMI, and agreed to by all Parties. The Monitoring Plan shall include, at minimum, the above information, additional project details, and the Treatment and Disposition Plan described in TCR-3.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. TCR-2

Should either Option 1 or 2 in TCR-1 result in positive findings, and should SMBMI be concerned about the nature of the discovery and/or the potential of additional discovery, SMBMI will be given the option to have Tribal monitors present during any and all ground-disturbing activity during project implementation in the same manner as the archaeological monitor, as described in Option 2 of TCR-1.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. TCR-3

A Treatment and Disposition Plan (TDP) shall be provided by SMBMI, and agreed to by all Parties, prior to the commencement of any and all ground-disturbing activities for the project, including any archaeological testing. SMBMI will be given 2 weeks notice prior to ground disturbance so that there is ample time to prepare the TDP, as well as for all parties to the review the TDP. The TDP will provide details regarding the process for in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendent (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LOT MERGER. A lot merger shall be submitted, approved, and recorded. The lot merger and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMBUSTIBLE PROTECTION. Prior to combustibles being placed on the project site an approved all weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F 44]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS 150+ FT. Dead End roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire

Department. [F 45]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-SINGLE STORY ROAD ACCESS. 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.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SURFACE-MINIMUM 80K POUNDS. All roads shall be designed to 85 compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SURFACE-WEATHER DRIVING SURFACE. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 2250 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 6489 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than three hundred (300) feet from any portion of a structure. [F 54]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. 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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HOOD AND DUCT SUPPRESSION. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8 scale) with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 65]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

KNOX BOX. An approved Fire Department key box is required. [F85]

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

- | | |
|--|-----------------|
| (B) Building Division | 947-1300 |
| (E) Engineering Division | 947-1476 |
| (F) Fire Prevention Division | 947-1603 |
| (P) Planning Division | 947-1200 |
| (RPD) Hesperia Recreation and Park District | 244-5488 |



DATE: September 13, 2018
TO: Planning Commission
FROM: Jeffrey Codega, Principal Planner
BY: Daniel S. Alcayaga, Senior Planner
SUBJECT: Conditional Use Permit CUP18-00005; Applicant: Robert Jacobson; APNs: 0410-091-13, 28 & 29

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2018-15 approving Conditional Use Permit CUP18-00005.

BACKGROUND

Proposal: A Conditional Use Permit to allow a 12,000-square foot diesel exhaust fluid (DEF) manufacturing facility within the General Industrial (GI) Zone of the Main Street and Freeway Corridor Specific Plan on one gross acre (Attachment 1).

Location: At the terminus of Chestnut Street, west of 'C' Avenue

Current General Plan, Zoning and Land Uses: The property is within the General Industrial (GI) Zone as part of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 2. The site is surrounded by a steel pipe storage operation to the north and east. There is a salt packaging facility to the south. The site is bounded by the Burlington Northern Santa Fe Railroad to the west (Attachment 3).

ISSUES/ANALYSIS

The Applicant is requesting approval of a Conditional Use Permit. The Planning Department determined a CUP was required because of the nature of the operation. There were concerns pertaining to possible odor emissions; water usage; and the amount of discharge into the City's sewer system. The project proposes to develop a facility to blend, store, meter, and distribute DEF to retailers. DEF is a non-hazardous solution, which is 32.5% Urea and 67.5% Deionized water. It is a selective catalytic reduction, which is a technology that sprays DEF into the exhaust stream by an advanced injection system and then converted into ammonia on a catalyst. The ammonia breaks down oxides of nitrogen (NOx) emissions produced by diesel engines, which are harmful to our health, into nitrogen and water. DEF is used to meet emission regulations in diesel vehicles.

