

PLANNING COMMISSION REGULAR MEETING



Meeting Agenda

Thursday, July 11, 2024

6:30 PM

**City Council Chambers
9700 Seventh Ave.,
Hesperia, CA, 92345**

Planning Department: (760) 947-1224

Planning Commission Members

Roger Abreo, Chair

Sophie Steeno, Vice Chair

Dale Burke, Commissioner

Earl Hodson V, Commissioner

Christopher Sevy, Commissioner

Nathan Freeman, Director of Development Services

Ryan Leonard, Principal Planner

Robert Hensley, Assistant City Attorney



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1026. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

To leave a Public Comment by phone, call and leave a recorded message at (760) 947-1056 up to 5:30 pm on the day of the scheduled meeting. City Council meetings may be viewed live or after the event on the City's website at www.cityofhesperia.us.

AGENDA
HESPERIA PLANNING COMMISSION
9700 Seventh Ave., Council Chambers, Hesperia, CA 92345

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
- D. Agenda Revisions and Announcements by Planning Secretary

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 1** Consideration of May 23,2024 Planning Commission Meeting Minutes.

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on May 23,2024.

Staff Person: Planning Specialist Maricruz Montes

Attachments: [Draft Meeting Minutes PC 5-23-24](#)

PUBLIC HEARINGS

2. Page 3

Consideration of Conditional Use Permit CUP22-00009 to construct a commercial shopping center consisting of a 5,600 square foot convenience store with a gas station and a fuel canopy with 8 fuel islands, a 3,400 square foot drive-thru restaurant and two multi-tenant buildings totaling approximately 82,448 square feet in conjunction with Tentative Parcel Map No. 20592 (TPM22-00009) to create 4 parcels from a 10.1 gross acre parcel within the Convenience Commercial (C1) zone located at the northeast corner of Ranchero Road and Tamarisk Avenue (Applicant: Primaco Inc.; APN: 0405-383-31)

Recommended Action:

It is recommended that the Planning Commission adopt Resolution Nos. PC-2024-09 and PC-2024-10, approving CUP22-00009 and TPM22-00009 and adopting a mitigated negative declaration.

Staff Person: Principal Planner Ryan Leonard

Attachments: [Staff Report](#)

[Attachment 1A- Site Plan Option 1](#)

[Attachment 1B- Site Plan Option 2](#)

[Attachment 1C- Site Plan Option 3](#)

[Attachment 2- General Plan and Zoning Map](#)

[Attachment 3 -Aerial](#)

[Attachment 4A-Color Elevation-Building A](#)

[Attachment 4B-Color Elevation-Building B](#)

[Attachment 4C-Color Elevation-Convenience Store](#)

[Attachment 5- Access Alternative 1](#)

[Attachment 6- Access Alternative 2](#)

[Attachment 7- Access Alternative 3](#)

[Attachment 8- Mitigated Negative Declaration](#)

[Attachment 9- Resolution No. PC-2024-09](#)

[Exhibit A-Conditions of Approval \(CUP\)](#)

[Attachment 10 Resolution No. PC-2024-10](#)

[Exhibit A-Conditions of Approval \(TPM\)](#)

3. Page 155

Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-0001; Applicant: City of Hesperia; Area affected: City-wide.

Recommended Action:

That the Planning Commission adopt Resolution No. PC-2024-06 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying the development requirements associated with the establishment of new or the expansion of existing single price overstock/discount stores, or store as appropriate (SPODS).

Staff Person: Director of Development Services Nathan Freeman

Attachments: [Staff Report SPODS DCA SPLA \(July 11, 2024\)](#)

[Attachment 1 - March 19, 2024 City Council Report](#)

[Attachment 2 - Exhibit A](#)

[Attachment 3 - Resolution](#)

4. Page 169

Consideration of Specific Plan Amendment SPLA24-00003 to increase the Floor Area Ratio (FAR) of the Regional Commercial (RC) zone within the Main Street and Freeway Corridor Specific Plan from 0.23 to 0.35.

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2024-11 recommending that the City Council introduce and place on first reading an ordinance approving SPLA24-00003 to increase the Floor Area Ratio (FAR) of the Regional Commercial (RC) zone within the Main Street and Freeway Corridor Specific Plan from 0.23 to 0.35.

Staff Person: Senior Planner Edgar Gonzalez

Attachments: [Staff Report](#)

[Attachment 1 - Exhibit A](#)

[Attachment 2 - General Plan Land Use Map](#)

[Attachment 3 - Resolution No. PC-2024-11](#)

PLANNING DIVISION REPORT

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

A. DRC Comments

B. Major Project Update

ASSISTANT CITY ATTORNEY REPORT

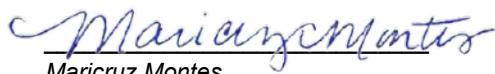
The Assistant Attorney may make comments of general interest to the City.

PLANNING COMMISSION COMMENTS

The Commission Members may make comments of general interest to the City.

ADJOURNMENT

I, Maricruz Montes, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Friday, July 5, 2024 at 5:30 p.m. pursuant to California Government Code §54954.2.



Maricruz Montes,
Planning Commission Secretary



City of Hesperia Meeting Minutes - Draft Planning Commission **REGULAR MEETING**

Council Chambers,
9700 Seventh Ave.,
Hesperia, CA 92345

Thursday, May 23, 2024

CALL TO ORDER - 6:33 PM

A. Pledge of Allegiance to the Flag

Pledge of Allegiance led by Commissioner Burke.

B. Invocation

Invocation was led by Chair Abreo.

C. Roll Call

Present 4 - Vice Chair Steeno, Commissioner Burke, Commissioner Sevy, and Chair Roger Abreo

Absent 1 - Commissioner Hodson V

D. Agenda Revisions and Announcements by Planning Secretary

None

JOINT PUBLIC COMMENTS

Public Comments opened at 6:36 PM.

There were no white cards.

Public Comments closed at 6:36 PM.

CONSENT CALENDAR

1. Consideration of May 9, 2024 Planning Commission Meeting Minutes.

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the regularly scheduled meeting on May 9, 2024.

Sponsors: Planning Specialist Maricruz Montes

A motion was made by Commissioner Steeno, seconded by Commissioner Burke, that this item be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Steeno, Commissioner Burke, Commissioner Sevy, and Commissioner Abreo

Nay: 0

Absent: 1 - Commissioner Hodson V

DISCUSSION

General Plan Update Community Meeting discussion topic will be objective design standards for mixed-use developments. Consultants gave presentation, Commissioners asked questions.

PLANNING DIVISION REPORT

Principal Planner Ryan Leonard, thanked commissioners for a productive meeting. Tentative Planning Commission meeting on the fourth Thursday of June. General Plan has an aggressive schedule ahead, General Plan update is the future frame work for the City as the Commissioners can shape the future. General Plan is updated every 7-10 years. Draft of the General Plan update will be presented to the Planning Commission and then advancing to the City Council.

ASSISTANT CITY ATTORNEY REPORT

City Attorney Pam Lee, gave an update on the recent bills that passed AB1886 and SB1037.

PLANNING COMMISSION COMMENTS

Chair Abreo thanked staff for a well put together agenda.

ADJOURNMENT

Meeting adjourned at 8:14 pm until the next regular scheduled meeting.

Maricruz Montes,
Planning Commission Secretary

Roger Abreo,
Chair, Planning Commission

City of Hesperia STAFF REPORT



DATE: July 11, 2024
TO: Planning Commission
FROM: Nathan R. Freeman, Director of Development Services
BY: Ryan Leonard, AICP, Principal Planner
SUBJECT: CUP22-00009 & TPM22-00009; Applicant: Primaco Inc.; APN: 0405-383-31

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2024-09 and PC-2024-10, approving CUP22-00009 and TPM22-00009 and adopting a mitigated negative declaration.

BACKGROUND

Proposal: A Conditional Use Permit to construct a commercial shopping center consisting of a 5,600 square foot convenience store with a gas station, 3,400 square foot drive-thru restaurant and two multi-tenant buildings totaling approximately 82,448 square feet in conjunction with Tentative Parcel Map No. 20592 to create 4 parcels from a 10.1 gross acre parcel.

Location: At the northeast corner of Ranchero Road and Tamarisk Avenue (Attachment 1A).

Current General, Plan, Zoning and Land Uses: The subject site is located within the Convenience Commercial (C1) Zone. The surrounding land is designated as noted on Attachment 2. The properties to the north are zoned R1-Single Family Residential (2.5 - 4.5 du/ac) and are currently under construction for the development of 312 single family lots as part of approved Tract No. 17980. The properties to the west are zoned Rural Residential with a 2 ½ acre minimum lot size (RR 2 ½) and consist of single-family homes. The properties to the east are zoned Rural Residential with a 2 ½ acre minimum lot size (RR 2 ½) followed by the Southern California Edison utility corridor located immediately to the east. The properties to the south, on the opposite side of Ranchero Road, are zoned R1 with an 18,000 square foot minimum lot size (R1-18,000) and consist of single-family homes (Attachment 3).

ISSUES/ANALYSIS

Land Use: The proposed project consists of the development of a new 82,448 square foot commercial shopping center on approximately 10.1 gross acres (7.8 net acres). The proposed development will consist of a new 47,000 square foot building (referred to as Building A) that will include a 32,000 square foot grocery store and nine individual tenant spaces. Building B will be approximately 26,448 square feet and will consist of fifteen individual tenant spaces with two restaurants with outdoor dining. A 3,400 square drive-thru restaurant, a 5,600 square foot convenience store with a drive-thru restaurant, and a fuel canopy with 8 fuel islands are planned to be in the southern portion of the site near Ranchero Road.

Shopping centers are a permitted use within the C1 Convenience Commercial zone. However, fueling stations and the off-sale of alcoholic beverages necessitates approval of a Conditional Use Permit (CUP). The Applicant has filed a CUP application to permit the grocery store to sell beer, wine, and liquor. In addition, a fueling station in-and-of itself requires approval of a CUP. However, it should be noted that the off-sale of alcohol from the gas station/ convenience store is not being proposed at this time.

Conformance with Development Standards: The proposed development complies with standard development regulations, including the minimum building setback/height regulations, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 351 parking spaces, based upon 4 spaces per 1,000 square feet of gross floor area for buildings A, B, and the convenience store, and 10 spaces per 1,000 square feet of gross floor area for the fast-food restaurant. As proposed the project provides 358 parking spaces, which exceeds the minimum requirements.

The project does not propose any perimeter fencing, however a condition of approval has been added to construct a 6' high decorative block wall along the eastern property line to adequately screen the truck delivery area in the rear of the site. In addition, a condition of approval has also been added to screen headlight glare from the parking stalls that face Ranchero Road and Tamarisk Avenue. A combination of shrubs, trees, or low-level walls that are a minimum of 36-inches above grade shall be required within the landscape planters that are adjacent to the right of way. With the added conditions of approval, the proposed development complies with the standard development regulations.

Building Design: The building design complies with the architectural guidelines of the Development Code. The buildings all incorporate a combination of stacked stone veneer, faux wood siding, metal panel accent walls, awnings, canopies, and a compatible range of colors. The buildings also incorporate horizontal and vertical elements including towers, stone columns, popouts, reveals and roof cornices (Attachments 4A, 4B and 4C). The proposed project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the developed site; the proposed project provides 31,883 square feet (9.1%) of total landscape coverage.

Alcohol Sales: The Development Code requires that all establishments selling alcohol obtain the approval of a CUP. The CUP does not require City Council action because the store is over 12,000 square feet in floor area. A Type 21 license is being proposed by the Applicant to allow the grocery store to sale beer, wine, and liquor for off-site consumption. The subject property is in Census Tract 100.41, which allows up to four licenses for off-site sales of alcoholic beverages. Since the census tract contains two off-sale licenses (Table 1), the City is not required to make a finding of public convenience and necessity. The establishment is subject to the regulations in Section 16.16.370 of the Development Code. This Section does not allow the establishment to sell single-service alcoholic beverages, including beer, malt liquor and alcoholic energy drinks of any size; wine of less than 750 ml in size; distilled spirits of less than 375 ml in size; or any other individual alcoholic beverage for single-serve consumption.

Table 1: Existing Off-Sale Licenses in Census Tract 100.41

Status	Business Name	Business Address	Type of License
Active	Grand View Market Place	13302 Ranchero Road	21-Beer, Wine, and Liquor
Active	Walmart	13401 Main Street	21-Beer, Wine, and Liquor

Drainage: The proposed project detains, and infiltrates drainage flows created on-site beyond that which has occurred historically within an underground infiltration system. As proposed, a private storm drain system conveys on-site drainage to a proposed catch basin system.

Water and Sewer: The proposed project will connect to an existing 8-inch water line within Tamarisk Avenue and a proposed 8-inch sewer line within “Z” Street that will be installed as a part of TR-17980-7.

Traffic/Street improvements: A Traffic Impact Analysis (TIA) was prepared for the proposed project to assess the traffic impacts resulting from the proposed development, and to identify the traffic mitigation measures necessary to maintain an acceptable Level of Service (LOS). The traffic study estimates that the proposed project will generate a total of approximately 15,864 daily vehicle trips. However, a substantial portion of the trips generated by the proposed project will be pass-by-trips. Pass-by-trips are trips generated to the site by vehicles that are traveling to a different end destination. An example of a pass-by-trip would be a resident leaving their home and stopping at the convenience store/gas station while on their way to work. Since pass-by-trips are trips made enroute to an end destination, they are not considered a full trip. Uses that generate many pass-by-trips are typically not end destinations (i.e., carwashes, convenience stores, gas stations, certain drive-thru restaurants, etc.). When considering the pass-by adjustment, the total pass-by trips for the proposed project will be 7,680 trips per day; therefore the “adjusted” total number of daily vehicle trips will be 8,164 daily trips (15,864 – 7,680 = 8,164).

During the morning peak hour, the traffic study estimates that 929 vehicles will come and go from the site, however 466 of those trips would be pass-by trips already traveling on the surrounding roadway network; therefore, the traffic study estimates that the proposed project will generate 463 new vehicle trips during the morning peak hour. During the evening peak hour 1,232 vehicles are estimated to come and go from the site, however 664 of those trips would be pass-by trips; therefore, the traffic study estimates that the proposed project will generate 568 new vehicle trips during the evening peak hour.

The TIA analyzed the potential traffic impacts that would be generated from the proposed project. As a part of the analysis, the TIA analyzed three different access alternatives to provide access into and out of the proposed project site. All three access alternatives are under consideration. Therefore, it is requested that the Planning Commission review and consider the benefits and limitations of each access alternative and provide a preferred access alternative. Furthermore, the Conditions of Approval (Attachment 9) are written in a manner that will allow the proposed project to implement whichever access alternative is selected by the Planning Commission. A comparison of the benefits and limitations of the three access alternatives is as follows:

Access Alternative 1 - Traffic Signal At Tamarisk Avenue. Under Access Alternative 1, primary access to the proposed project site would be provided by a new traffic signal located at the three-leg intersection of Ranchero Road and Tamarisk Avenue (Attachment 5). The intersection would be fully signalized and would provide full access directly to the proposed project site from

Ranchero Road. In addition, two right-in and right-out driveway approaches would be located along Ranchero Road to provide ingress and egress to and from the site. A raised median would be provided along Ranchero Road to restrict the drive approaches to right-in and right-out only. Construction of the traffic signal at Tamarisk Avenue would also include a protected pedestrian crossing of Ranchero Road, linking the proposed shopping center with the residential neighborhoods that are located south of Ranchero Road. The Applicant would be responsible for the cost and construction of curb, gutter, and sidewalk across the proposed project frontage along Ranchero Road.

Tamarisk Avenue extends north/south along the western boundary of the proposed project site. Tamarisk Avenue was recently constructed to provide access to Tract No. 17980, which is currently under construction for the development of 310 single family homes. Along Tamarisk Avenue, two driveway approaches would be provided to allow full access into and out of the proposed project site. The Applicant would be responsible for the cost and construction of curb, gutter, and sidewalk across the proposed project frontage along Tamarisk Avenue.

Implementation of Access Alternative 1 would also include paving Wells Fargo Street, including the construction of curb, gutter, and sidewalk across the proposed project frontage. In addition, a full-service driveway for customers and a service driveway for delivery trucks would be provided along Wells Fargo Street.

Under Access Alternative 1, primary access to the proposed project site, as previously noted, would be provided by a new traffic signal that would be located at the three-leg intersection of Ranchero Road and Tamarisk Avenue (Attachment 5). The intersection would be fully signalized and would provide full access directly to the proposed project site from Ranchero Road. However, the intersection of Ranchero Road and Maple Avenue, located approximately $\frac{1}{4}$ mile to the east of Tamarisk Avenue, recently had a traffic signal installed (as a part of the Ranchero Road widening project). The spacing between the proposed traffic signal at Tamarisk Avenue and the recently placed traffic signal at Maple Avenue would be below the $\frac{1}{2}$ mile spacing that is generally needed for high-capacity traffic flow along Ranchero Road. Moreover, the City of Hesperia and County of San Bernardino have collectively pledged to maintain Ranchero Road as an expressway and to not add additional traffic signals beyond those that have already been planned at Seventh Avenue, Cottonwood Avenue, and Maple Avenue. For that reason, the City does not support additional traffic signals beyond those that have already been planned for along Ranchero Road. As such, staff is requesting that the Planning Commission review and consider the request to construct an additional traffic signal at Tamarisk Road.

Access Alternative 2- Traffic Signal at Topaz Avenue. Under Access Alternative 2, indirect access to the proposed project site would be provided from a new traffic signal located at Ranchero Road and Topaz Avenue (Attachment 6). The intersection would be fully signalized and would provide indirect access to the proposed project site via Topaz Avenue to Wells Fargo Street located approximately 0.25 miles to the west of the site. Under this alternative, the intersection of Ranchero Road and Tamarisk Avenue would be restricted to a right-in/right-out and left-in access only. In addition, two right-in and right-out driveway approaches would be located along Ranchero Road to provide ingress and egress to and from the site. A raised median would be provided along Ranchero Road to restrict the drive approaches to right-in and right-out only.

The street improvements and location of the proposed driveway approaches along Tamarisk Avenue and Wells Fargo Street, previously discussed for Access Alternative 1, would remain the same for Alternative 2. While Access Alternative 2 achieves the desired objective of creating the

½ mile spacing between the signals at Maple Avenue and Topaz Avenue, it nevertheless would create potential safety hazards and adverse impacts to surrounding residential properties. For example, access to the site via Topaz Avenue and Wells Fargo Street is not intuitive or obvious when heading eastbound on Ranchero Road. Drivers that are unfamiliar with the local circulation system would not know that they could access the shopping center via Topaz Avenue and Wells Fargo Street, and that would likely result in a substantial increase in U-turns at the Maple Avenue intersection. In addition, the left-turn access for eastbound traffic at Tamarisk Avenue would be an uncontrolled movement which could result in safety concerns. Lastly, the construction of a traffic signal at Topaz Avenue would introduce shopping center traffic and delivery trucks on a local residential street (Wells Fargo Street) that would create adverse impacts to the existing residential properties that front Wells Fargo Street. For these reasons, staff is not recommending that Alternative 2 be selected by the Planning Commission.

Access Alternative 3- Primary Access from Maple Avenue. Under Access Alternative 3, primary access to the proposed project site would be provided from Maple Avenue via an extension of Wells Fargo Street eastward to a new stop-controlled intersection at Maple Avenue (Attachment 7). Under this Alternative, the intersection of Ranchero Road and Tamarisk Avenue would be restricted to a right-in/right-out only. In addition, two right-in and right-out driveway approaches would be located along Ranchero Road to provide ingress and egress to and from the site. Under this Alternative the proposed project would be required to provide a raised median along Ranchero Road to restrict the drive approaches to right-in and right-out only.

The street improvements and location of proposed driveway approaches along Tamarisk Avenue and Wells Fargo Street, previously discussed for Access Alternative 1 and 2, would remain the same for Alternative 3. Access Alternative 3 achieves the desired objective of not adding additional traffic signals along Ranchero Road. Under this scenario, there would be a 1.5-mile stretch along Ranchero Road without a traffic signal (Maple Avenue to Escondido Avenue). The extension of Wells Fargo Street would also provide ancillary benefits to the area including providing alternate access and emergency vehicle access to the surrounding residential properties and it would provide a route for pedestrians and bicycles that would avoid using high-speed and high-volume Ranchero Road. However, like Access Alternative 2, primary access to the site would not be obvious to customers. The inconvenience of eastbound access to the site could result in a substantial increase in U-turns at the Maple Avenue intersection, however the U-turn movements could be restricted by traffic control signs. While Access Alternative 3 achieves the desired objective of not adding additional traffic signals along Ranchero Road, the extension of Wells Fargo Street eastward would create potential adverse impacts to surrounding properties. Extending Wells Fargo Street eastward would result in a new stop-controlled intersection at Wells Fargo Street and Maple Avenue. This new intersection would adversely impact the single-family residences located on the east side of Maple Avenue. For instance, existing residential properties on the east side of Maple Avenue would be located at the opposite end of outbound traffic exiting the site via Wells Fargo Street. These properties would be subject to increased traffic directly in front of their homes and they would likely experience light and glare impacts from headlights. It should also be noted that the extension of Wells Fargo Street would cross land that is not controlled by the Applicant. The Applicant would be required to acquire the additional right-of-way from the adjacent property owners including acquiring land from Southern California Edison that is currently within the utility corridor.

As previously noted, the City does not support additional traffic signals beyond those that have already been planned for along Ranchero Road. Therefore, staff is requesting that the Planning Commission consider the benefits and limitations of adding a new traffic signal at Ranchero Road

and Tamarisk Avenue (Access Alternative 1) compared to the benefits and limitations of extending Wells Fargo Street eastward to Maple Avenue to provide primary access to the site (Access Alternative 3).

ENVIRONMENTAL ANALYSIS

Approval of this proposed project requires adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND prepared for the project (Attachment 8) concluded that the proposed project will not have any significant negative impacts on the environment upon implementation of the recommended mitigation measures. A biological assessment and an evaluation of existing plants was prepared for the proposed project. The biological report shows that no special status wildlife species were observed on the property; however, 25 Joshua Trees, which are listed as a State threatened species, are present on the site. Due to the presence of Joshua Trees on the site, an Incidental Take Permit (ITP) will be required from CDFW prior to the start of any ground disturbing activities to reduce impacts to Biological Resources to less than significant. The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is a potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed if cultural resources are inadvertently encountered during excavation activities. Prior to the issuance of a grading permit, the Applicant shall provide evidence that a qualified archaeologist/ paleontologist has been retained by the Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities. All cultural resources discovered shall be handled in accordance with state and federal law. The Mitigated Negative Declaration was circulated for public review from April 30, 2024, through May 30, 2024. During the public review period, no comment letters were received.

Conclusion: The proposed project conforms to the policies of the City's General Plan and meets the standards of the Development Code. However, as noted, the City does not support additional traffic signals beyond those that have already been installed along Ranchero Road. Therefore, staff is requesting that the Planning Commission review and consider the request to construct an additional traffic signal at Tamarisk Road. Further, approval of the sale of beer, wine, and liquor is appropriate, particularly to allow the proposed grocery store to meet customer demand.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development: Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

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

ALTERNATIVE(S)

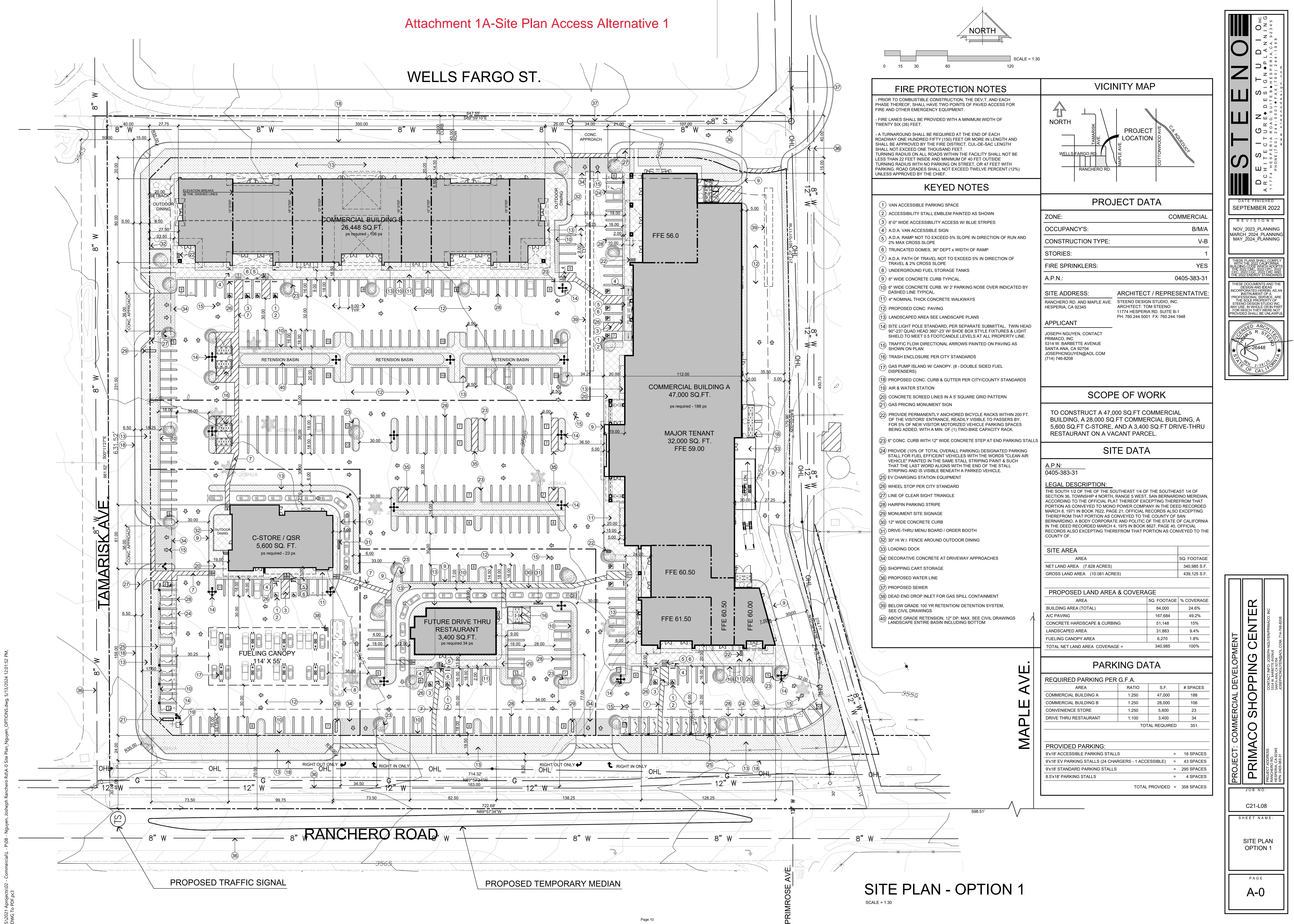
1. Provide alternative direction to staff.

ATTACHMENT(S)

- 1A. Site plan-Access Alternative 1 -Traffic Signal At Tamarisk Avenue

- 1B. Site Plan-Access Alternative 2-Traffic Signal at Topaz Avenue
- 1C. Site Plan-Access Alternative 3-Primary Access from Maple Avenue
- 2. General Plan / Zoning Map
- 3. Aerial
- 4A. Color Elevation-Building A
- 4B. Color Elevation-Building B
- 4C. Color Elevation-Gas Station/Convenience Store
- 5. Access Alternative 1- Traffic Signal At Tamarisk Avenue
- 6. Access Alternative 2- Traffic Signal at Topaz Avenue
- 7. Access Alternative 3- Primary Access from Maple Avenue
- 8. Mitigated Negative Declaration
- 9. Resolution No. PC-2024-09 with Conditions of Approval
- 10. Resolution No. PC-2024-10, with Conditions of Approval

Attachment 1A-Site Plan Access Alternative 1



SITE PLAN - OPTION 1

SCALE = 1:30

FIRE PROTECTION NOTES

- PRIOR TO COMBUSTIBLE CONSTRUCTION, THE DEV. T. AND EACH PHASE THEREOF, SHALL HAVE TWO POINTS OF PAVED ACCESS FOR FIRE AND OTHER EMERGENCY EQUIPMENT.

- FIRE LANES SHALL BE PROVIDED WITH A MINIMUM WIDTH OF TWENTY SIX (26) FEET.

- A TURNAROUND SHALL BE REQUIRED AT THE END OF EACH ROADWAY ONE HUNDRED FIFTY (150) FEET OR MORE IN LENGTH AND SHALL BE APPROVED BY THE FIRE DISTRICT. CUL-DE-SAC LENGTH SHALL NOT EXCEED ONE THOUSAND FEET.

TURNING RADIUS ON ALL ROADS WITHIN THE FACILITY SHALL NOT BE LESS THAN 22 FEET INSIDE AND MINIMUM OF 40 FEET OUTSIDE TURNING RADIUS WITH NO PARKING ON STREET, OR 47 FEET WITH PARKING. ROAD GRADES SHALL NOT EXCEED TWELVE PERCENT (12%) UNLESS APPROVED BY THE CHIEF.

VICINITY MAP

NORTH

PROJECT LOCATION

WELLS FARGO RD.

TAMARISK AVE.

MAPLE AVE.

COTTONWOOD AVE.

CA AQUEDUCT

RANCHERO RD.

KEYED NOTES

- 1 VAN ACCESSIBLE PARKING SPACE
- 2 ACCESSIBILITY STALL EMBLEM PAINTED AS SHOWN
- 3 8'-0" WIDE ACCESSIBILITY ACCESS W/ BLUE STRIPES
- 4 A.D.A. VAN ACCESSIBLE SIGN
- 5 A.D.A. RAMP NOT TO EXCEED 5% SLOPE IN DIRECTION OF RUN AND 2% MAX CROSS SLOPE
- 6 TRUNCATED DOMES, 36" DEPT X WIDTH OF RAMP
- 7 A.D.A. PATH OF TRAVEL NOT TO EXCEED 5% IN DIRECTION OF TRAVEL & 2% CROSS SLOPE
- 8 UNDERGROUND FUEL STORAGE TANKS
- 9 6" WIDE CONCRETE CURB TYPICAL
- 10 6" WIDE CONCRETE CURB W/ 2" PARKING NOSE OVER INDICATED BY DASHED LINE TYPICAL
- 11 4" NOMINAL THICK CONCRETE WALKWAYS
- 12 PROPOSED CONC. PAVING
- 13 LANDSCAPED AREA SEE LANDSCAPE PLANS
- 14 SITE LIGHT POLE STANDARD, PER SEPARATE SUBMITTAL. TWIN HEAD 90"-23" QUAD HEAD 360"-23" W/ SHOE BOX STYLE FIXTURES & LIGHT SHIELD TO MEET 0.5 FOOTCANDLE LEVELS AT ALL PROPERTY LINE.
- 15 TRAFFIC FLOW DIRECTIONAL ARROWS PAINTED ON PAVING AS SHOWN ON PLAN
- 16 TRASH ENCLOSURE PER CITY STANDARDS
- 17 GAS PUMP ISLAND W/ CANOPY, (8 - DOUBLE SIDED FUEL DISPENSERS)
- 18 PROPOSED CONC. CURB & GUTTER PER CITY/COUNTY STANDARDS
- 19 AIR & WATER STATION
- 20 CONCRETE SCREED LINES IN A 5' SQUARE GRID PATTERN
- 21 GAS PRICING MONUMENT SIGN
- 22 PROVIDE PERMANENTLY ANCHORED BICYCLE RACKS WITHIN 200 FT. OF THE VISITORS' ENTRANCE, READILY VISIBLE TO PASSERS BY. FOR 5% OF NEW VISITOR MOTORIZED VEHICLE PARKING SPACES BEING ADDED, WITH A MIN. OF (1) TWO-BIKE CAPACITY RACK.
- 23 6" CONC. CURB WITH 12" WIDE CONCRETE STEP AT END PARKING STALLS
- 24 PROVIDE (10% OF TOTAL OVERALL PARKING) DESIGNATED PARKING STALL FOR FUEL EFFICIENT VEHICLES WITH THE WORDS "CLEAN AIR VEHICLE" PAINTED IN THE SAME STALL STRIPING PAINT & SUCH THAT THE LAST WORD ALIGNS WITH THE END OF THE STALL STRIPING AND IS VISIBLE BENEATH A PARKED VEHICLE.
- 25 EV CHARGING STATION EQUIPMENT
- 26 WHEEL STOP PER CITY STANDARD
- 27 LINE OF CLEAR SIGHT TRIANGLE
- 28 HAIRPIN PARKING STRIPE
- 29 MONUMENT SITE SIGNAGE
- 30 12" WIDE CONCRETE CURB
- 31 DRIVE-THRU MENU BOARD / ORDER BOOTH
- 32 30" HI W.I. FENCE AROUND OUTDOOR DINING
- 33 LOADING DOCK
- 34 DECORATIVE CONCRETE AT DRIVEWAY APPROACHES
- 35 SHOPPING CART STORAGE
- 36 PROPOSED WATER LINE
- 37 PROPOSED SEWER
- 38 DEAD END DROP INLET FOR GAS SPILL CONTAINMENT
- 39 BELOW GRADE 100 YR RETENTION/ DETENTION SYSTEM, SEE CIVIL DRAWINGS
- 40 ABOVE GRADE RETENSION, 12" DP. MAX. SEE CIVIL DRAWINGS LANDSCAPE ENTIRE BASIN INCLUDING BOTTOM

PROJECT DATA

ZONE: COMMERCIAL

OCCUPANCY'S: B/M/A

CONSTRUCTION TYPE: V-B

STORIES: 1

FIRE SPRINKLERS: YES

A.P.N.: 0405-383-31

SITE ADDRESS: ARCHITECT / REPRESENTATIVE:
RANCHERO RD. AND MAPLE AVE.
HESPERIA, CA 92345
ARCHITECT: TOM STEENO
11774 HESPERIA RD. SUITE B-1
PH: 760.244.5001 FX: 760.244.1948

APPLICANT: JOSEPH NGUYEN, CONTACT
PRIMACO, INC.
5314 W. BARBETTE AVENUE
SANTA ANA, CA 92704
JOSEPH.NGUYEN@AOL.COM
(714) 746-8208

SCOPE OF WORK

TO CONSTRUCT A 47,000 SQ.FT COMMERCIAL BUILDING, A 28,000 SQ.FT COMMERCIAL BUILDING, A 5,600 SQ.FT C-STORE, AND A 3,400 SQ.FT DRIVE-THRU RESTAURANT ON A VACANT PARCEL.

SITE DATA

A.P.N.: 0405-383-31

LEGAL DESCRIPTION:
THE SOUTH 1/2 OF THE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO MONO POWER COMPANY IN THE DEED RECORDED MARCH 8, 1971 IN BOOK 7622, PAGE 21, OFFICIAL RECORDS ALSO EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO THE COUNTY OF SAN BERNARDINO, A BODY CORPORATE AND POLITIC OF THE STATE OF CALIFORNIA IN THE DEED RECORDED MARCH 4, 1975 IN BOOK 8827, PAGE 40, OFFICIAL RECORDS ALSO EXCEPTING THEREFROM THAT PORTION AS CONVEYED TO THE COUNTY OF.

SITE AREA	
AREA	SQ. FOOTAGE
NET LAND AREA (7.828 ACRES)	340,985 S.F.
GROSS LAND AREA (10.081 ACRES)	439,125 S.F.

PROPOSED LAND AREA & COVERAGE

AREA	SQ. FOOTAGE	% COVERAGE
BUILDING AREA (TOTAL)	84,000	24.6%
A/C PAVING	167,884	49.2%
CONCRETE HARDSCAPE & CURBING	51,148	15%
LANDSCAPED AREA	31,883	9.4%
FUELING CANOPY AREA	6,270	1.8%
TOTAL NET LAND AREA COVERAGE =	340,985	100%

PARKING DATA

REQUIRED PARKING PER G.F.A.

AREA	RATIO	S.F.	# SPACES
COMMERCIAL BUILDING A	1:250	47,000	188
COMMERCIAL BUILDING B	1:250	28,000	106
CONVENIENCE STORE	1:250	5,600	23
DRIVE THRU RESTAURANT	1:100	3,400	34
TOTAL REQUIRED			351

PROVIDED PARKING:

9'x18' ACCESSIBLE PARKING STALLS	=	16 SPACES
9'x18' EV PARKING STALLS (24 CHARGERS - 1 ACCESSIBLE)	=	43 SPACES
9'x18' STANDARD PARKING STALLS	=	295 SPACES
8.5'x18' PARKING STALLS	=	4 SPACES
TOTAL PROVIDED	=	358 SPACES

STEENO

DESIGN STUDIO, INC.

ARCHITECTS & ENGINEERS

11774 HESPERIA ROAD, SUITE B-1, HESPERIA, CA 92345

PHONE (760) 244-5001 FAX (760) 244-1948

WWW.STEENODSIGNSTUDIO.COM

DATE FINISHED: SEPTEMBER 2022

REVISIONS

NOV. 2023, PLANNING

MARCH 2024, PLANNING

MAY 2024, PLANNING

THESE PLANS SHALL COMPLY WITH THE CITY OF HESPERIA BUILDING DEPARTMENT ORDINANCES AND THE CALIFORNIA BUILDING CODE, AND THE CITY OF HESPERIA ENGINEERING DEPARTMENT ORDINANCES AND THE CALIFORNIA ENGINEERING BOARD RULES AND REGULATIONS.

THESE DOCUMENTS AND THE DESIGN AND IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE SOLE PROPERTY OF STEENO DESIGN STUDIO, INC. ANY USE, IN WHOLE OR IN PART, FOR WHICH THEY WERE NOT PROVIDED SHALL BE UNLAWFUL.