The facility is expected to receive three rail cars per week delivering the urea. The blend process will occur in a 12,000 square foot building, which will house 12 vertical 20,000 gallon tanks to hold the DEF, and 2 vertical 15,000 gallon tanks for the Deionized water (Attachment 4). This process uses City water which goes through a filtration and reverse osmosis process to create the Deionized water. Roughly half of the 42,000 gallons per week of City water will be

rejected and will be discharged to the sewer system. A condition of approval requires the Applicant to enter into a Development Agreement (DA) with the City to ensure that the operation does not unduly affect local water/sewer systems and railroad infrastructure. A DA would establish a mechanism to limit/monitor water usage and sewer discharge, as well as for the City to recover costs related to providing services. An Agreement would ensure that sewer connection and sewer user fees are based on a reasonable metric, such as gallons per day (GPD), which would be a better method of capturing the project's impact on the City's sewer system. The DA will ensure that other rail users/operations are not impacted with this project's railroads activities/loading/unloading. Urea does have a slight odor, but the system will be completely closed. No odors are expected as part of the operation. As a safe guard, a condition of approval requires the operator to implement mitigation measures to reduce odor emissions should the City receive odor complaints.

The blend gets tested, certified and assigned a tracing number. It is then loaded through a certified metering system on to a tanker truck for delivery. A total of five parking spaces are required, including one accessible (handicap) parking space. A paved fire access road is provided that will connect the building to Chestnut Street.

The building meets the design guidelines of the Main Street and Freeway Corridor Specific Plan. The building will be primarily visible from Hesperia Road. Therefore, the west elevation has been articulated with a combination of different metal wall panels, horizontal translucent wall panels and stone veneer columns (Attachment 5). The use of stone veneer columns throughout the design helps break up the massiveness of the building.

Drainage: A drainage basin with a volume capacity of 6,720 cubic feet will be located on the east side of the property. Drainage flows will be conveyed through the site then discharged northeasterly as it historically flows.

Water and Sewer: The Developer is required to connect to the existing 12-inch water line in Chestnut Street. The developer shall design and construct an 8-inch minimum sewer main to serve the project. The alignment shall be based on an approved sewer analysis.

Traffic/Street Improvements: It is expected that 15 tanker trucks per week will leave the site with the final product. The developer is required to pay all applicable City development impact fees to offset the project's impact on local traffic.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

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

FISCAL IMPACT

Development will be subject to payment of all development impact fees adopted by the City.

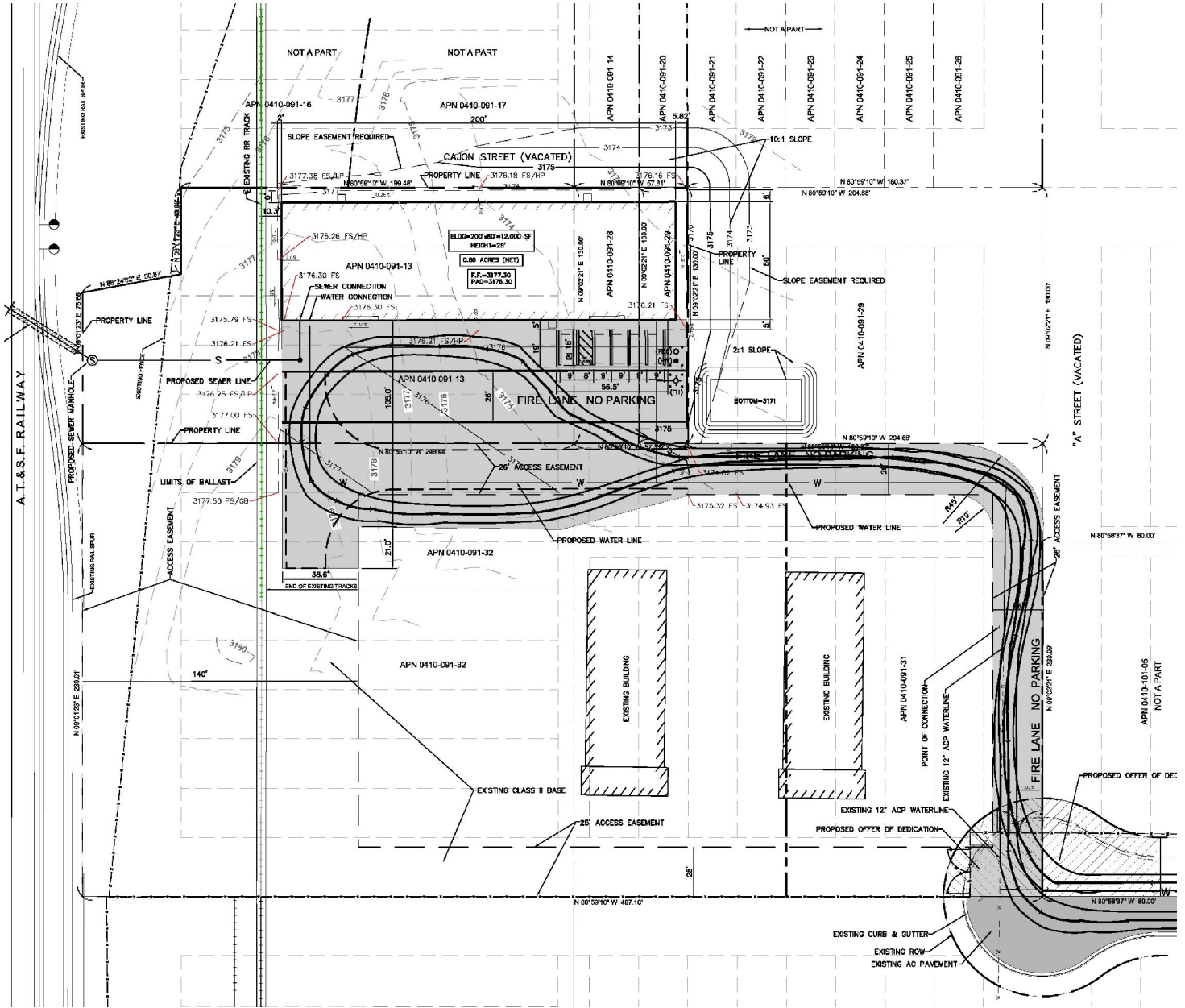
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. Main Street and Freeway Corridor Specific Plan Zone Map
3. Aerial Photo
4. Floor Plans
5. Building Elevations
6. Resolution No. 2018-15, with list of conditions