REGISTERED ARCHITECT

STATE OF CALIFORNIA

NO. 26448

EXPIRATION DATE 2/28/25

PROJECT: COMMERCIAL DEVELOPMENT

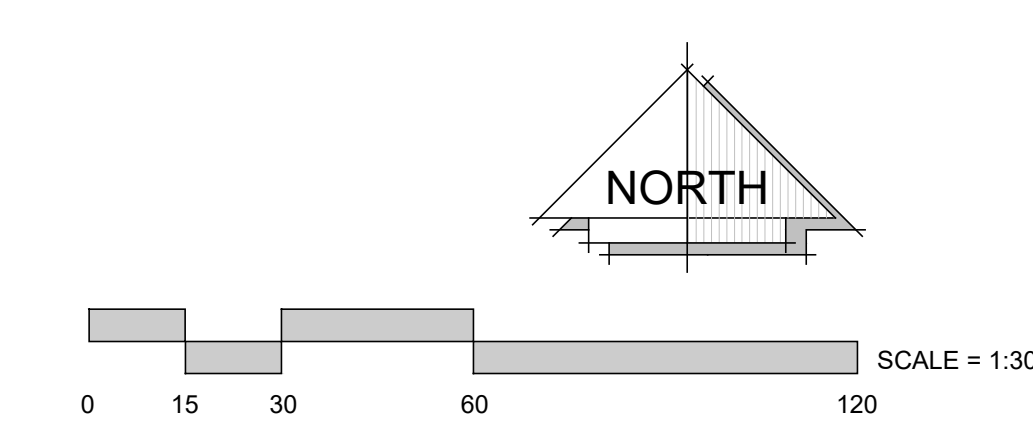
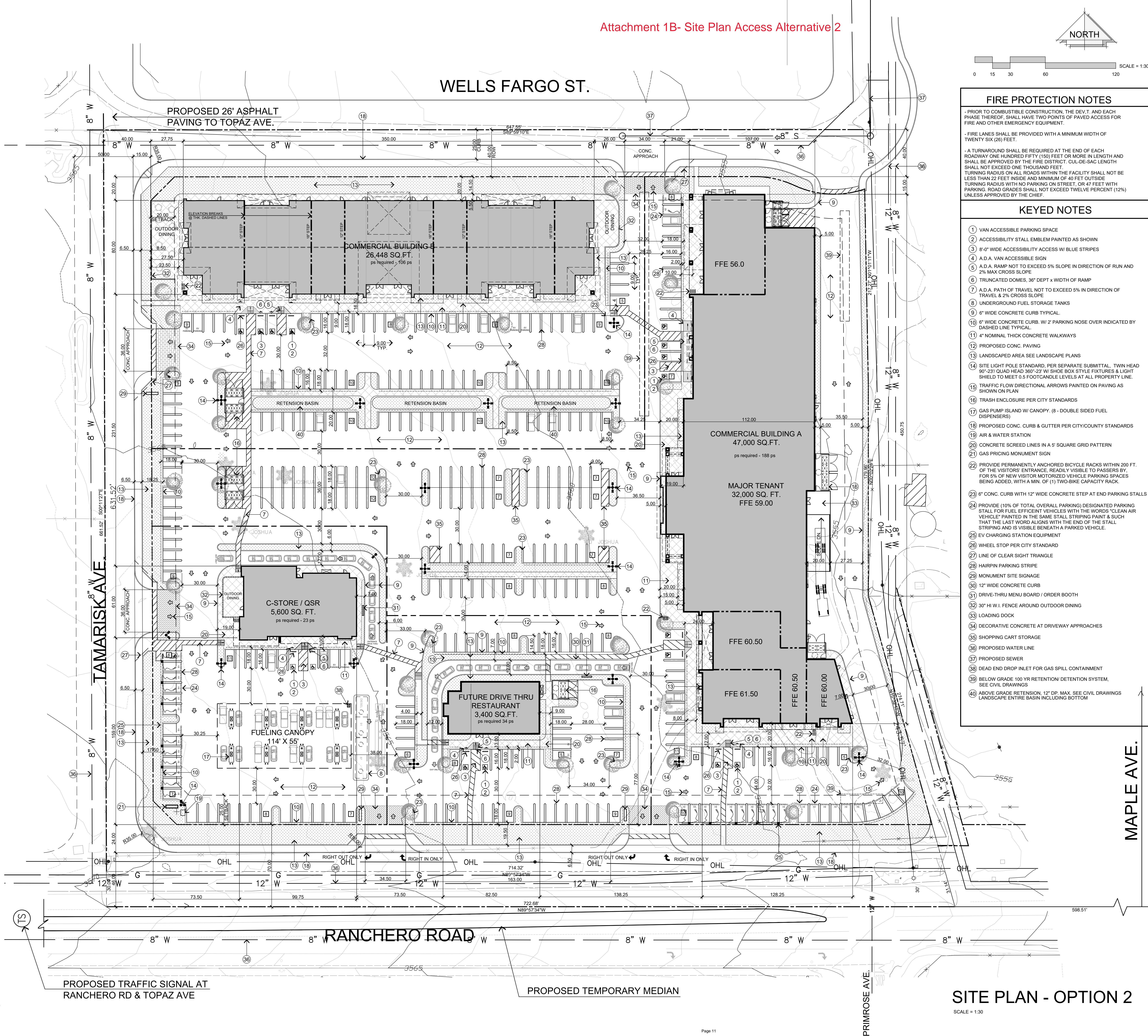
PRIMACO SHOPPING CENTER

CONTACT INFO: JOSEPH NGUYEN/PRIMACO, INC.
5314 W. BARBETTE AVENUE
SANTA ANA, CA 92704
APR 0405-383-31

JOB NO. C21-L08

SHEET NAME: SITE PLAN OPTION 1

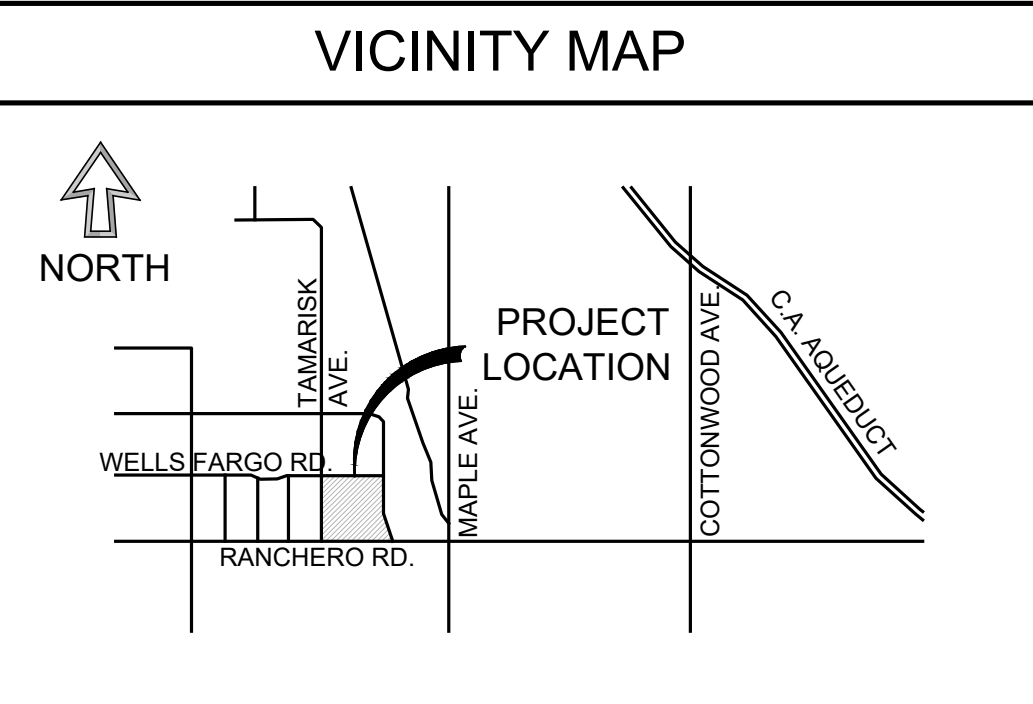
PAGE A-0



FIRE PROTECTION NOTES

- PRIOR TO COMBUSTIBLE CONSTRUCTION, THE DEV. T. AND EACH PHASE THEREOF, SHALL HAVE TWO POINTS OF PAVED ACCESS FOR FIRE AND OTHER EMERGENCY EQUIPMENT.
- FIRE LANES SHALL BE PROVIDED WITH A MINIMUM WIDTH OF TWENTY SIX (26) FEET.
- A TURNAROUND SHALL BE REQUIRED AT THE END OF EACH ROADWAY ONE HUNDRED FIFTY (150) FEET OR MORE IN LENGTH AND SHALL BE APPROVED BY THE FIRE DISTRICT. CUL-DE-SAC LENGTH SHALL NOT EXCEED ONE THOUSAND FEET.
- TURNING RADIUS ON ALL ROADS WITHIN THE FACILITY SHALL NOT BE LESS THAN 22 FEET INSIDE AND MINIMUM OF 40 FEET OUTSIDE TURNING RADIUS WITH NO PARKING ON STREET, OR 47 FEET WITH PARKING. ROAD GRADES SHALL NOT EXCEED TWELVE PERCENT (12%) UNLESS APPROVED BY THE CHIEF.

- KEYED NOTES**
- 1 VAN ACCESSIBLE PARKING SPACE
 - 2 ACCESSIBILITY STALL EMBLEM PAINTED AS SHOWN
 - 3 8'-0" WIDE ACCESSIBILITY ACCESS W/ BLUE STRIPES
 - 4 A.D.A. VAN ACCESSIBLE SIGN
 - 5 A.D.A. RAMP NOT TO EXCEED 5% SLOPE IN DIRECTION OF RUN AND 2% MAX CROSS SLOPE
 - 6 TRUNCATED DOMES, 36" DEPT X WIDTH OF RAMP
 - 7 A.D.A. PATH OF TRAVEL NOT TO EXCEED 5% IN DIRECTION OF TRAVEL & 2% CROSS SLOPE
 - 8 UNDERGROUND FUEL STORAGE TANKS
 - 9 6" WIDE CONCRETE CURB TYPICAL
 - 10 6" WIDE CONCRETE CURB W/ 2" PARKING NOSE OVER INDICATED BY DASHED LINE TYPICAL
 - 11 4" NOMINAL THICK CONCRETE WALKWAYS
 - 12 PROPOSED CONC. PAVING
 - 13 LANDSCAPED AREA SEE LANDSCAPE PLANS
 - 14 SITE LIGHT POLE STANDARD, PER SEPARATE SUBMITTAL. TWIN HEAD 8'0" QUAD HEAD 360°-23" W/ SHOE BOX STYLE FIXTURES & LIGHT SHIELD TO MEET 0.5 FOOTCANDLE LEVELS AT ALL PROPERTY LINE.
 - 15 TRAFFIC FLOW DIRECTIONAL ARROWS PAINTED ON PAVING AS SHOWN ON PLAN
 - 16 TRASH ENCLOSURE PER CITY STANDARDS
 - 17 GAS PUMP ISLAND W/ CANOPY, (8 - DOUBLE SIDED FUEL DISPENSERS)
 - 18 PROPOSED CONC. CURB & GUTTER PER CITY/COUNTY STANDARDS
 - 19 AIR & WATER STATION
 - 20 CONCRETE SCREED LINES IN A 5' SQUARE GRID PATTERN
 - 21 GAS PRICING MONUMENT SIGN
 - 22 PROVIDE PERMANENTLY ANCHORED BICYCLE RACKS WITHIN 200 FT. OF THE VISITORS' ENTRANCE, READILY VISIBLE TO PASSERS BY. FOR 5% OF NEW VISITOR MOTORIZED VEHICLE PARKING SPACES BEING ADDED, WITH A MIN. OF (1) TWO-BIKE CAPACITY RACK.
 - 23 6" CONC. CURB WITH 12" WIDE CONCRETE STEP AT END PARKING STALLS
 - 24 PROVIDE (10% OF TOTAL OVERALL PARKING) DESIGNATED PARKING STALL FOR FUEL EFFICIENT VEHICLES WITH THE WORDS "CLEAN AIR VEHICLE" PAINTED IN THE SAME STALL STRIPING PAINT & SUCH THAT THE LAST WORD ALIGNS WITH THE END OF THE STALL STRIPING AND IS VISIBLE BENEATH A PARKED VEHICLE.
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 - 40 ABOVE GRADE RETENSION, 12" DP MAX. SEE CIVIL DRAWINGS LANDSCAPE ENTIRE BASIN INCLUDING BOTTOM



PROJECT DATA

ZONE:	COMMERCIAL
OCCUPANCY'S:	B/M/A
CONSTRUCTION TYPE:	V-B
STORIES:	1
FIRE SPRINKLERS:	YES
A.P.N.:	0405-383-31
SITE ADDRESS:	ARCHITECT / REPRESENTATIVE: RANCHERO RD. AND MAPLE AVE. HESPERIA, CA 92345
APPLICANT:	ARCHITECT: TOM STEENO 11774 HESPERIA RD. SUITE B-1 PH: 760.244.5001 FX: 760.244.1948

SCOPE OF WORK

TO CONSTRUCT A 47,000 SQ.FT COMMERCIAL BUILDING, A 28,000 SQ.FT COMMERCIAL BUILDING, A 5,600 SQ.FT C-STORE, AND A 3,400 SQ.FT DRIVE-THRU RESTAURANT ON A VACANT PARCEL.

SITE DATA

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DRIVE THRU RESTAURANT	1:100	3,400	34	
TOTAL REQUIRED				351
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9'x18' EV PARKING STALLS (24 CHARGERS - 1 ACCESSIBLE)			=	43 SPACES
9'x18' STANDARD PARKING STALLS			=	295 SPACES
8.5'x18' PARKING STALLS			=	4 SPACES
TOTAL PROVIDED				= 358 SPACES

STEENO DESIGN STUDIO, INC.
ARCHITECTS & ENGINEERS
11774 HESPERIA RD. SUITE B-1
HESPERIA, CA 92345
PHONE (760) 244-5001 FAX (760) 244-1948
WWW.STEENODESIGN.COM

DATE FINISHED: SEPTEMBER 2022

REVISIONS
NOV. 2023, PLANNING
MARCH 2024, PLANNING
MAY 2024, PLANNING

THESE PLANS SHALL COMPLY WITH THE CITY OF HESPERIA BUILDING DEPARTMENT ORDINANCES AND THE CALIFORNIA BUILDING CODE, AND THE DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF HESPERIA DESIGN STANDARDS.

THESE DOCUMENTS AND THE DESIGN AND IDEAS INCORPORATED HEREIN ARE THE SOLE PROPERTY OF STEENO DESIGN STUDIO, INC. ANY USE, IN WHOLE OR IN PART, FOR WHICH THEY WERE NOT PROVIDED SHALL BE UNLAWFUL.

REGISTERED ARCHITECT
TOM STEENO
26448
STATE OF CALIFORNIA
2/28/25

PROJECT: COMMERCIAL DEVELOPMENT
PRIMACO SHOPPING CENTER

CONTACT INFO: JOSEPH NGUYEN/PRIMACO, INC.
RANCHERO RD. AND MAPLE AVE.
HESPERIA, CA 92345
APR 0405-383-31

JOB NO.: C21-L08

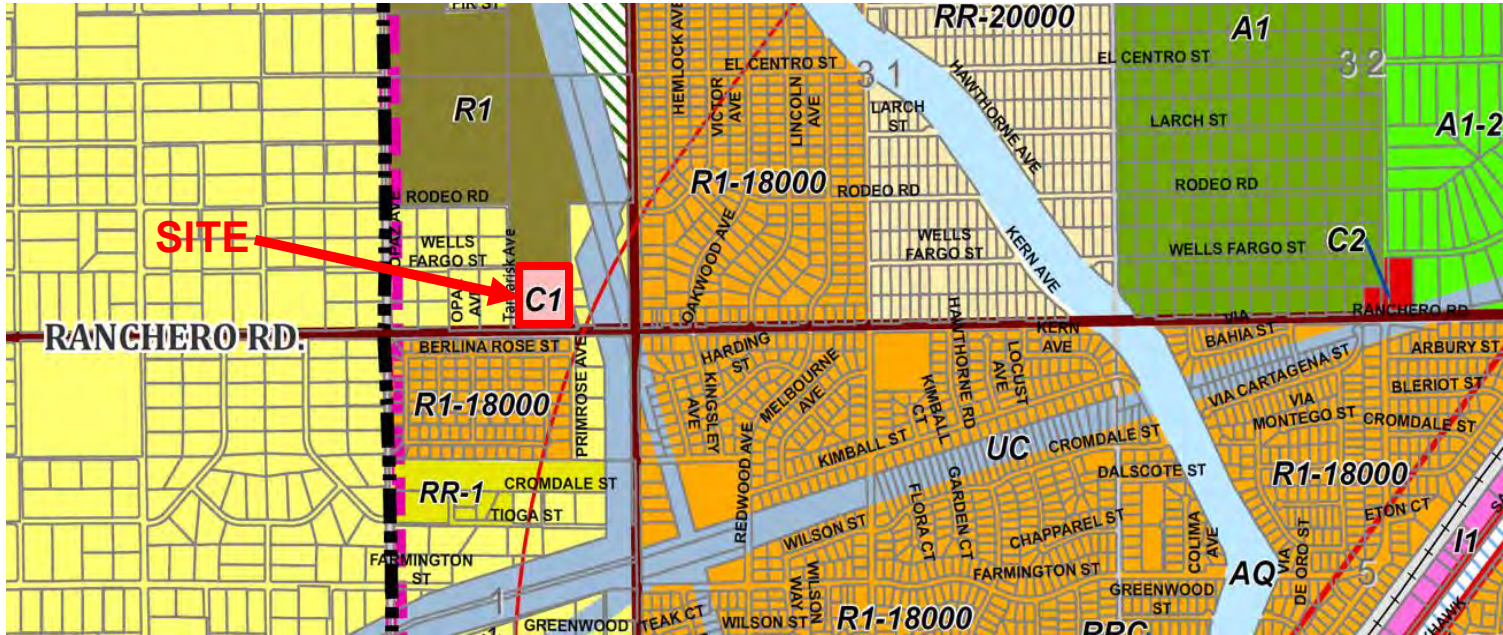
SHEET NAME: SITE PLAN OPTION 2

PAGE: A-0



 STEENOR ARCHITECTURAL DESIGN STUDIO INC. 1170 SHERMAN STREET, SUITE 200 BERKELEY, CA 94704-1948 PHONE (760) 244-5001 FAX (760) 244-1948 WWW.STEENORDSGROUP.COM	
DATE FINISHED: SEPTEMBER 2022	
REVISIONS:	
NOV_2023_PLANNING	
MARCH_2024_PLANNING	
MAY_2024_PLANNING	
<p>THESE PLANS SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING CODE WITH ALL AMENDMENTS THROUGH JANUARY 1, 2023 AND THE 2022 CALIFORNIA ELECTRICAL CODE AND THE 2022 CALIFORNIA MECHANICAL CODE.</p> <p>THESE DOCUMENTS AND THE DESIGN AND REVISIONS THEREOF ARE THE SOLE PROPERTY OF STEENOR DESIGN STUDIO INC. ANY USE IN WHOLE OR IN PART FOR WHICH THEY WERE NOT PROVIDED SHALL BE UNLAWFUL.</p>	
PROJECT: COMMERCIAL DEVELOPMENT PRIMACO SHOPPING CENTER CONTACT INFO: JOSEPH.NYEH@PRIMACO.INC PROJECT ADDRESS: 10000 JENSEN BLVD., SUITE 100 HESPERIA, CA 92344 JOSEPHNYEH@GMAIL.COM / 714-746-6508 APN: 0605-003-31	
JOB NO.:	C21-L08
SHEET NAME:	SITE PLAN OPTION 3
PAGE:	A-0

ATTACHMENT 2



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:
CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA



GENERAL PLAN AND ZONING MAP

ATTACHMENT 3



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:
CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA



AERIAL

ATTACHMENT 4A



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:

CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA

COLOR ELEVATION-BUILDING A

ATTACHMENT 4B



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:

CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA

COLOR ELEVATION-BUILDING B

ATTACHMENT 4C



APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:

CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA

COLOR ELEVATION-CONVENIENCE STORE

ATTACHMENT 5



Diagram illustrating the primary movements for entering and exiting the project site under access Alternative 1.

APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:

CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA

N
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ACCESS ALTERNATIVE 1-TRAFFIC SIGNAL AT TAMARISK AVE

ATTACHMENT 6

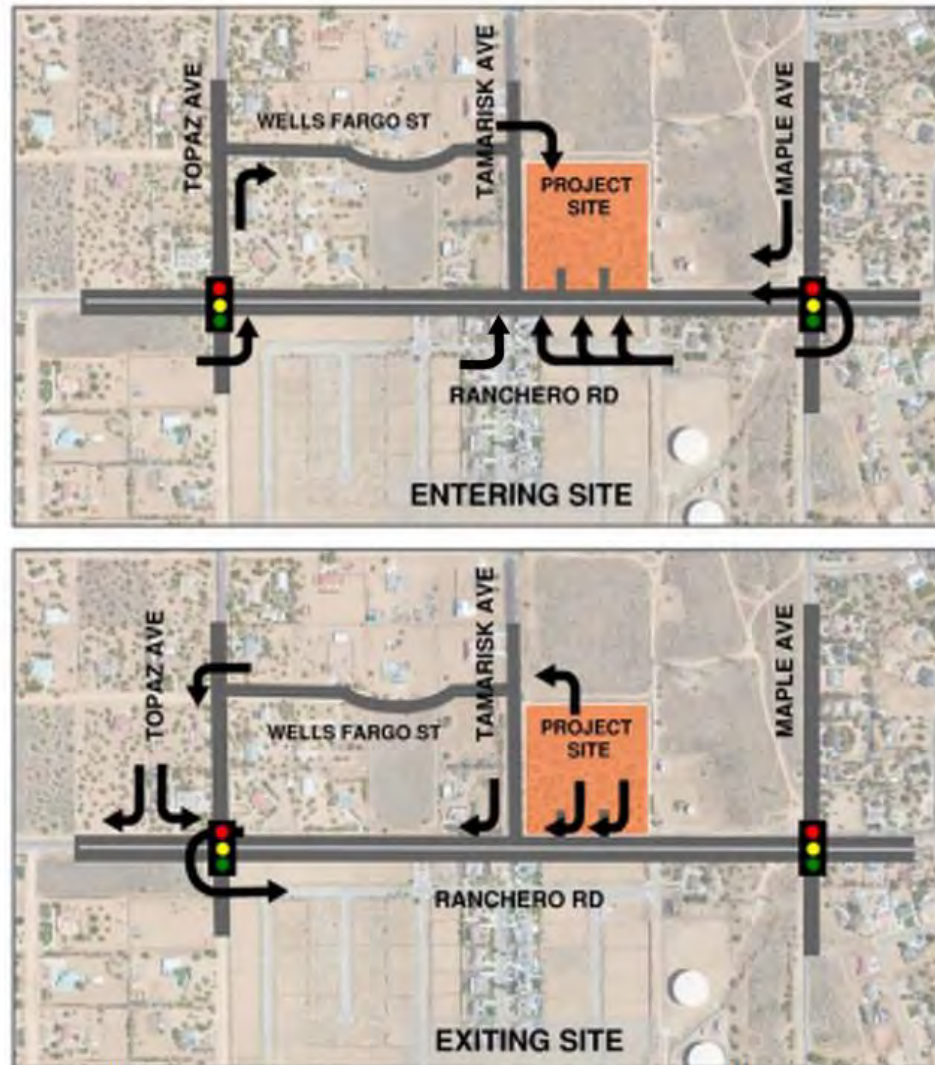


Diagram illustrating the primary movements for entering and exiting the project site for access Alternative 2.

APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND
TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:

CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA

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ACCESS ALTERNATIVE 2-TRAFFIC SIGNAL AT TOPAZ AVE

ATTACHMENT 7

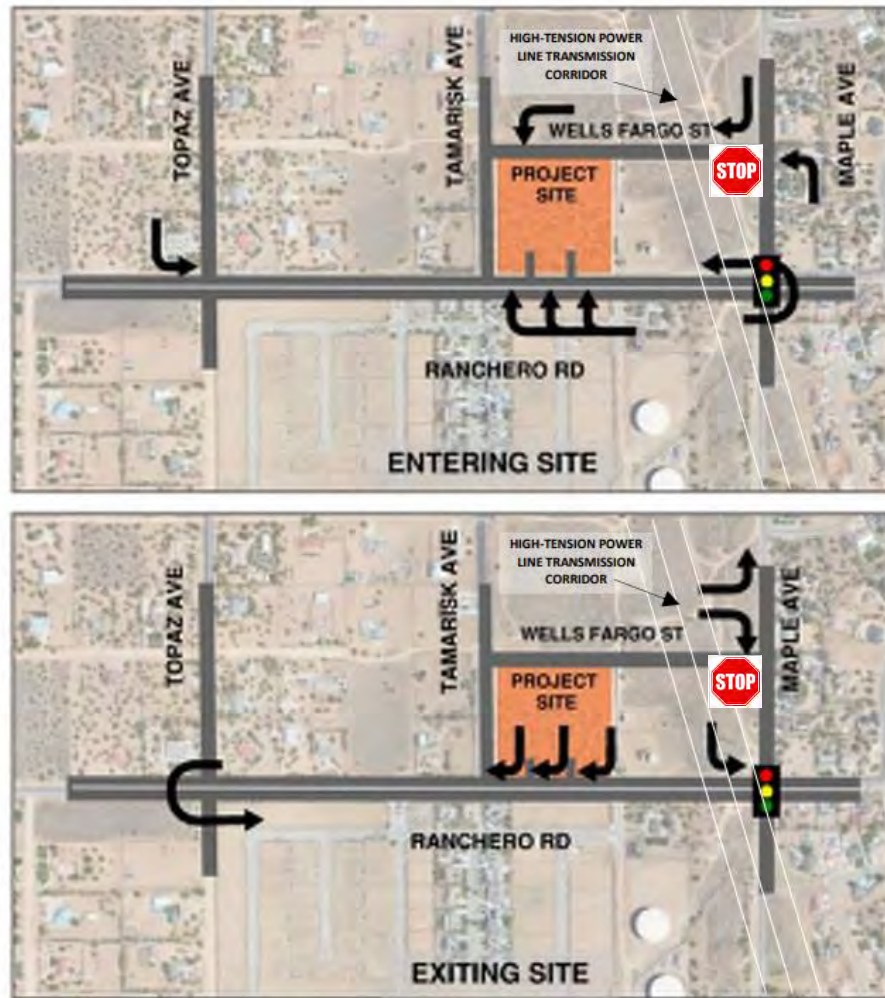


Diagram illustrating the primary movements for entering and exiting the project site under access Alternative 3.

APPLICANT(S):
PRIMACO, INC.

FILE NO(S):
CUP22-00009 & TPM22-00009

LOCATION:
AT THE NORTHEAST CORNER OF RANCHERO ROAD AND TAMARISK AVENUE

APNs:
0405-383-31

PROPOSAL:

CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00009 TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE PROVISIONS OF CEQA

N
↑

ACCESS ALTERNATIVE 3-PRIMARY ACCESS FROM MAPLE AVE

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

PRIMACO SHOPPING CENTER CUP 22-00009 RANCHERO RD. & TAMARISK AVE. HESPERIA, CALIFORNIA 92344



LEAD AGENCY:

CITY OF HESPERIA
PLANNING DIVISION
9700 SEVENTH AVENUE
HESPERIA, CALIFORNIA 92345

REPORT PREPARED BY:

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 S. HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745

APRIL 22, 2024

HESP 003

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Primaco Shopping Center

PROJECT APPLICANT: Joseph Nguyen, Primaco Inc., 5314 W. Barbette Avenue, Santa Ana, California 92704.

PROJECT LOCATION: The proposed project site is located north of Ranchero Road and west of Maple Avenue in the central western portion the City of Hesperia, California. The project site's latitude and longitude are 34.383841; -117.349608. The site's Accessor Parcel Number (APN) is 0405-383-31 with a zoning designation of Convenience Commercial (C1).

CITY AND COUNTY: City of Hesperia, San Bernardino County.

PROJECT: This Initial Study analyzes the environmental impacts associated with the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. There will be 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces for the convenience store, and 34 parking spaces for the drive-thru restaurant. A total of 351 parking spaces would be provided. Landscaped areas will total 31,883 square feet. Vehicular access would be provided by a total of five driveway connections. Primary access to the project site would be provided by two 30-foot wide driveway connections consisting of a two lane ingress and egress with the north side of Ranchero Road. The two driveway connections with Ranchero Road would be "right turn in" and "right turn out." A third driveway connection consisting of two lanes with a total width of 34-feet, would be located in the site's northeast portion connecting with the south side of Wello Fargo Street. A fourth 36-foot wide driveway would connect with the east side Tamarisk Avenue would be provided. Truck access to the loading docks located in the eastern portion of the site would be provided in the site's northeastern corner.

FINDINGS: The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts. For this reason, the City of Hesperia determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project.

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact with Mitigation: Possible significant adverse impacts have been identified or anticipated and mitigation measures are required as a condition of the project's approval to reduce these impacts to a level below significance.

CITY OF HESPERIA • INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
PRIMACO SHOPPING CENTER • CUP 22-00009 • RANCHERO RD. & TAMARISK AVE. (APN 0405-383-31)

Potentially Significant Impact: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in the attached Initial Study.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <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 checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation & Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	The proposed project <i>COULD NOT</i> have a significant effect on the environment, and a <i>NEGATIVE DECLARATION</i> shall be prepared.
<input checked="" type="checkbox"/>	Although the proposed project could have a significant effect on the environment, there shall 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 <i>MITIGATED NEGATIVE DECLARATION</i> shall be prepared.
<input type="checkbox"/>	The proposed project <i>MAY</i> have a significant effect on the environment, and an <i>ENVIRONMENTAL IMPACT REPORT</i> is required.
<input type="checkbox"/>	The proposed project <i>MAY</i> 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 attached sheets. An <i>ENVIRONMENTAL IMPACT REPORT</i> is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an <i>earlier EIR or NEGATIVE DECLARATION</i> pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that <i>earlier EIR or NEGATIVE DECLARATION</i> , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____

Date _____

The project is also described in greater detail in the attached Initial Study.



TABLE OF CONTENTS

SECTION 1. INTRODUCTION.....	7
1.1 OVERVIEW OF THE PROPOSED PROJECT.....	7
1.3 INITIAL STUDY’S ORGANIZATION.....	8
SECTION 2. PROJECT DESCRIPTION.....	9
2.1 PROJECT LOCATION	9
2.2 ENVIRONMENTAL SETTING	9
2.3 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT	14
2.4 OPERATIONAL CHARACTERISTICS OF THE PROPOSED PROJECT	15
2.5 CONSTRUCTION CHARACTERISTICS	15
2.6 DISCRETIONARY ACTIONS.....	23
SECTION 3. ENVIRONMENTAL ANALYSIS	25
3.1 AESTHETICS	26
3.2 AGRICULTURE & FORESTRY RESOURCES.....	29
3.3 AIR QUALITY	32
3.4 BIOLOGICAL RESOURCES	38
3.5 CULTURAL RESOURCES.....	43
3.6 ENERGY.....	48
3.7 GEOLOGY & SOILS.....	50
3.8 GREENHOUSE GAS EMISSIONS	56
3.9 HAZARDS & HAZARDOUS MATERIALS	59
3.10 HYDROLOGY & WATER QUALITY.....	62
3.11 LAND USE & PLANNING.....	67
3.12 MINERAL RESOURCES.....	71
3.13 NOISE	73
3.14 POPULATION & HOUSING.....	78
3.15 PUBLIC SERVICES.....	80
3.16 RECREATION.....	83
3.17 TRANSPORTATION	85
3.18 TRIBAL CULTURAL RESOURCES.....	89
3.19 UTILITIES AND SERVICE SYSTEMS	92
3.20 WILDFIRE	95
3.21 MANDATORY FINDINGS OF SIGNIFICANCE.....	98
SECTION 4. CONCLUSIONS	99
4.1 FINDINGS.....	99
4.2 MITIGATION MONITORING	99
SECTION 5. REFERENCES.....	107
5.1 PREPARERS	107
5.2 REFERENCES	107

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SECTION 1. INTRODUCTION

1.1 OVERVIEW OF THE PROPOSED PROJECT

This Initial Study analyzes the environmental impacts associated with the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. A total of 351 parking spaces would be provided. Landscaped areas would total 31,883 square feet. Vehicular access would be provided by a total of five driveway connections.¹

1.2 PURPOSE OF THIS INITIAL STUDY

The City of Hesperia is the designated *Lead Agency*, and as such, the City will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.² As part of the proposed project's environmental review, the City of Hesperia has authorized the preparation of this Initial Study.³ The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of Hesperia with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR), Mitigated Negative Declaration, or Negative Declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

¹ Ibid.

² California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

³ Ibid. (CEQA Guidelines) §15050.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of Hesperia, in its capacity as the Lead Agency. The City determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.⁴ This Initial Study and the *Notice of Intent to Adopt (NOIA) a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. This Initial Study and Mitigated Negative Declaration will be forwarded to the State of California Office of Planning Research (the State Clearinghouse). A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.⁵ Questions and/or comments should be submitted to the following:

Mr. Ryan Leonard, AICP, Senior Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

1.3 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- Section 1 *Introduction* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- Section 2 *Project Description* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- Section 3 *Environmental Analysis* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- Section 4 *Conclusions* summarizes the findings of the analysis.
- Section 5 *References* identifies the sources used in the preparation of this Initial Study.



⁴ California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

⁵ California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109(b).* 2000.

SECTION 2. PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed project site is located in the central western portion of the City of Hesperia. The City of Hesperia is located in southwestern portion of San Bernardino County in the southwestern Mojave Desert physiographic subregion. This physiographic subregion is more commonly referred to as either the “Victor Valley” or the “High Desert” due to its approximate elevation of 2,900 feet above sea level. The Victor Valley is separated from the more populated areas of coastal Southern California by the San Bernardino and San Gabriel mountains.

The City of Hesperia is bounded on the north by Victorville and Apple Valley, unincorporated San Bernardino County (Oro Grande); on the east by Apple Valley and unincorporated San Bernardino County (Bell Mountain); the south by the City of Hesperia and unincorporated San Bernardino County (Oak Hills); and on the west by unincorporated San Bernardino County (Baldy Mesa). Regional access to the City of Hesperia is provided by three area highways: the Mojave Freeway (Interstate 15), extending in a southwest to northeast orientation through the center of the City; U.S. Highway 395, traversing the western portion of the City in a northwest to southeast orientation; and Palmdale Road (State Route 18), which traverses the southern portion of the City in an east to west orientation. The location of Hesperia, in a regional context, is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2.

The proposed project site is located to the north of Ranchero Road near the corner of Maple Avenue to the west in the central western portion of the City of Hesperia, California. The project site is located on the northwest of the intersection of Ranchero Road and Primrose Avenue (Township 4 North, Range 5 West, Section 336, USGS Hesperia, California Quadrangle, 1956). The project site’s assessor’s parcel number (APN) is 0405-383-31. The project site’s latitude and longitude are 34.383841; -117.349608. A local vicinity map is provided in Exhibit 2-3. An aerial photograph of the site and the surrounding area is provided in Exhibit 2-4.

2.2 ENVIRONMENTAL SETTING

The proposed project site is located on a vacant, 10.8-acre parcel. Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as Residential (R1).
- *South of the project site:* Directly across Ranchero Road to the south is vacant land with residential uses to the southeast and southwest. The area directly south and to the southwest is zoned as Residential (R1-18000) with Residential (RR-2.5) land usage to the southeast.
- *East of the project site:* Abutting the project site to the east is vacant Residential (RR-2.5) land usage with a water tank and utility building on Utility Corridor (UC) dedicated land along Maple Avenue.
- *West of the project site:* Residential usage and vacant land abuts the project site to the west. This area is zoned as Residential (RR-2.5).

An aerial photograph of the project site and the surrounding area is provided in Exhibit 2-4.

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

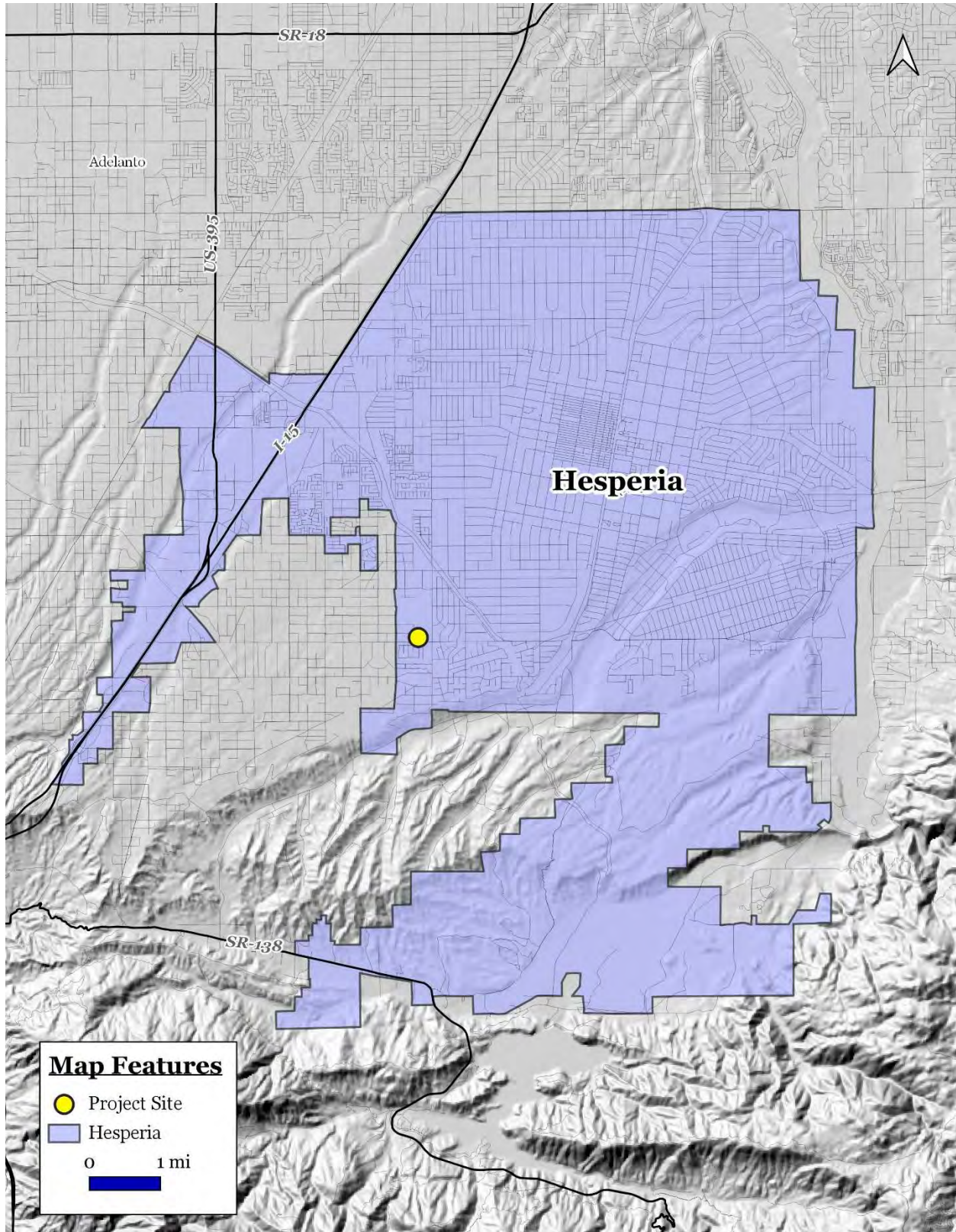


EXHIBIT 2-2 CITYWIDE MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



EXHIBIT 2-3 LOCAL MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING



EXHIBIT 2-4 AERIAL IMAGE OF PROJECT SITE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

2.3 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT

This Initial Study analyzes the environmental impacts associated with the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The key physical elements of the proposed project are outlined below. A copy of the site plan is illustrated in Exhibit 2-5.

- *Shopping Center.* The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces referred to as Building A; a second commercial building with 15 tenant spaces that include two restaurants, referred to as Building B; a fast-food restaurant with drive-through window; and a convenience market/gas station with 16 vehicle fueling positions. The total floor area of the new shopping center would be 84,000 square feet. The total lot coverage of these buildings would be 24.6%.⁶
- *Building A.* The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. There will be 188 parking spaces for Building A. The floor area ratio of this building would be 1:250 and the building would consist of a single level.⁷
- *Building B.* The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. There will be 106 parking spaces for Building B. The floor area ratio of this building would be 1:250 and the building would consist of a single level.⁸
- *Convenience Store/Quick Serve Restaurant (QSR).* A convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fueling dispensing area, with 16 vehicle fueling positions, would be located next to and south of the convenience store. There will be 23 parking spaces for the convenience store. The floor area ratio of this building would be 1:100 and the building would consist of a single level.⁹
- *Fast-Food Drive Thru Restaurant.* A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. There will be 34 parking spaces for the drive-thru restaurant. The floor area ratio of this building would be 1:250 and the building would consist of a single level.¹⁰
- *Landscaping.* Landscaped areas will total 31,883 square feet covering 9.4% of the land area. These landscaped areas will surround the project site, be distributed throughout the parking lots and will surround the Convenience Store/QSR and the drive thru restaurant.

⁶ Primaco Shopping Center. Site Plan A-o. September 2022.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

- *Parking.* There will be a requirement for 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces for the convenience store, and 34 parking spaces for the drive-thru restaurant. A total of 351 parking spaces would be required for this project.¹¹
- *Access and Circulation.* Vehicular access would be provided by a total of five driveway connections. Primary access to the project site would be provided by two 30-foot wide driveway connections consisting of a two lane ingress and egress with the north side of Ranchero Road. The two driveway connections with Ranchero Road would be “right turn in” and “right turn exit.” A third driveway connection consisting of two lanes with a total width of 34-feet would be located in the site’s northeast portion connecting with the south side of Wello Fargo Street. A fourth 36-foot wide driveway would connect with the east side Tamarisk Avenue. Truck access to the loading docks located in the eastern portion of the site would be provided in the site’s northeastern corner.¹²

The proposed project’s site plan is illustrated in Exhibit 2-5. The building floor plans are shown in Exhibits 2-6 through 2-8. Finally, the building elevations are shown in Exhibits 2-9 through 2-11.

2.4 OPERATIONAL CHARACTERISTICS OF THE PROPOSED PROJECT

The proposed project is anticipated to employ 80 to 100 individuals onsite at any given time. The hours of operation for the proposed project would vary by tenant use. Building A will house ten tenants within its ten units. Building B will have fifteen units all with varying hours of operation.

2.5 CONSTRUCTION CHARACTERISTICS

The construction for the current proposed project is assumed to commence in August 2022 and would take approximately fourteen months to complete.¹³ The key construction phases are outlined in the paragraphs that follow.

- *Grading and Site Preparation Phase.* The project site would be graded and readied for the construction. Construction equipment that would be used onsite during this phase would include graders, dump trucks, and water trucks. This phase would require three months to complete. During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require one month to complete.
- *Building Construction Phase.* The new building would be erected during this phase. Construction equipment that would be used onsite during this phase would include a fork lifts, trucks, back hoes, front loaders, and compressors/generators. This phase would take approximately ten months to complete. The new structures would be transported and assembled on the project site.
- *Paving, Landscaping, and Finishing Phase* The site will be paved and landscaping will be installed during this phase and the improvements will be painted. Construction equipment that would be used onsite during this phase would include a fork lifts, trucks, back hoes, front loaders, and cement mixers, pavers, rollers, compressors/generators. This phase will take approximately three months to complete.

¹¹ Primaco Shopping Center. Site Plan A-o. September 2022.

¹² Ibid.

¹³ Ibid.

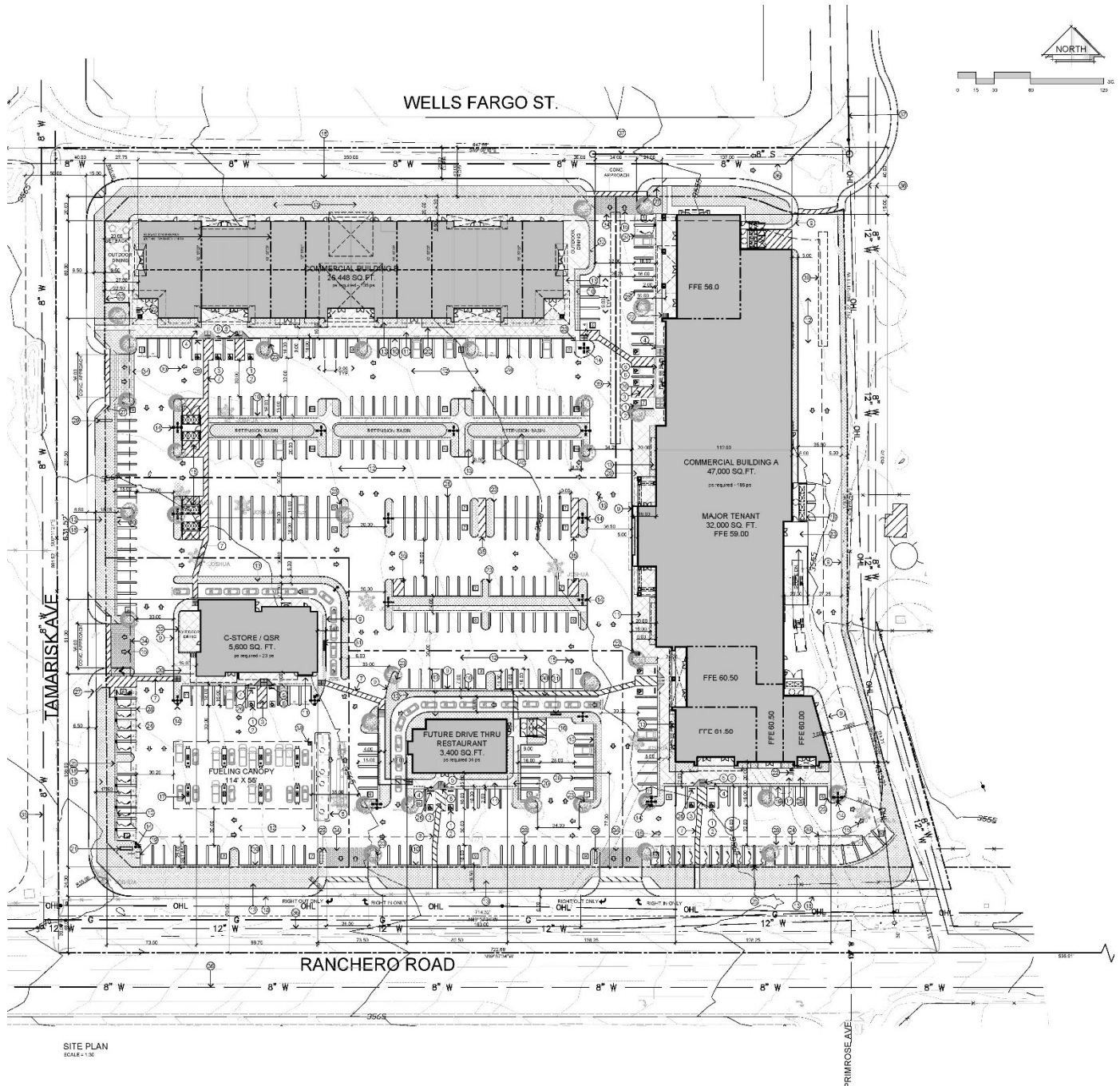


EXHIBIT 2-5 SITE PLAN OF PROJECT SITE
SOURCE: STEENO DESIGN STUDIO INC.

CITY OF HESPERIA • INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
PRIMACO SHOPPING CENTER • CUP 22-00009 • RANCHERO RD. & TAMARISK AVE. (APN 0405-383-31)

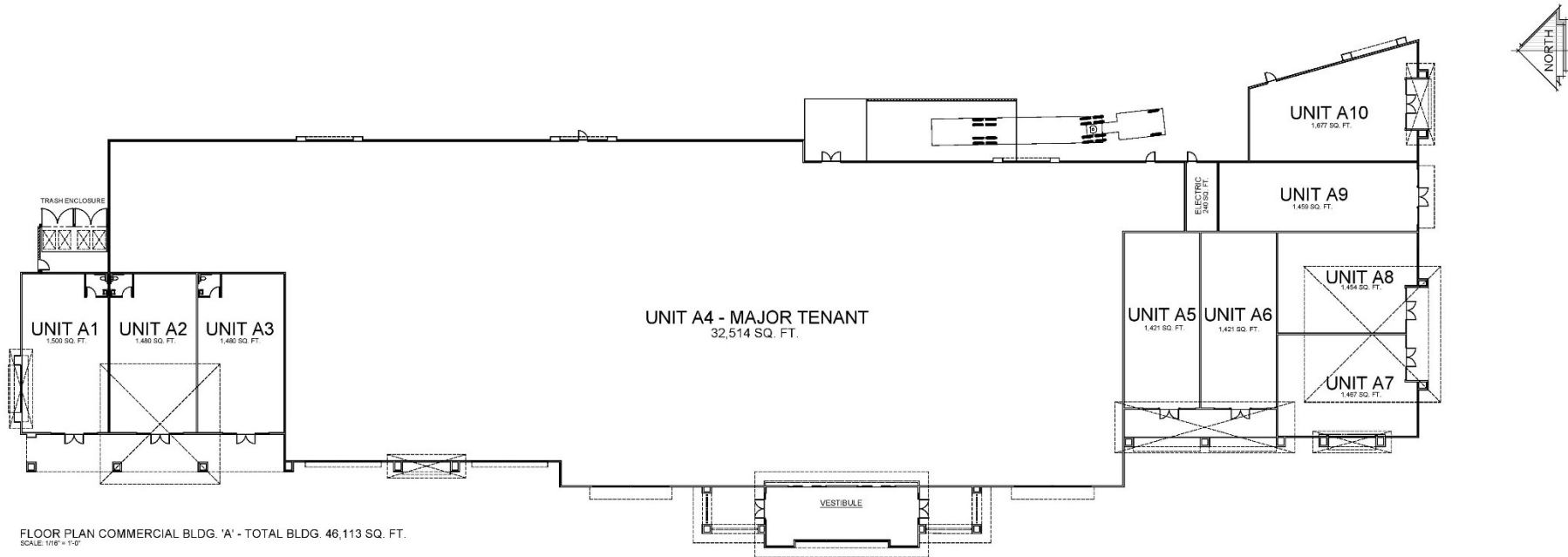
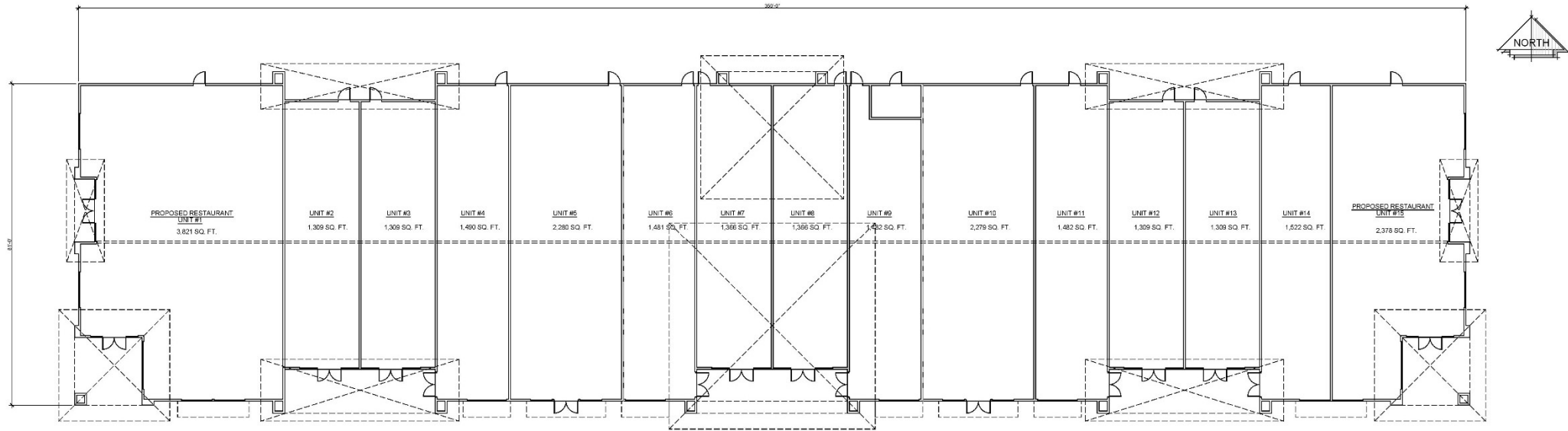


EXHIBIT 2-6 BUILDING A FLOOR PLAN
SOURCE: STEENO DESIGN STUDIO INC.

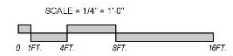
CITY OF HESPERIA • INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
PRIMACO SHOPPING CENTER • CUP 22-00009 • RANCHERO RD. & TAMARISK AVE. (APN 0405-383-31)



FLOOR PLAN
COMMERCIAL BLDG. 'B' - 26,448 SQ. FT.
SCALE: 3/32" = 1'-0"

EXHIBIT 2-7 BUILDING B FLOOR PLAN

SOURCE: STEENO DESIGN STUDIO INC.



PAGE 19

CITY OF HESPERIA • INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
PRIMACO SHOPPING CENTER • CUP 22-00009 • RANCHERO RD. & TAMARISK AVE. (APN 0405-383-31)

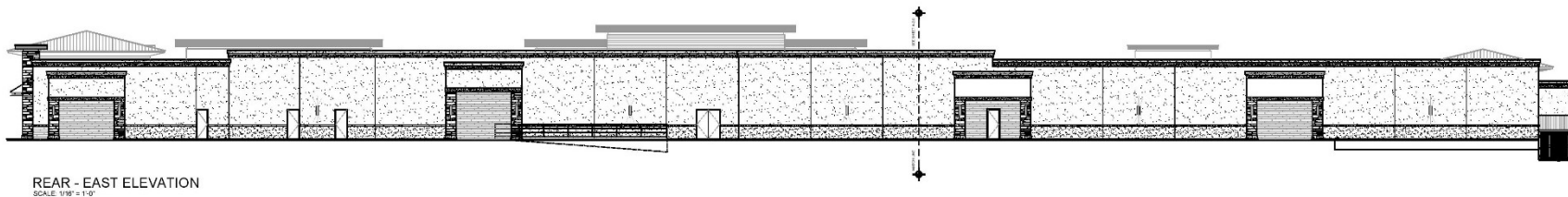
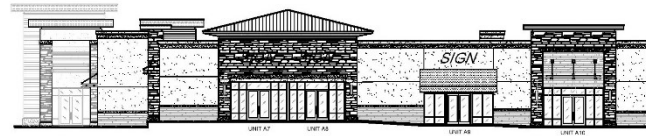
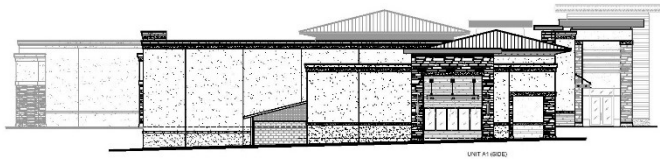
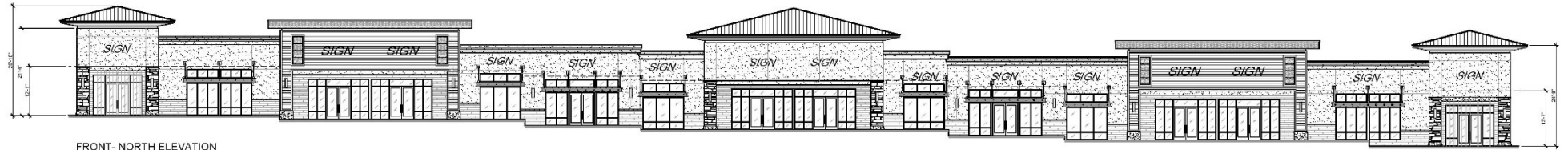


EXHIBIT 2-9 BUILDING A ELEVATIONS
SOURCE: STEENO DESIGN STUDIO INC.

CITY OF HESPERIA • INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
PRIMACO SHOPPING CENTER • CUP 22-00009 • RANCHERO RD. & TAMARISK AVE. (APN 0405-383-31)



FRONT - NORTH ELEVATION
SCALE: 3/32" = 1'-0"



REAR - SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

SIGN



LEFT - EAST ELEVATION
SCALE: 3/32" = 1'-0"



RIGHT - WEST ELEVATION
SCALE: 3/32" = 1'-0"

EXHIBIT 2-10 BUILDING B ELEVATIONS

SOURCE: STEENO DESIGN STUDIO INC.

CITY OF HESPERIA • INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
PRIMACO SHOPPING CENTER • CUP 22-00009 • RANCHERO RD. & TAMARISK AVE. (APN 0405-383-31)

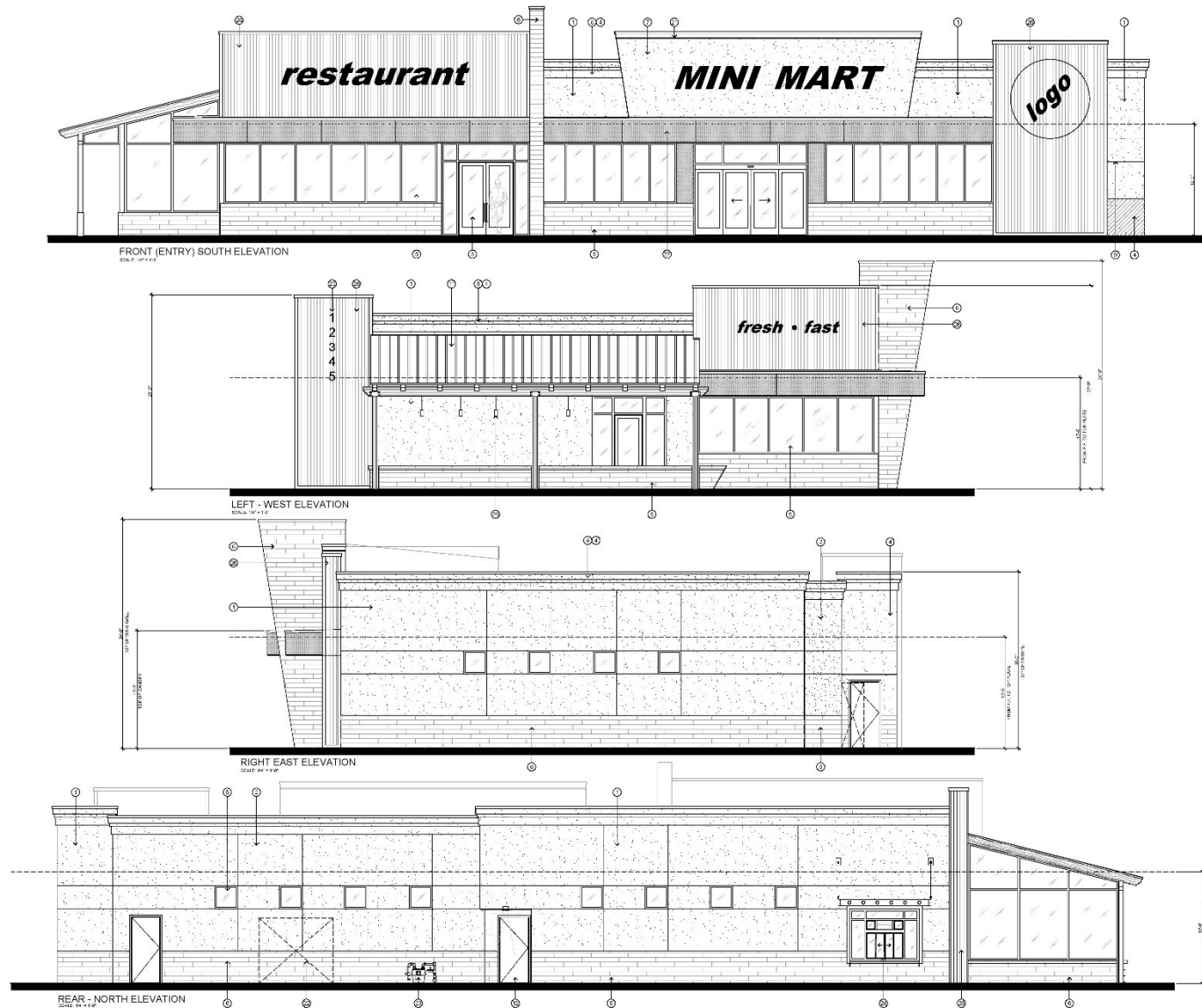


EXHIBIT 2-11 DRIVE THRU RESTAURANT ELEVATIONS

SOURCE: STEENO DESIGN STUDIO INC.

2.6 DISCRETIONARY ACTIONS

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the City of Hesperia) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- Approval of a Conditional Use Permit (CUP 22-00009); and,
- Approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).

Other permits will be required from the County of San Bernardino (Building and Safety, Land Development Engineering – Roads/Drainage; Public Health – Environmental Health Services; and County Fire).