ATTACHMENT 1



APPLICANT(S):
ROBERT JACOBSON

FILE NO(S): CUP18-00005

LOCATION:
AT THE TERMINUS OF CHESTNUT STREET, WEST OF 'C' AVENUE

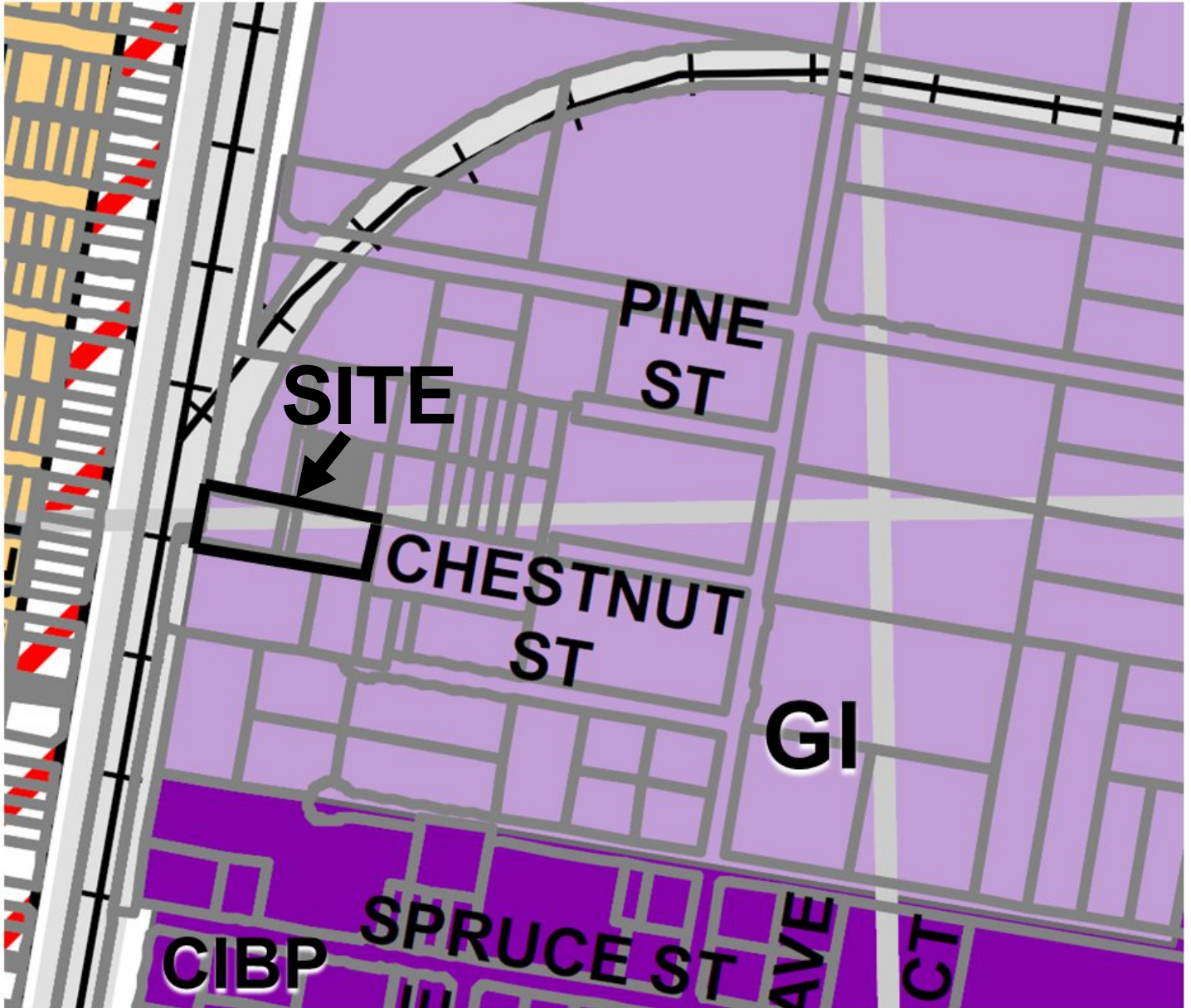
APN(S):
0410-091-13, 28 &
29

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 12,000-SQUARE FOOT DIESEL EXHAUST FLUID (DEF) MANUFACTURING FACILITY WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON ONE GROSS ACRE



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
ROBERT JACOBSON

FILE NO(S): CUP18-00005

LOCATION:
AT THE TERMINUS OF CHESTNUT STREET, WEST OF 'C' AVENUE

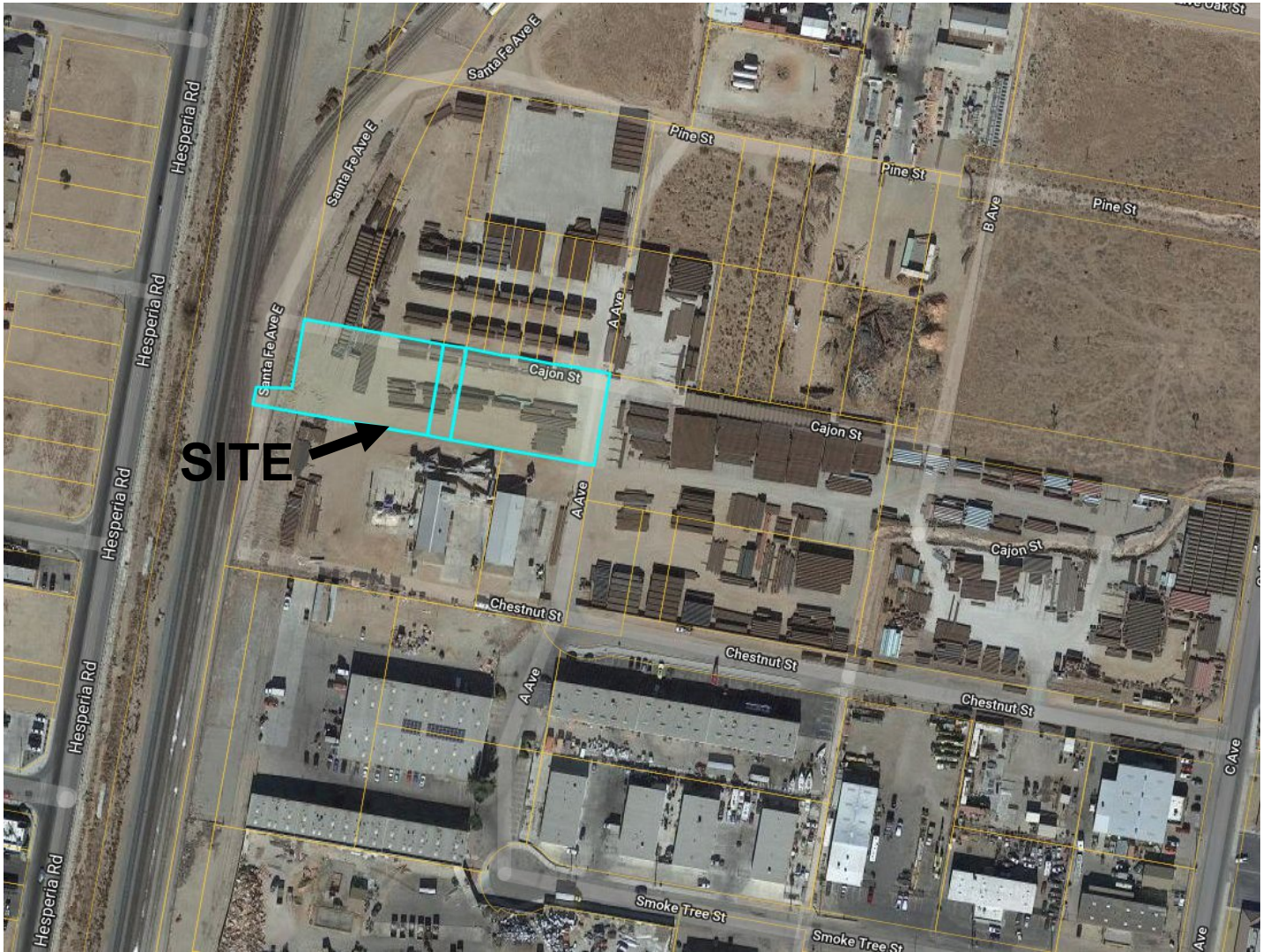
APN(S):
0410-091-13, 28 &
29

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 12,000-SQUARE FOOT DIESEL EXHAUST FLUID (DEF) MANUFACTURING FACILITY WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON ONE GROSS ACRE



MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

ATTACHMENT 3



APPLICANT(S):
ROBERT JACOBSON

FILE NO(S): CUP18-00005

LOCATION:
AT THE TERMINUS OF CHESTNUT STREET, WEST OF 'C' AVENUE

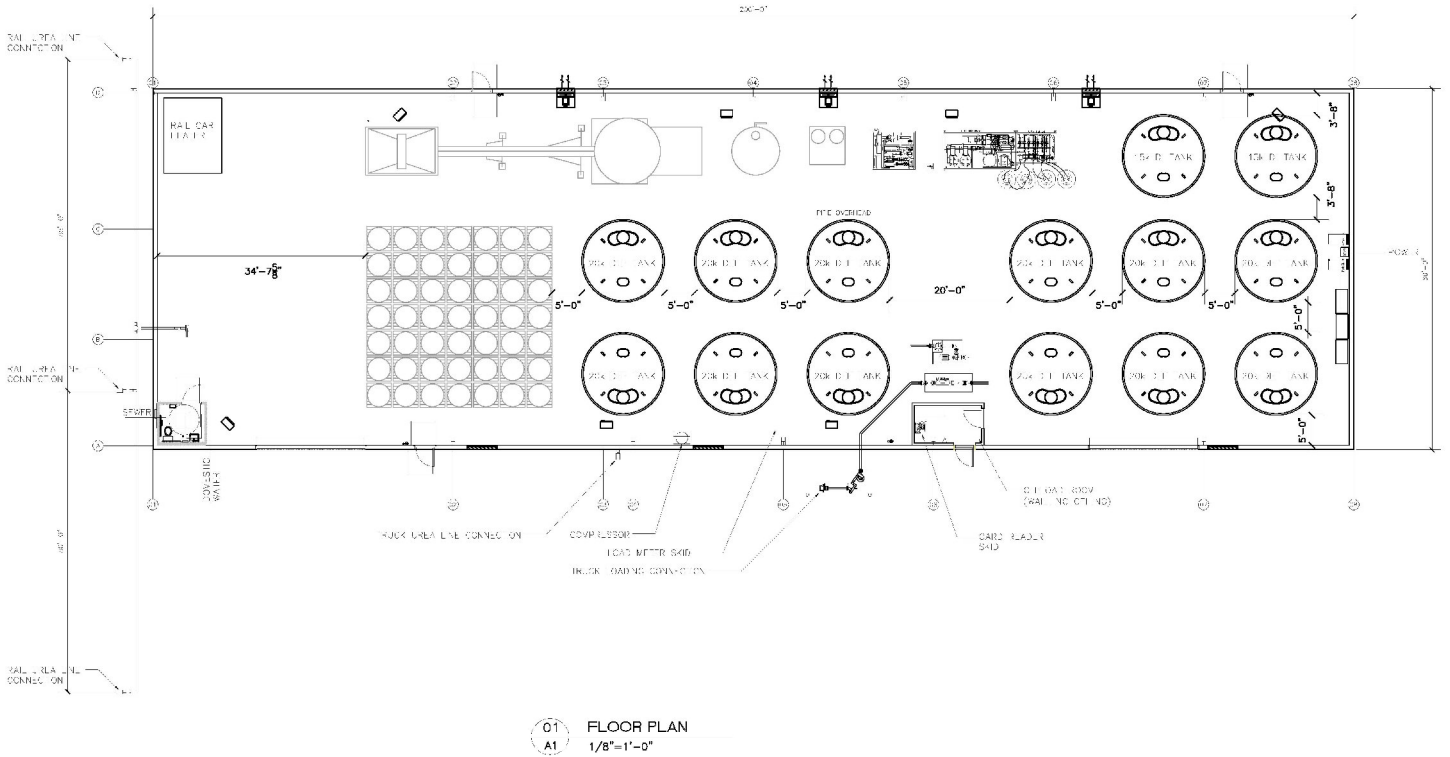
APN(S):
0410-091-13, 28 &
29

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 12,000-SQUARE FOOT DIESEL EXHAUST FLUID (DEF) MANUFACTURING FACILITY WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON ONE GROSS ACRE



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S):
ROBERT JACOBSON

FILE NO(S): CUP18-00005

LOCATION:
AT THE TERMINUS OF CHESTNUT STREET, WEST OF 'C' AVENUE

APN(S):
0410-091-13, 28 &
29

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 12,000-SQUARE FOOT DIESEL EXHAUST FLUID (DEF) MANUFACTURING FACILITY WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON ONE GROSS ACRE

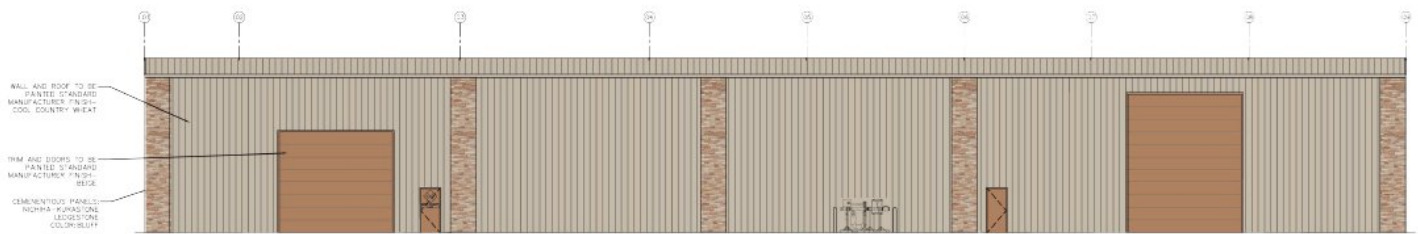


FLOOR PLAN

ATTACHMENT 5



02 END ELEVATION
1/8"=1'-0"



APPLICANT(S):
ROBERT JACOBSON

FILE NO(S): CUP18-00005

LOCATION:
AT THE TERMINUS OF CHESTNUT STREET, WEST OF 'C' AVENUE

APN(S):
0410-091-13, 28 &
29

PROPOSAL:
A CONDITIONAL USE PERMIT TO ALLOW A 12,000-SQUARE FOOT DIESEL EXHAUST FLUID (DEF) MANUFACTURING FACILITY WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON ONE GROSS ACRE