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SECTION 3. ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);
Agricultural & Forestry Resources (Section 3.2);
Air Quality (Section 3.3);
Biological Resources (Section 3.4);
Cultural Resources (Section 3.5);
Energy (Section 3.6);
Geology & Soils (Section 3.7);
Greenhouse Gas Emissions; (Section 3.8);
Hazards & Hazardous Materials (Section 3.9);
Hydrology & Water Quality (Section 2.39);
Land Use & Planning (Section 3.11);

Mineral Resources (Section 3.12);
Noise (Section 3.13);
Population & Housing (Section 3.14).
Public Services (Section 3.15);
Recreation (Section 3.16);
Transportation (Section 3.17);
Tribal Cultural Resources (Section 3.18);
Utilities (Section 3.19);
Wildfire (Section 3.20); and,
Mandatory Findings of Significance (Section 3.21).

3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?			✗	
B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✗
C. Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✗
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect on a scenic vista?* • *Less Than Significant Impact*

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. Landscaped areas would total 31,883 square feet.¹⁴ Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as Residential (R1).¹⁵

¹⁴ Primaco Shopping Center. Site Plan A-O. September 2022.

¹⁵ Google Maps and City of Hesperia Zoning Map. Website accessed on October 17, 2022.

- *South of the project site:* Directly across Ranchero Road to the south is vacant land with residential uses to the southeast and southwest. The area directly south and to the southwest is zoned as Residential (R1-18000) with Residential (RR-2.5) land usage to the southeast.
- *East of the project site:* Abutting the project site to the east is vacant Residential (RR-2.5) land usage with a water tank and utility building on Utility Corridor (UC) dedicated land along Maple Avenue.
- *West of the project site:* Residential usage and vacant land abuts the project site to the west. This area is zoned as Residential (RR-2.5).¹⁶

The dominant scenic views from the project site includes distant views of the San Bernardino and San Gabriel Mountains, located south, southwest and southeast of the site and the City. In addition, local views are already dominated by neighboring development and the nearby I-15 freeway. The proposed project shall be designed, constructed, and operated in accordance with General Plan Policy LU-8.5 of the Land Use Element, which requires all development within the City to “Adopt design standards which will assure land use compatibility and enhance the visual environment, by providing attractive, aesthetically pleasing development which is sensitive to the unique local characteristics of the Hesperia community.”

In accordance with City policy, the Applicant shall provide replacement landscaping or vegetation to disturbed areas consistent with the natural surroundings, and in accordance with City Municipal Code Section 16.24.150 (Subject Desert Native Plants) and County Codes 88.01.050 (Tree or Plant Removal Permits) and 88.01.060 (Desert Native Plant Protection). Pursuant to these codes, landscaping shall be selected and incorporated to be drought-tolerant and shall complement existing natural and manmade features, including the dominant landscaping of surrounding areas. Through compliance with the City General Plan and Municipal Code, the proposed project would minimize the contrast between project features and the surrounding Mojave Desert landscape and ensure adverse effects on scenic vistas remain less than significant. No mitigation is required. In addition, views from the mountains will not be obstructed. Once operational, views of the aforementioned mountains will continue to be visible from the public right-of-way. *As a result, the impacts will be less than significant.*

B. *Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.*

According to the California Department of Transportation, none of the streets located adjacent to the proposed project site are not designated scenic highways and there are no state or county designated scenic highways in the vicinity of the project site.¹⁷ There are no officially designated highways located near the City. The nearest highways that are eligible for designation as a scenic highway include SR-2 (from SR-210 to SR-138), located 10.74 miles southwest of the City; SR-58 (from SR-14 to I-15), located 35.63 miles north of the City; SR-138 (from SR-2 to SR-18), located 6.23 miles south of the City; SR-173 (from SR-138 to SR-18), located 7.69 miles southeast of the City; and, SR-247 (from SR-62 to I-15), located 25.75 miles east of the project site. The City of Hesperia General Plan identifies prominent view sheds within the City. These view sheds are comprised primarily of undeveloped desert land, the Mojave River, and distant views of the mountains.¹⁸ The Oro Grande Wash is the nearest visually sensitive area located nearest to the site though

¹⁶ Google Maps and City of Hesperia Zoning Map. Website accessed on October 17, 2022.

¹⁷ California Department of Transportation. *Official Designated Scenic Highways.*

¹⁸ City of Hesperia General Plan Website accessed on June 7, 2022.

it will not be visually impacted by the proposed project due to the site's distance and separation. The entire wash is located within the Oak Hills community and is used as a buffer between the commercial/industrial uses located adjacent to the freeway and the rural residential uses within the Oak Hills community. Lastly, the project site does not contain any buildings listed in the State or National registry. *As a result, no impacts will occur.*

C. *Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? • No Impact*

There are no protected views in the vicinity of the project site and the City does not contain any scenic vistas in the vicinity of the project site. In addition, the City does not have any zoning regulations or other regulations governing scenic quality other than the development standards for which the new building will conform to. *As a result, no impacts will occur.*

D. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? • No Impact*

Project-related sources of nighttime light would include parking area exterior lights, security lighting, and vehicular headlights. In addition, the City of Hesperia Municipal Code Section 16.16.415 includes design standards for outdoor lighting that apply to industrial development in the City (the site is located in the Convenience Commercial zone district). The site's development will require installation of outdoor lighting necessary for safety and security as well as to accommodate night-time business operations. All lighting will comply with the development standards contained in the City's Zoning Code. The Municipal code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding nuisance (e.g., blinking/flashing lights, unusually high intensity or needlessly bright lighting). *As a result, no light-related impacts are anticipated.*

MITIGATION MEASURES

The analysis of aesthetics indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project 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 uses?				✕
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				✕
C. Would the project 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))?				✕
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				✕
E. Would the project 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 a non-forest use?				✕

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project 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 uses? • No Impact.*

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1). The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store.¹⁹

According to the California Department of Conservation, the project site nor the surrounding properties do not contain any areas of Farmland of Statewide Importance, and no agricultural uses are located onsite or

¹⁹ Primaco Shopping Center. Site Plan A-O. September 2022.

adjacent to the property. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. *As a result, no impacts will occur.*²⁰

B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? •
No Impact.

The project site is currently zoned as Convenience Commercial. There are no agricultural uses located within the site that would be affected by the project's implementation. According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract.²¹ *As a result, no impacts would occur.*

C. Would the project 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))? • *No Impact.*

There are no forest lands or timber lands located within or adjacent to the site. An adjacent property located to the north is disturbed and contains built-up structures. Furthermore, the site's existing zoning designation (Convenience Commercial) does not contemplate forest land or timber land uses. *As a result, no impacts will occur.*

D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use? •
No Impact.

No forest lands are located within the project site. The proposed use will be restricted to the site and will not affect any forest land or farmland. No loss or conversion of forest lands to urban uses will result from the proposed project's implementation. *As a result, no impacts will occur.*

E. Would the project 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 a non-forest use? • *No Impact.*

The project would not involve the disruption or damage of the existing environment that would result in a loss of farmland to nonagricultural use or conversion of forest land to non-forest use. The site does not contain any agricultural or forestry vegetation. *As a result, no farmland conversion impacts will occur.*

MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

²⁰ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping, and Monitoring Program. *California Important Farmland Finder.*

²¹ California Department of Conservation. *State of California Williamson Act Contract Land.*
<https://www.conservation.ca.gov/dlrp/wa>.

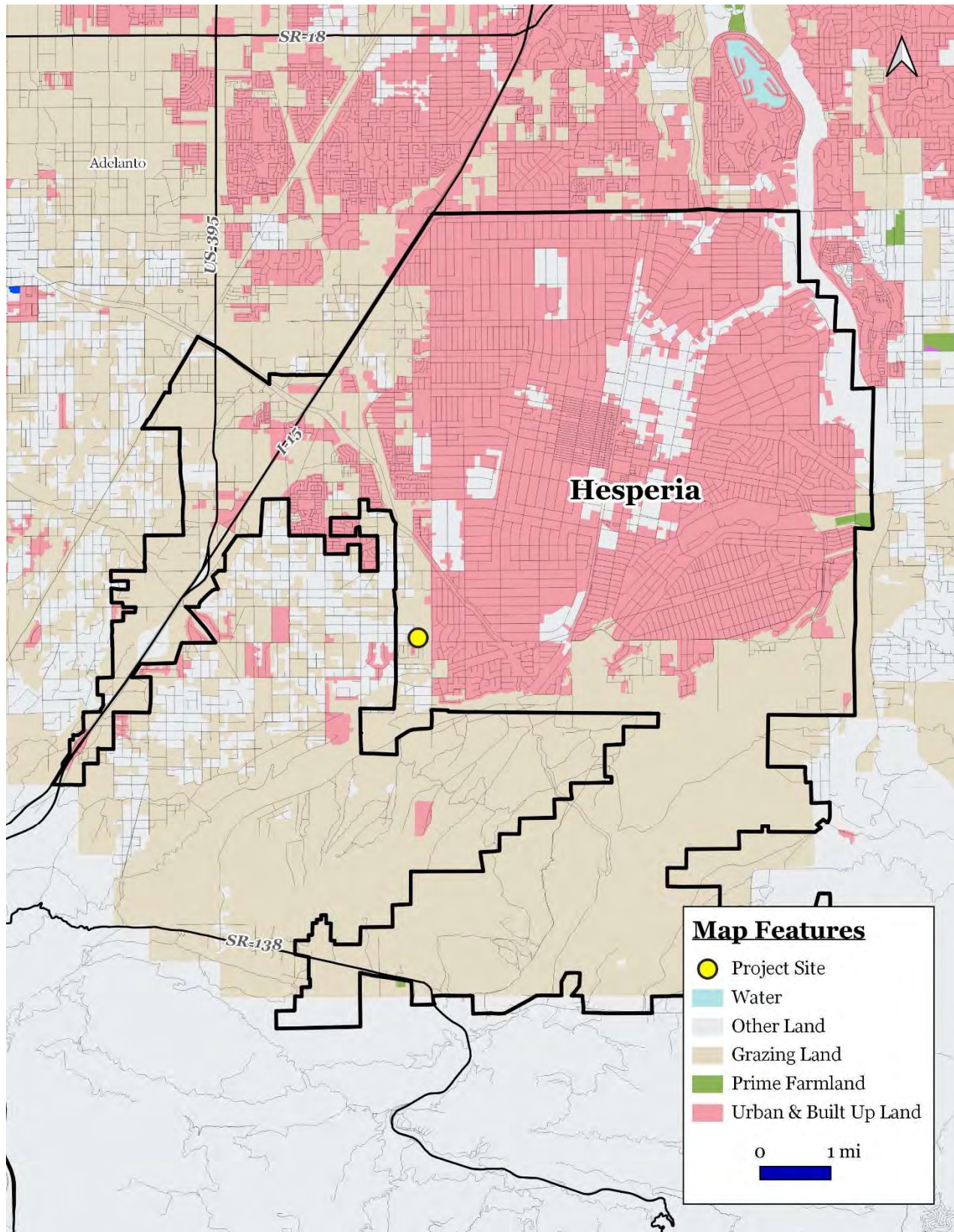


EXHIBIT 3-1 AGRICULTURAL MAP

SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?				✗
B. Would the project 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?		✗		
C. Would the project expose sensitive receptors to substantial pollutant concentrations?		✗		
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✗	

The air quality computer work sheets (CalEEMod) are provided in Appendix A.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? • No Impact.*

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. There would be 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces for the convenience store, and 34 parking spaces for the drive-thru restaurant. A total of 351 parking spaces would be provided. Landscaped areas would total 31,883 square feet. Vehicular access would be provided by a total of five driveway connections. Air quality impacts may occur during the construction or operation of a project, and may come from stationary (e.g., industrial processes, generators), mobile (e.g., automobiles, trucks), or area (e.g., residential water heaters) sources. The City is located within the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The district covers the majority of the MDAB. The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. The MDAB is separated from the southern California coastal and central California valley regions by mountains (highest elevation approximately 10,000 feet). The Antelope Valley is bordered in the northwest by the Tehachapi Mountains and in the south by the San Gabriel Mountains. The adjacent Mojave Desert is bordered in the southwest by the San Bernardino Mountains.²²

²² Mojave Desert Air Quality Management District (MDAQMD). *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*. Report dated August 2016.

The Mojave Desert Air Quality Management District (MDAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the Mojave Desert Air Basin (MDAB) generating construction and operational-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- *Ozone (O_3)* is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon Monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 548 pounds per day of carbon monoxide (CO).
- *Nitrogen Oxide (NO_x)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_x is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 137 pounds per day of nitrogen oxide (NO_x).
- *Sulfur Dioxide (SO_2)* is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 137 pounds per day of sulfur oxides (SO_x).
- *PM_{10} and $PM_{2.5}$* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. The daily threshold is 82 pounds per day of PM_{10} and 65 pounds per day of $PM_{2.5}$.
- *Reactive Organic Gasses (ROG)* refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of “smog.” The daily threshold is 137 pounds per day of ROG.

Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the MDAQMP growth projections, since the RTP/SCS forms the basis of the land use and transportation control portions of the MDAQMP. According to the Growth Forecast Appendix prepared by SCAG for the 2020-2045 RTP/SCS, the City of Hesperia is projected to add a total of 74,400 new residents and 23,600 new employees through the year 2045.²³ The proposed project will not introduce new residents and is anticipated to employ about 244 employees. Therefore, the proposed project is not in conflict with the growth projections established for the City by SCAG. The project’s construction emissions would be below the thresholds of significance established by the MDAQMD (the project’s daily construction emissions are summarized in Table 3-1). In addition, the proposed project’s long-term (operational) airborne emissions will be below levels that the MDAQMD considers to be a significant impact (refer to Table 3-2). *As a result, no conformity impacts will occur.*

B. 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? • Less than Significant Impact with Mitigation.

²³ Southern California Association of Governments. 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy. Demographics & Growth Forecast.* November 2021.

According to the MDAQMD, any project is significant if it triggers or exceeds the MDAQMD daily emissions threshold identified previously and noted at the bottom of Tables 3-1 and 3-2. In general, a project will have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the MDAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3-1 and 3-2);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project will not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s) (the proposed project is in conformance with the City's Zoning and General Plan); and,
- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project will not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The proposed project's construction and operation will not lead to a violation of the above-mentioned criteria. The analysis of daily construction and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod V.2020.4.0). As shown in Table 3-1, relevant daily construction emissions will not exceed the MDAQMD significance thresholds.

Table 3-1 Estimated Daily Construction Emissions

Construction Phase	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Site Preparation (on-site)	2.66	27.52	18.24	0.04	20.04	11.17
Site Preparation (off-site)	0.07	0.04	0.53	--	0.15	0.04
Total Site Preparation	2.73	27.56	18.77	0.04	20.19	11.21
Grading (on-site)	1.71	17.94	14.75	0.03	7.50	4.10
Grading (off-site)	0.05	0.03	0.44	--	0.12	0.03
Total Grading	1.76	17.97	15.19	0.03	7.62	4.13
Building Construction (on-site)	1.57	14.38	16.24	0.03	0.70	0.66
Building Construction (off-site)	0.37	1.51	3.22	0.01	0.99	0.28
Total Building Construction	1.94	15.89	19.46	0.04	1.69	0.94
Paving (on-site)	1.18	9.52	14.63	0.02	0.47	0.43
Paving (off-site)	0.05	0.03	0.41	--	0.12	0.03
Total Paving	1.23	9.55	15.04	0.02	0.59	0.46
Architectural Coating (on-site)	46.03	1.22	1.81	--	0.06	0.06
Architectural Coating (off-site)	0.06	0.03	0.49	--	0.15	0.04
Total Architectural Coating	46.09	1.25	2.30	--	0.21	0.10
Maximum Daily Emissions	49.14	45.53	36.49	0.07	27.82	15.34
Daily Thresholds	75	55	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2020.4.0

Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site

electrical generation. The analysis of long-term operational impacts summarized in Table 3-2 also used the CalEEMod V.2020.4.0 computer model. The analysis summarized in Table 3-2 indicates that the operational (long-term) emissions will be below the MDAQMD daily emissions thresholds.

Table 3-2 Estimated Operational Emissions in lbs./day

Emission Source	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Area-wide (lbs./day)	2.43	--	0.05	0.00	--	--
Energy (lbs./day)	0.03	0.31	0.26	--	0.02	0.02
Mobile (lbs./day)	32.0	25.64	159.66	0.26	24.44	6.68
Total (lbs./day)	34.47	25.95	159.97	0.27	24.46	6.71
Daily Thresholds	55	55	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2020.4.0.

The analysis presented in Tables 3-1 and 3-2 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 3-1 and 3-2, the impacts are considered to be less than significant. In addition, the MDAQMD Rule Book contains numerous regulations governing various activities undertaken within the district. Among these regulations is Rule 403.2 – Fugitive Dust Control for the South Coast Planning Area, which was adopted in 1996 for the purpose of controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the district. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.³ Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts to levels that are less than significant. *As a result, the impacts would be less than significant with Mitigation.*

C. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact with Mitigation.

The nearest sensitive receptor is a residential land use approximately 200 feet to the west of the project site. According to the MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated: any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a major transportation project within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; and a gasoline dispensing facility within 300 feet. Due to one of the proposed uses of the project, operation of a fueling station, mitigation will have to be implemented to ensure that the impacts remain less than significant. *As a result, the impacts would be less than significant with mitigation.*

D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? • Less than Significant Impact.

The MDAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants,

composting activities, refineries, landfills, and businesses involved in fiberglass molding.²⁴ A portion of the intended use of the project site is expected to emit odors commonly found within gas station use. The future uses will be required to adhere to the rules governing nuisance odors. All truck drivers visiting the site must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes. Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Furthermore, adherence to MDAQMD Rule 402 Nuisance Odors will minimize odors generated during daily activities. Adherence to the existing regulations governing “nuisance odors” will reduce potential impacts to levels that are less than significant.

MITIGATION MEASURES

The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

Air Quality Mitigation Measure No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project;

Air Quality Mitigation Measure No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

Air Quality Mitigation Measure No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

Air Quality Mitigation Measure No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

Air Quality Mitigation Measure No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion

²⁴ South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9.* As amended 2017.

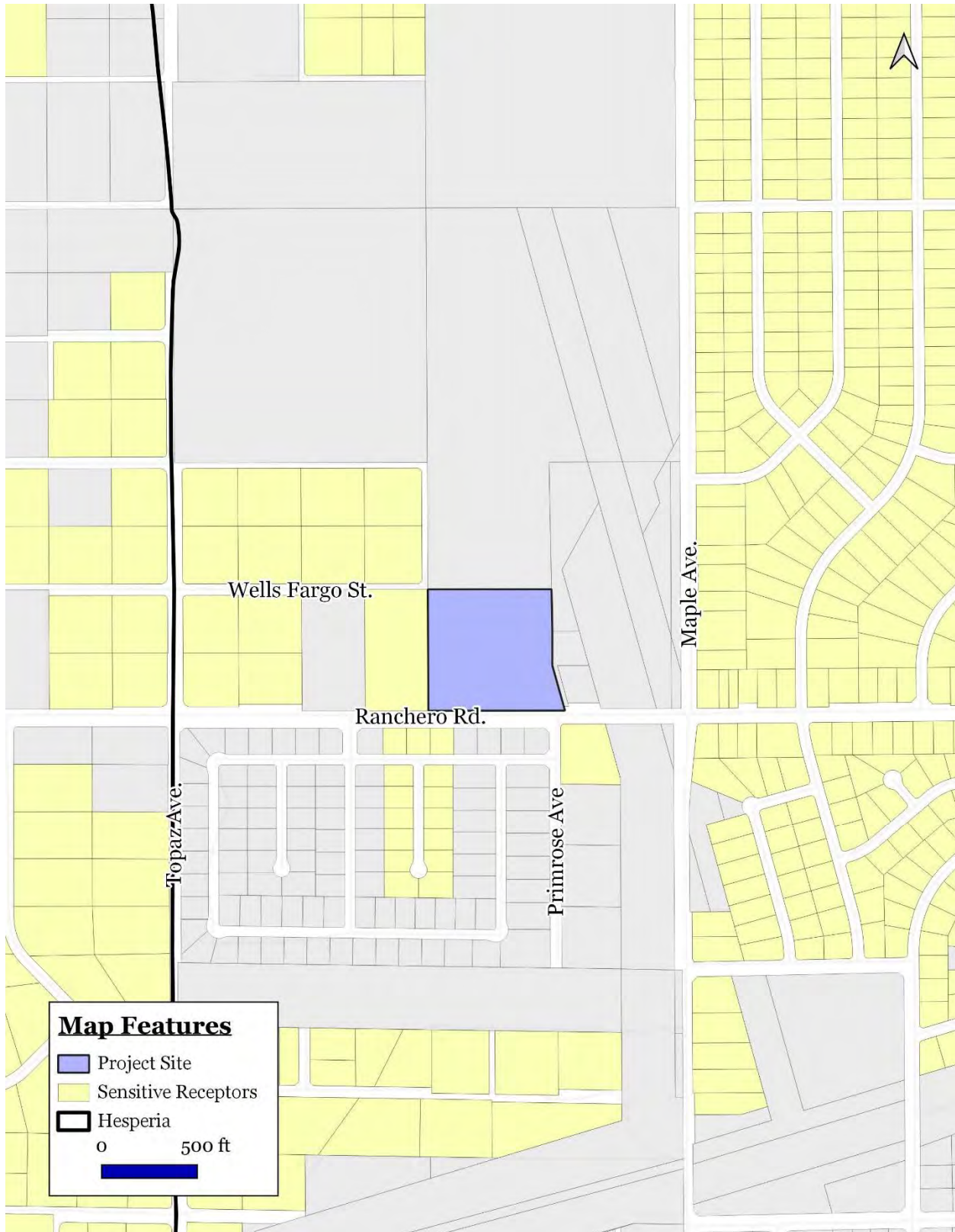


EXHIBIT 3-2 SENSITIVE RECEPTORS MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

3.4 BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project 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 Wildlife or U.S. Fish and Wildlife Service?		✗		
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✗
C. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✗
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				✗
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✗		
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✗

The biological study is included in Appendix B.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project 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 Wildlife or U.S. Fish and Wildlife Service? • Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1). The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the

western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store.²⁵

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, biological surveys were conducted by RCA Associates Inc. for the site on December 27, 2021 (refer to Appendix B). As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.²⁶

Plants that were observed included Joshua trees (*Yucca brevifolia*), creosote bush (*Larrea tridentata*), Juniper (*Juniperus communis*), rubber rabbitbrush (*Ericameria nauseosa*), white-bursage (*Ambrosia dumosa*), flatspine bur ragweed (*Ambrosia acanthicarpa*), kelch grass (*Schismus barbatus*), and cheatgrass (*Bromus tectorum*).

No special status wildlife species were observed on the property; however, 25 Joshua trees, which are listed as a State threatened species, are present on the site. A comprehensive survey of the Joshua trees was conducted. Due to the presence of Joshua trees on the site, an Incidental Take Permit (ITP) will be required from CDFW prior to the start of any ground disturbance activities if any Joshua trees (living or dead) will be impacted by development activities. Of the 25 Joshua trees observed, 5 are suitable for transplanting while the remaining 20 tree are unsuitable for transplanting due to a variety of factors such as size, condition, damage, dying, dead, excessive leaning, possibly disease, clonal, etc.²⁷

Future development activities are expected to result in the removal of vegetation from the project site; however, cumulative impacts to the general biological resources (plants and animals) in the surrounding area are expected to be minimal; however, impacts to the Joshua trees on the site will be considered significant given the recently listing of the species by the State of California as a “threatened species.” The following mitigation measure is recommended:

1. A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the County’s Municipal Code.²⁸

If any other sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures. *The impacts would be less than significant with mitigation.*

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • No Impact.

According to the United States Fish and Wildlife Service and the results of the site visits, there are no wetland or migratory bird nesting areas located within the project site. The site in its entirety is undisturbed. In addition, there is no riparian habitat located on-site or in the surrounding areas.¹⁸ No offsite wetland or

²⁵ Primaco Shopping Center. Site Plan A-o. September 2022.

²⁶ RCA Associates, Inc. *Protected Plant Preservation Plan*. Report dated December 30, 2021.

²⁷ Ibid

²⁸ Ibid

migratory bird nesting areas will be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts are anticipated.*

C. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • No Impact.*

No wetland areas or riparian habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.²⁹ *As a result, no impacts are anticipated.*

D. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? • No Impact.*

The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadway and the development that is present in the neighboring areas. *As a result, no impacts are anticipated.*

E. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • Less than Significant with Mitigation.*

Current conditions on the property include a mix of moderately disturbed desert scrub community found within the northern half of the site with moderate signs of human disturbances. The southern half of the property contained a moderately sparse juniper woodland. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), Juniper (*Juniperus communis*), rubber rabbitbrush (*Ericameria nauseosa*), whitebursage (*Ambrosia dumosa*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua trees (*Yucca brevifolia*), kelch grass (*Schismus barbatus*), and cheatgrass (*Bromus tectorum*) observed on the site. Single family residential properties are located both in the west and the south while vacant property can be seen in the north.

Current conditions on the property include an undisturbed parcel that has not been cleared of vegetation, including Joshua Trees. The biological resources on the site consist of a desert scrub community typical of the area with Joshua trees (*Yucca brevifolia*), creosote bush (*Larrea tridentata*), Juniper (*Juniperus communis*), rubber rabbitbrush (*Ericameria nauseosa*), white-bursage (*Ambrosia dumosa*), flatspine bur ragweed (*Ambrosia acanthicarpa*), kelch grass (*Schismus barbatus*), and cheatgrass (*Bromus tectorum*) observed on the site.³⁰

Based on the results of the field investigations there are 25 Joshua trees which occur within the boundaries of the property. Based on the evaluation and analysis of each tree it was determined that 5 of the 25 Joshua trees (20%) are suitable for transplanting. The remaining 20 Joshua trees (80%) were determined to be unsuitable for transplanting due to a variety of factors such as size, condition, damage, dying, dead, excessive leaning, possibly disease, clonal, etc.

There are 25 Joshua trees located on the property and 5 of the trees are suitable for relocation/transplanting. This conclusion was based on: (1) trees which were one foot or greater in height

²⁹ RCA Associates, Inc. *Protected Plant Preservation Plan*. Report dated December 30, 2021.

³⁰ Ibid.

and less than twelve feet tall (approximate); (2) in good health; (3), two branches or less; (4) density of trees (i.e., no clonal trees); (5) no exposed roots; (6) and trees that are not leaning over excessively.³¹

As of September 22, 2020, the California Department of Fish and Wildlife temporarily listed the western Joshua tree (*Yucca brevifolia*) as an endangered species for one year until a final decision is made in 2022. Therefore, any attempt to remove the Joshua tree from its current position will require an Incidental Take Permit (ITP). The City of Hesperia's Municipal Code (Chapter 16.24.110) instructs to follow the County of San Bernardino's ordinance (88.01.060), which requires preservation of Joshua trees given their importance in the desert community. A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the County's Municipal Code (Appendix B: Chapter 88.01.060). The following criteria will be utilized by the contractor when conducting any future transplanting activities:³²

1. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.
2. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.
3. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees were also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.

The above mitigation will reduce the impacts to levels that are less than significant.

F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
• **No Impact.**

The proposed project's implementation would not be in conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans. *As a result, no impacts are anticipated.*

³¹ RCA Associates, Inc. Protected Plant Preservation Plan. Report dated December 30, 2021.

³² Ibid.

MITIGATION MEASURES

The analysis of biological impacts determined that the following mitigation measures would be required to reduce the project's impacts to levels that would be less than significant.

Biological Resources Mitigation Measure No. 1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code may need to be conducted prior to the commencement of future ground disturbance.

- a. Appropriate survey methods and time frames shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.
- b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

The following criteria will be utilized by the contractor when conducting any future transplanting activities.³³

Biological Resources Mitigation Measure No.2. A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the County's Municipal Code.

Biological Resources Mitigation Measure No.3. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

Biological Resources Mitigation Measure No. 4. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.

Biological Resources Mitigation Measure No. 5. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees were also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.

³³ RCA Associates, Inc. Protected Plant Preservation Plan. Report dated December 30, 2021.

3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✗
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		✗		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			✗	

The cultural resources study is provided in Appendix C.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? • No Impact.

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1). Landscaped areas would total 31,883 square feet.³⁴

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high

³⁴ Primaco Shopping Center. Site Plan A-o. September 2022.

artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,

- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;
- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.³⁵

The State has established *California Historical Landmarks* that include sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. *California Points of Historical Interest* has a similar definition, except they are deemed of local significance. A search of the National Register of Historic Places and the list of California Historical Resources was conducted, and it was determined that no historic resources were listed within the City of Hesperia.³⁶

Historic resources are those that were developed after the Spanish entered California in 1769 and are at least 45 years old at the time of analysis. The majority of existing historic resources in the Planning Area consist of historic transportation routes, roads, railways of various widths and lengths and older houses and buildings. Several important routes include: the Mojave Trail/Road, the Mormon Trail, the National Old Trails Highway, and the Spanish Trail. Additional historic sites exhibit the remnants of historic buildings and/or ranch complexes, such as foundations. These historic resources consist of buildings or linear

³⁵ U. S. Department of the Interior, National Park Service. National Register of Historic Places. <http://nrhp.focus.nps.gov>. 2010.

³⁶ U. S. Department of the Interior, National Park Service. *National Register of Historic Places*. Secondary Source: California State Parks, Office of Historic Preservation. *Listed California Historical Resources*. Website accessed June 6, 2022.

features more than 45 years of age. Many of the known historic sites have undergone the minimum level of recordation, which consists of a site form (also known as a DPR523 form set) on file at the AIC.

The proposed project will not affect any structures or historical resources listed on the National or State Register or those identified as being eligible for listing on the National or State Register. A Cultural Resources study was conducted by Duke CRM (attached as Appendix C) Furthermore, the project site is not present on the list of historic resources identified by the State Office of Historic Preservation (SHPO).³⁷ The proposed project will be limited to the project site and will not affect any structures or historical resources listed on the National or State Register or those identified as being eligible for listing on the National or State Register. The project's implementation will not impact any Federal, State, or locally designated historic resources. *As a result, no impacts will occur.*

B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? • Less than Significant Impact with Mitigation.*

The project site has not been graded or disturbed. Although, the proposed project would not cause a substantial adverse change in the significance of known archaeological resource pursuant to CEQA Guidelines § 15064.5 or an identified tribal cultural resource pursuant to PRC §21082.3, there is a potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, Mitigation Measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. No signs of human habitation nor any cemeteries are apparent within or near the project, and no signs of development on the parcel appear on any historic aerial map reviewed, nor on later USGS maps. Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

- Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
- The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.
- Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.

³⁷ California Department of Parks and Recreation. *California Historical Resources*. Website accessed on June 6, 2022.

- A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.

The aforementioned mitigation will reduce the impacts to levels that are less than significant.

C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.

There are no dedicated cemeteries located in the vicinity of the project site. The proposed project will be restricted to the project site and therefore will not affect any dedicated cemeteries in the vicinity. Notwithstanding, the following mitigation is mandated by the California Code of Regulations (CCR) Section 15064.5(b)(4):

“A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.”

Additionally, Section 5097.98 of the Public Resources Code states:

“In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with (b) Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

Adherence to the aforementioned standard condition will ensure potential impacts remain at levels that are less than significant. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The following mitigation measures will be required to address potential cultural resources impacts:

Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority

to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.³⁸

Cultural Resources Mitigation Measure No. 2. The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols. The paleontological monitor shall be present full-time during the first week of ground disturbance below one foot for the Project, including but not limited to grading, trenching, utilities, and off-site easements. If, after excavation begins, the qualified paleontologist determines that the sediments are not likely to produce fossil resources, monitoring efforts shall be reduced. The paleontological monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered.³⁹

Cultural Resources Mitigation Measure No. 3. In the event of a paleontological discovery, the paleontological monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area. In consultation with the qualified paleontologist the paleontological monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly mapped, documented, removed, and the area cleared for construction. If the discovery is significant the qualified paleontologist shall notify the City immediately.⁴⁰

Cultural Resources Mitigation Measure No. 4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.⁴¹

Cultural Resources Mitigation Measure No. 5. If previously unidentified archaeological and/or paleontological materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist/paleontologist can assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has determined the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or their authorized representative, the MLD may inspect the site of the discovery. The MLD shall conduct the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.⁴²

³⁸ Duke CRM. Cultural/Paleontological Resources Assessment for the Primaco Shopping Center Project, City of Hesperia, County of San Bernardino, California (Project Number C-0382). Report dated February 24, 2022.

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Ibid

⁴² Ibid

3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?		✗		
B. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			✗	

The energy and utilities computer work sheets are provided in Appendix D.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? • Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1). The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store.⁴³

The proposed project would consume approximately 7,927 kWh of electricity on a daily basis. The project Applicant will be required to closely work with the local electrical utility company to identify existing and future strategies that will be effective in reducing energy consumption. The project Applicant will be required to implement the following mitigation measures as a means to reduce electrical consumption:

- The use of motion activated lighting to reduce energy use at night.

The aforementioned mitigation will reduce the impacts to levels that are less than significant.

⁴³ Primaco Shopping Center. Site Plan A-o. September 2022.

B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • Less Than Significant Impact.

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project will be required to comply with all pertinent Title 24 requirements along with other Low Impact Development (LID) requirements. *As a result, the potential impacts will be less than significant.*

MITIGATION MEASURES

The analysis determined that the following mitigation measures will be required to reduce potential energy consumption:

Energy Mitigation Measure No. 1. The use of motion activated lighting would be required to reduce energy use at night.

3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving.			✗	
i). Would the project, directly or indirectly, cause 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.			✗	
ii). Would the project, directly or indirectly, cause Strong seismic ground shaking?			✗	
iii). Would the project, directly or indirectly, cause seismic-related ground failure, including liquefaction;				✗
iv). Would the project, directly or indirectly, cause landslides?				✗
B. Would the project result in substantial soil erosion or the loss of topsoil?			✗	
C. Would the project 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?			✗	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✗	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				✗
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death? • Less than Significant Impact.*

The proposed project would involve the construction and operation of a new commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1). The shopping center would include a major anchor store, referred to as Building A, that would include a

supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store.⁴⁴

Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. The project site is not located within a liquefaction zone.⁴⁵ According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. *As a result, the potential impacts are less than significant.*

i). *Would the project, directly or indirectly, cause 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. • Less than Significant Impact.*

The City of Hesperia is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. The City of Hesperia is not on the list.⁴⁶ The nearest significant active fault zones are Cleghorn fault zone and the West Silverwood Lake Fault, which are approximately 7 miles southeast of the project site.⁴⁷ No fault rupture impacts would occur. *As a result, the impacts would be less than significant.*

ii). *Would the project, directly or indirectly, cause strong seismic ground shaking. • Less than Significant Impact.*

The proposed project involves the construction and operation of the construction of a shopping center that includes an automotive fuel retail use. Two underground storage tanks (USTs) would be installed to the southeast of the proposed convenient store/QSR. Installation of the USTs include earth moving activities

⁴⁴ Primaco Shopping Center. Site Plan A-o. September 2022.

⁴⁵ San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan* - July 13, 2017.

⁴⁶ California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.*

⁴⁷ Southern California Earthquake Data Center. *Cleghorn Fault*. <https://scedc.caltech.edu/earthquake/cleghorn.html>

during construction that will produce insignificant ground shaking. *As a result, the impacts would be less than significant.*

iii). *Would the project, directly or indirectly, cause seismic-related ground failure, including liquefaction.*
• *No Impact.*

According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. The risk for liquefaction is no greater on-site than it is for the region. The project site or the city of Hesperia is located outside of a liquefaction zone. *As a result, no impacts would occur.*⁴⁸

iv). *Would the project, directly or indirectly, cause landslides?* • *No Impact.*

According to the United States Geological Survey, a landslide is defined as the movement of a mass of rock, debris, or earth down a slope. The project site is level with little to no sloping in the surrounding area that would provide no significant movement of debris. *As a result, no impacts would occur.*

B. *Would the project result in substantial soil erosion or the loss of topsoil?* • *Less than Significant Impact.*

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California, Davis SoilWeb database, the property is underlain by soils of various associations including Cajon, Manet, Kimberlina, and Helendale associations consist of moderate to fine and well drained soils. Slopes range from 0 to 2 percent.⁴⁹ The proposed project's contractors will be required to adhere to specific requirements that govern wind and water erosion during site preparation and construction activities. Following development, a large portion of the project site would be paved over or landscaped. The project's construction will not result in soil erosion with adherence to those development requirements that restrict storm water runoff (and the resulting erosion) and require soil stabilization. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program.

Prior to initiating construction, contractors must obtain coverage under a NPDES permit, which is administered by the State. In order to obtain an NPDES permit, the project Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP). The County has identified sample construction Best Management Practices (BMPs) that may be included in the mandatory SWPPP. The use of these construction BMPs identified in the mandatory SWPPP will prevent soil erosion and the discharge of sediment into the local storm drains during the project's construction phase. *As a result, the impacts will be less than significant.*

⁴⁸ San Bernardino County. *Multi-Jurisdictional Hazard Mitigation Plan* - July 13, 2017.

⁴⁹ UC Davis. *SoilWeb*. Website accessed October 17, 2022.

C. *Would the project 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? • Less than Significant Impact.*

The proposed project's construction will not result in soil erosion since the project's contractors must implement the construction BMPs identified in the mandatory SWPPP. The BMPs will minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction.⁵⁰ The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink swell characteristics become sticky when wet and expand according to the moisture content present at the time. Since the soils have a low shrink-swell potential, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project will not result in the direct extraction of groundwater. *As a result, the potential impacts will be less than significant.*

D. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.*

The new structures would be transported and assembled on the project site. This would minimize grading. The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that underlie the project site. According to the University of California, Davis SoilWeb database, the property is underlain by soils of various associations including Cajon, Manet, Kimberlina, and Helendale.⁵¹ According to the U.S. Department of Agriculture, these soils are acceptable for the development of commercial buildings.⁵² The applicant is required to adhere to all requirements detailed by the USDA. *As a result, the impacts would be less than significant.*

E. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater? • No Impact.*

The proposed project would utilize existing sewer connections located along Ranchero Road. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation. *As a result, no impacts would occur.*

⁵⁰ United States Department of Agriculture, Soil Conservation Service. *Soil Survey of Riverside California – Palm Spring Area*. Report dated 1978.

⁵¹ UC Davis. *SoilWeb*. Website accessed October 17, 2022.

⁵² United States Department of Agriculture. Natural Resources Conservation Service. Website accessed October 17, 2022.