ARCHITECTURAL ELEVATIONS

ATTACHMENT 6

RESOLUTION NO. PC-2018-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 12,000-SQUARE FOOT DIESEL EXHAUST FLUID (DEF) MANUFACTURING FACILITY WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON ONE GROSS ACRE LOCATED AT THE TERMINUS OF CHESTNUT STREET, WEST OF 'C' AVENUE (CUP18-00005)

WHEREAS, Robert Jacobson has filed an application requesting approval of CUP18-00005 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately one gross acres located at the terminus of Chestnut Street, west of 'C' Avenue and consists of Assessor's Parcel Number 0410-091-13, 28 & 29; and

WHEREAS, the Application, as contemplated, proposes to construct a 12,000-square foot diesel exhaust fluid (DEF) manufacturing facility; and

WHEREAS, the one gross acre site is currently occupied by a steel pipe storage operation. The site is also surrounded by a steel pipe storage operation to the north and east. There is a salt packaging facility to the south. The site is bounded by the Burlington Northern Santa Fe Railroad to the west; and

WHEREAS, the subject property as well as the surrounding properties are within the General Industrial (GI) Zone as part of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on September 13, 2018, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 13, 2018 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the Development Code.
- (b) The proposed use is consistent with the objectives, policies, general land uses and programs of the General Plan and

Development Code and is consistent with the allowable uses within the General Industrial (GI) Zone as part of the Main Street and Freeway Corridor Specific Plan with approval of a Conditional Use Permit.

- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the GI Zone as part of the Main Street and Freeway Corridor Specific Plan with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. The process of manufacturing DEF involves a closed system; therefore, no odors are expected from the use of Urea to manufacture the product. The conditions of approval, as a safeguard, require sufficient mitigation to reduce odors should odors be present during operation of the use.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning and Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the GI Zone as part of the Main Street and Freeway Corridor Specific Plan. The development complies with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal accessible (handicap) regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (e) The site for the proposed use will have adequate access based upon its connection to Chestnut Road. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The proposed use is an allowable use within the GI Zone as part of the Main Street and Freeway Corridor Specific Plan with approval of a Conditional Use Permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP18-00005, subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 13th day of September 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP18-00005

Approval Date: September 13, 2018
Effective Date: September 25, 2018
Expiration Date: September 25, 2021

This list of conditions applies to: Consideration of a Conditional Use Permit to allow a 12,000-square foot diesel exhaust fluid (DEF) manufacturing facility within the General Industrial (GI) Zone of the Main Street and Freeway Corridor Specific Plan on one gross acre located at the terminus of Chestnut Street, west of 'C' Avenue (Applicant: Robert Jacobson; APNs: 0410-091-13, 28, & 29)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITIONAL CONDITIONS

| | | |
|---------------------------------------|--------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ODOR EMISSIONS. Sufficient measures shall be in place to minimize odor emissions. Complaints of odors shall authorize the City to investigate if odors are present, and if found to be present the City shall have the authority to request the facility to implement additional measures to reduce or eliminate odors. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DEVELOPMENT AGREEMENT. The Applicant shall enter into a Development Agreement with the City of Hesperia that addresses these factors to the satisfaction of the City:
A. Sewer Use and Connection Fees
B. Sewage Discharge Monitoring
C. Water Use, Water Rights and Fees/Costs related to Connection(s) and Service
D. Railroad Traffic and Facility Operation and Management
E. Truck Routes and Scheduling to and from the Project
F. Fiscal Considerations to Ensure Unique Project Impacts are Mitigated |

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

| | | |
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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SEWER ANALYSIS. The Developer shall provide a sewer analysis to the City's Engineering Department that identifies a point of connection with depths of existing manholes and elevations. The proposed sewer shall be installed within the Right of way. It is the Developers responsibility to obtain any outside agency permits or permissions and Irrevocable Offers of Dedications at no cost to the City. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B) |

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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | IRREVOCABLE OFFERS 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | UTILITY EASEMENTS. The Developer shall grant to the City Utility Easements, if required, to install any required sewer as conditioned below. Off-site easements may be required to complete the infrastructure. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | <p>DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.</p> <p>A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.</p> <p>B. Drywells shall be constructed by a contractor qualified in the construction of drywells.</p> <p>C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.</p> <p>D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise</p> |

approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 72 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/mainte

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFFSITE DRAINAGE IMPACT PREVENTION. The Project shall provide safe conveyance for offsite runoff either routed through the project or around the project site. The Project shall ensure that the proposed conveyance of offsite flows will not increase adverse impacts to downstream properties and/or drainage facilities for the 24-hour design storm for 2-year, 10-year, 25-year, and 100-year return frequency rainfall events.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ONSITE DRAINAGE IMPACT PREVENTION. The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for 2-year, 10-year, 25-year, and 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, infiltration trenches, or infiltration-based low impact development features) shall not accumulate standing water for more than 72 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 24 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 Applicants 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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Chestnut Street per the City's standard for a Local Cul-De-Sac 60' ROW across APN: 0410-091-31 and 05. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GRADING PLAN. The Developer shall submit 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 basin(s) as a minimum. Site grading and building pad preparation shall

include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from adjacent property owners who are affected by storm water discharge. The Acceptance letter, along with the latest grant deed, must be submitted to the City's Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

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

C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to design and construct a minimum 8" PVC sewer main to serve project based on conditioned sewer analysis and per City standards.

D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8 minimum PVC SDR 35 sewer main to serve project. Alignment shall be based on an approved sewer analysis. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. 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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application. (E, P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LOT MERGER. A lot merger shall be submitted, approved, and recorded. The lot merger and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ACCESS EASEMENT. The Developer shall grant or obtain an Access Easement to provide reciprocal access to and from adjacent parcels to Chestnut Street. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EROSION CONTROL. The Project shall implement all requirements of the approved Erosion and Sediment Control Plan (or SWPPP if applicable) prior to the City's issuance of a grading permit, and provide ongoing implementation until the project is complete and all disturbed areas are fully stabilized. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable City of Hesperia WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing. The WQMP must include a final Maintenance Agreement and must be signed and certified by the owner and preparer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NPDES. The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice Of Intent Receipt Letter and the project WDID No. to the City.
Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control

Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the projects Erosivity Waiver Certification and Waiver ID to the City. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

- A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
- B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
- C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.

Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:

<https://www.casqa.org/resources/bmp-handbooks>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMBUSTIBLE PROTECTION. Prior to combustibles being placed on the project site an approved all weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F 44]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS 150+ FT. Dead End roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. [F 45]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of one point of vehicular access. These

are for fire/emergency equipment access and for evacuation routes.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-SINGLE STORY ROAD ACCESS. 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.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE FLOW TEST. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SURFACE-MINIMUM 80K POUNDS. All roads shall be designed to 85% relative compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE TURNAROUND. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul de sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty (40) foot radius for residential turns and forty five (45) for non residential turns. [F 43]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than three hundred (300) feet from any portion of a structure. [F 54]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SCHOOL FEES. The Developer shall pay required school fees. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NPDES-PERMIT TERMINATION. Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and

unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and provide to the City a copy of the approved NOT. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

VOLUME CERTIFICATION. The property owner will provide the City with certified as-built dimensions of the basins and the actual volume of storage provided. This must be based on As-Built topographic surveys made by either a Civil Engineer or Land Surveyor who is registered to practice in California. These as-built volumes must reflect permanent conditions, with finished landscaping in place. The volumes shall be certified by the Design Engineer that the volumes provided meet or exceed the required design volumes per City requirements and the approved Water Quality Management Plan. The volume of storage provided must equal or exceed the approved design volumes before the City will issue Letters of Acceptance for maintenance of any public facilities.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GATE OVERRIDE SWITCH. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. [F86]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

KNOX BOX. An approved Fire Department key box is required. [F85]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. 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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON-SITE IMPROVEMENTS. All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit "A." Any exceptions shall be approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

- | | |
|--|-----------------|
| (B) Building Division | 947-1300 |
| (E) Engineering Division | 947-1476 |
| (F) Fire Prevention Division | 947-1603 |
| (P) Planning Division | 947-1200 |
| (RPD) Hesperia Recreation and Park District | 244-5488 |