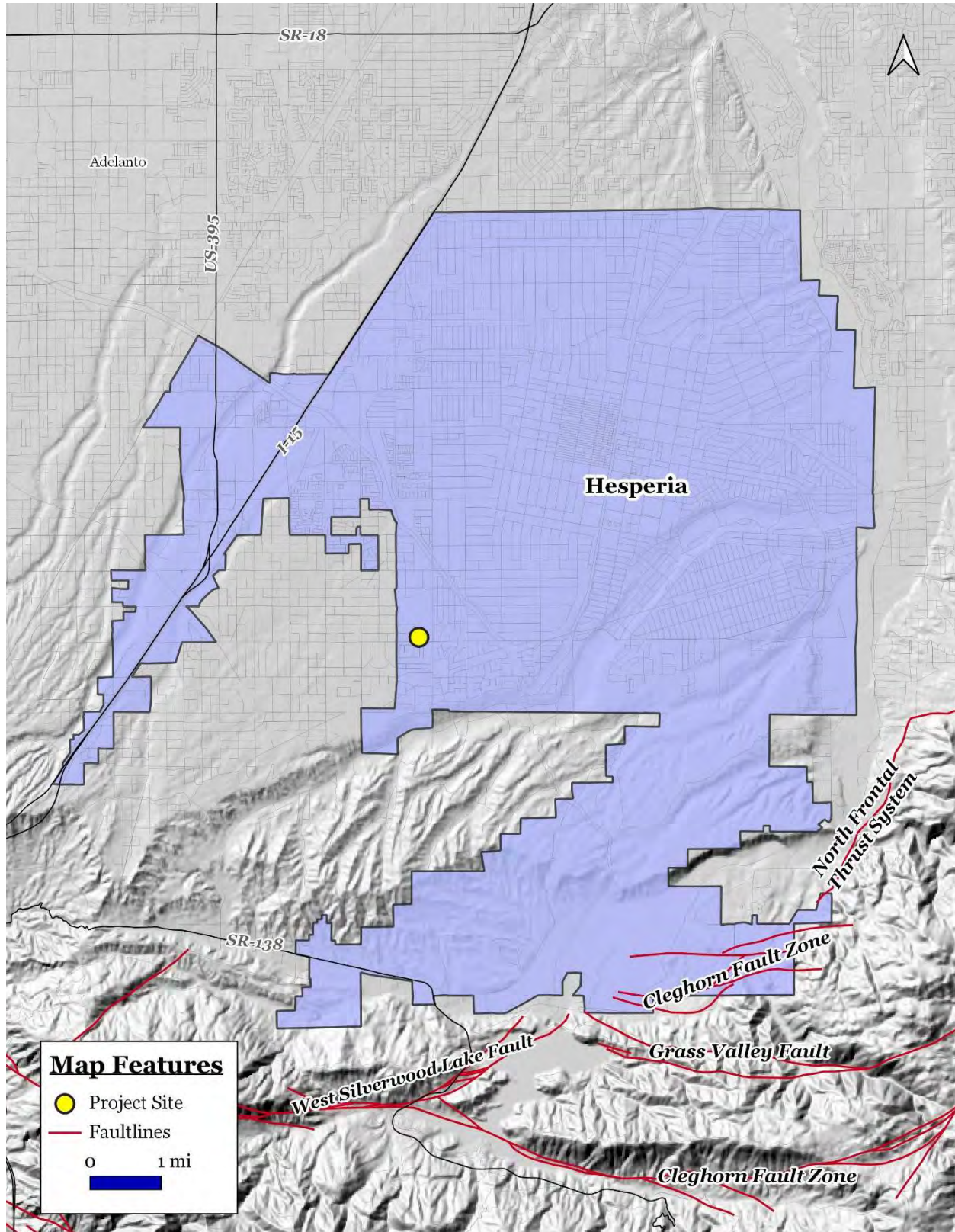


EXHIBIT 3-3 GEOLOGY MAP
 SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? • No Impact

The surface deposits in the proposed project area are composed entirely of younger Quaternary Alluvium. This younger Quaternary Alluvium is unlikely to contain significant vertebrate fossils, at least in the uppermost layers. The closest fossil vertebrate locality is LACM 7786, between Hesperia and the former George Air Force Base. This locality produced a fossil specimen of meadow vole, *Microtus*. The next closest vertebrate fossil locality from these deposits is LACM 1224, west of Spring Valley Lake, which produced a specimen of fossil camel, *Camelops*. Additionally, on the western side of the Mojave River below the bluffs, an otherwise unrecorded specimen of mammoth was collected in 1961 from older Quaternary Alluvium deposits. Since no significant new excavation or grading will occur. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

The analysis determined that the proposed project will not result in significant impacts related to geological or paleontological resources and no mitigation measures are required.

3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✗	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✗	

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. The site's zoning designation is Convenience Commercial (C1).⁵³

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Carbon dioxide equivalent, or CO₂E, is a term that is used for describing different greenhouse gases in a common and collective unit. The MDAQMD is using the SCAG established the 10,000 MTCO₂ threshold for commercial land uses. As indicated in Table 3-4, the operational CO₂E is 27,628.16 tons per year which is well below the threshold.

⁵³ Primaco Shopping Center. Site Plan A-o. September 2022.

Table 3-4 Greenhouse Gas Emissions Inventory

Source	GHG Emissions (metric tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ E
Long-Term – Area Emissions	0.10	--	--	0.11
Long-Term - Energy Emissions	378.40	--	--	380.65
Long-Term - Mobile Emissions	27,032.51	2.24	1.81	27,628.16
Long-Term - Total Operational Emissions	27,411.01	2.25	1.82	27,628.16
Total Construction Emissions	6,810.13	2.13	0.13	6,865.32
Significance Threshold				10,000 MTCO₂E

Furthermore, as mentioned in Section 3.17, Transportation, the projected vehicle trips to and from the site will not be significant given the proposed use. *As a result, the impacts would be less than significant.*

B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • Less than Significant Impact.

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was adopted in March 2021. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA region. The lack of development in the immediate area may preclude residents from obtaining employment or commercial services within City boundaries, thus compelling residents to travel outside of City boundaries for employment and commercial services. It is important to note that the California Department of Transportation as well as the Counties of Los Angeles and San Bernardino are engaged in an effort to construct a multi-modal transportation corridor consisting of public transit, a new freeway, and bicycle lanes known as the High Desert Corridor (HDC). The aforementioned regional program will reduce potential GHG emissions related to excessive VMTs to levels that are less than significant.

Those Partnership jurisdictions, including Hesperia, choosing to complete and adopt local Climate Action Plans (CAPs) that are consistent with the County's GHG Reduction Plan and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG will be able to tier their future project-level CEQA analyses of GHG emissions from their CAP. In 2010, the City of Hesperia completed a CAP. The City participated in this regional effort as a study to inform their decision to update or revise their existing CAP. As part of this effort, the City of Hesperia has selected a goal to reduce its community GHG emissions to a level that is 40% below its 2020 level of GHG emissions by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70%) and local (~30%) efforts. The Pavley vehicle standards, the State's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030.

An additional reduction of 110,304 MTCO₂e will be achieved primarily through the following local measures, in order of reductions achieved: GHG Performance Standard for Existing Development (PS-1); Water Efficiency Renovations for Existing Buildings (Water-2); and Waste Diversion and Reduction (Waste-2). Hesperia's Plan has the greatest impacts on GHG emissions in the building energy, on-road transportation, and waste sectors. The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As a result, no potential conflict with an

applicable greenhouse gas policy plan, policy, or regulation will occur. *As a result, the impacts will be less than significant.*

MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✗	
B. Would the project 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?			✗	
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✗
D. Would the project 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 it create a significant hazard to the public or the environment?				✗
E. Would the project 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 or excessive noise for people residing or working in the project area?				✗
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✗
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? • Less than Significant Impact.

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be

located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. The site's zoning designation is Convenience Commercial (C1).⁵⁴

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. A portion of the proposed use of the project site will also require frequent transportation of gas and diesel to be stored into the two UST tanks which will also be strictly controlled and regulated in accordance with Hesperia Municipal Code 8.30.170 to reduce pollutant urban runoff.⁵⁵ *As a result, the impacts will be less than significant.*

B. Would the project 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? • Less than Significant Impact.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. There will also be frequent incoming transportation of gas and diesel fuel to be stored in the two USTS on the project site. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols pertaining to the city's code of ordinance as mentioned in subsection A. The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the City prior to the issuance of the Occupancy Permit. As a result, the likelihood of encountering contamination or other environmental concerns is remote. *The impacts will be less than significant.*

C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • No Impact.

There are no schools located within one-quarter of a mile from the project site. The nearest school is the Oak Hills High School located 1.76 miles to the west of the site. As a result, the proposed project will not create a hazard to any local school. *As a result, no impacts are anticipated.*

D. Would the project 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 it create a significant hazard to the public or the environment? • No Impact.

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department

⁵⁴ Primaco Shopping Center. Site Plan A-o. September 2022.

⁵⁵ Municode. Hesperia, CA. Chapter 8.30.170-Reduction of pollutants in urban runoff. Website Accessed October 7, 2022.

of Toxic Substances Control Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site.⁵⁶ *Therefore, no impacts will occur.*

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 a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.

The project site is not located within an airport land use plan and is not located within two miles of a public airport or public use airport.⁵⁷ The nearest airport to the site is the Hesperia Airport that is located approximately 1.92 miles to the southeast. The Southern California Logistics Airport is located approximately 13 miles to the north of the project site.⁵⁸ The project will not introduce any structures that will interfere with the approach and take off of airplanes utilizing any regional airports as the maximum height of any of the buildings is expected to be 26.4 feet.⁵⁹ *As a result, no impacts will occur.*

F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.

At no time will any adjacent street be completely closed to traffic during the proposed project's construction. In addition, all construction staging must occur on-site. *As a result, no impacts would occur.*

G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? • No Impact.

The project site, along with the entire City is located within a "moderate fire hazard severity zone" and Local Responsibility Area (LRA).⁶⁰ The vegetation currently on the project site will be removed and replaced with drought tolerant landscaping. The minimal amount of vegetation on the project site will not expose people or structures to a risk of loss involving wildfires. *As a result, no impacts will result.*

MITIGATION MEASURES

The analysis of potential impacts related to Hazards and Hazardous Materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

⁵⁶ CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*.

http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

⁵⁷ Toll-Free Airline. *San Bernardino County Public and Private Airports, California*.

<http://www.tollfreeairline.com/california/sanbernardino.htm>.

⁵⁸ Google Maps. Website accessed October 17, 2022.

⁵⁹ Primaco Shopping Center. Floor Plan & Building Elevation A-1. March 2022.

⁶⁰ CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County*.

http://frap.fire.ca.gov/webdata/maps/san_bernardino_sw/

3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✗	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✗	
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			✗	
i). Would the project result in substantial erosion or siltation on- or off-site;			✗	
ii). Would the project result substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site.			✗	
iii). Would the project 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; or			✗	
iv). Would the project impede or redirect flood flows?				✗
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? • Less than Significant Impact.*

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be

located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. There would be 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces for the convenience store, and 34 parking spaces for the drive-thru restaurant. A total of 351 parking spaces would be provided. Landscaped areas would total 31,883 square feet. Several access alternatives providing success to Tamarisk Avenue and Ranchero Road, are under consideration. Several access alternatives providing access to Tamarisk Avenue and Ranchero Road, are under consideration. The developer's preferred access alternative would involve the construction of a driveway connection with Tamarisk Avenue along the project's western frontage and the installation of a traffic signal at the proposed three-leg intersection of Ranchero Road and Tamarisk Avenue providing full access to the project. The site's zoning designation is Convenience Commercial (C1).⁶¹

In its existing condition, the proposed project site is undeveloped, ungraded land. Storm water sheets in a western direction. Existing concrete gutters intercept flows and convey them to the northeasterly corner of the site. Runoff is discharged into an existing basin. Overflows sheet across the northerly boundary of the site into the adjacent vacant land.⁶² The project Applicant will be required to adhere to Section 8.30 Surface and Groundwater Protection of the Municipal Code which regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. *As a result, the construction impacts will be less than significant.*

B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.

No new direct construction related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust will be transported to the site via truck. No direct ground water extraction will occur. Furthermore, the construction and post-construction BMPs will address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. *As a result, the impacts are considered to be less than significant.*

C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces? • Less than Significant Impact.

The proposed project's location will be restricted to the proposed project site and will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. The site would be designed so the proposed hardscape surfaces (the building and paved areas) will percolate into the landscaped and other impervious areas. *As a result, the potential impacts will be less than significant.*

⁶¹ Primaco Shopping Center. Site Plan A-o. September 2022.

⁶² Land Development Design Company, LLC. *Preliminary Water Quality Management Plan*. July 21, 2021.

i). *Would the project result in a substantial erosion or siltation on- or off-site; • Less than Significant Impact.*

The project applicant will be required to abide by Hesperia's city ordinance Chapter 8.30.210 that requires all applicants for projects involving construction activities, regardless of size, to submit an erosion and sediment control plan ("ESCP") to the City for review and approval as mentioned in subsection A. *With conformance to the ordinance, the impact will be less than significant.*

ii). *Would the project result substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; • Less than Significant Impact.*

The project's construction will be restricted to the designated project site and the project will not alter the course of any stream or river that would lead to flooding. Impervious surface will be added to the currently undisturbed project site. In addition, four retention basins will be constructed south of Building B. *As a result, the impacts will be less than significant.*

iii). *Would the project 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; • Less than Significant Impact.*

As mentioned previously, Impervious surface will be added to the currently undisturbed project site. In addition, four retention basins will be constructed south of Building B. *As a result, the impacts would be less than significant.*

iv). *Would the project impede or redirect flood flows? • Less than Significant Impact.*

The proposed project's location will be restricted to the proposed project site and will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. The site would be designed so the proposed hardscape surfaces (the building and paved areas) will percolate into the landscaped and other impervious areas. *As a result, the potential impacts will be less than significant.*

D. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? • No Impact.*

According to the Federal Emergency Management Agency (FEMA) flood insurance maps obtained for the City of Hesperia, the proposed project site is not located in a Flood Hazard zone.⁶³ The proposed project site is also not located in an area that is subject to inundation by seiche or tsunami. In addition, the project site is located inland approximately 65 miles from the Pacific Ocean and the project site would not be exposed to the effects of a tsunami.⁶⁴ *As a result, no impacts are anticipated.*

⁶³ Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2021.

⁶⁴ Google Earth. Website accessed October 17, 2022.

E. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.*

The project Applicant will be required to adhere to Section 8.30 Surface and Groundwater Protection of the Municipal Code which regulates erosion and sediment control. This Section of the City of Hesperia Municipal Code is responsible for implementing the NPDES and MS4 stormwater runoff requirements. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

As indicated previously, hydrological characteristics will not substantially change as a result of the proposed project. As a result, no mitigation is required.

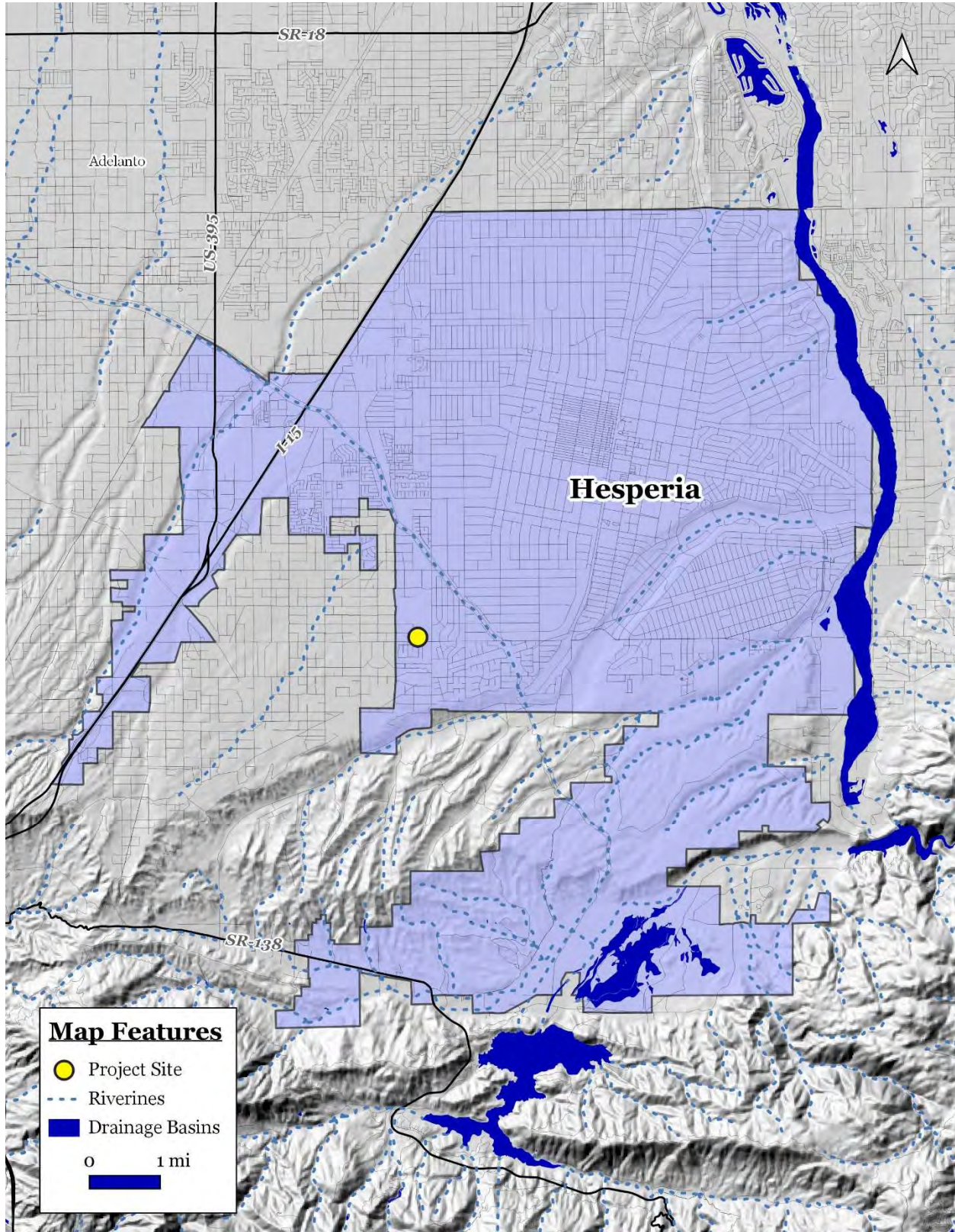


EXHIBIT 3-4 WATER RESOURCES MAP

SOURCE: CALIFORNIA DEPARTMENT OF CONSERVATION

3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✗
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community?* • No Impact.

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store.⁶⁵

The property currently has a Zoning land use designation of Neighborhood Commercial. Land uses and development located in the vicinity of the proposed project are outlined below:

- *North of the project site:* Vacant land abuts the project site to the north. This area is zoned as Residential (R1).⁶⁶
- *South of the project site:* Directly across Ranchero Road to the south is vacant land with residential uses to the southeast and southwest. The area directly south and to the southwest is zoned as Residential (R1-18000) with Residential (RR-2.5) land usage to the southeast.
- *East of the project site:* Abutting the project site to the east is vacant Residential (RR-2.5) land usage with a water tank and utility building on Utility Corridor (UC) dedicated land along Maple Avenue.

⁶⁵ Primaco Shopping Center. Site Plan A-o. September 2022.

⁶⁶ Google Maps and City of Hesperia Zoning Map. Website accessed on October 17, 2022.

- *West of the project site:* Residential usage and vacant land abuts the project site to the west. This area is zoned as Residential (RR-2.5).⁶⁷

The granting of the requested entitlements and subsequent construction of the proposed project will not result in any expansion of the use beyond the current boundaries. As a result, the project will not lead to any division of an existing established neighborhood. *As a result, no impacts would occur.*

B. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? • No Impact.*

The project site has a General Plan land use designation of *Convenience Commercial*. The proposed project involves the construction of a shopping center that would include a gas station. The proposed use of the project site would be compatible with the project site's land use and zoning designations.

The commercial designations are designed to permit a wide variety of neighborhood, general office, and retail uses. Commercial designations are intended to serve local neighborhood needs as well as regional and highway commercial needs, including opportunities for a wide range of services, retail, and wholesale functions. Development within the Neighborhood Commercial designation should occur at a Floor Area Ratio not to exceed 0.5. Businesses within the C1 designation should be smaller in floor area than the other commercial designations and should be less intense in impacts such as traffic and noise due to the proximity of residentially designated properties.

Neighborhood commercial properties should generally be located on sites of 15 acres or less, within or adjacent to residentially designated areas and at intersections of collector or arterial streets. Uses within neighborhood commercial areas should include convenience-type goods and services intended to provide for the daily (short-term) needs of surrounding residential neighborhoods. Site design should incorporate effective internal circulation for both vehicular and pedestrian traffic as well as buffering from adjacent residential uses. In addition, the following policies are applicable to commercial development:

- *Implementation Policy LU-3.1* Encourage a diverse mix of commercial and service businesses that support the local tax base, are beneficial to residents, and support the economic need of the community.
- *Implementation Policy LU-3.2* Sufficient lands should be designated to provide a full range of commercial services to the community and surrounding areas to serve the residential properties at build-out.
- *Implementation Policy LU-3.3* Ensure that the sign ordinance provides for commercial signage that is attractive, non-intrusive, safe, and consistent with overall City aesthetic goals.
- *Implementation Policy LU-3.4* Encourage the beautification of pedestrian areas, particularly through the use of landscaping.
- *Implementation Policy LU-3.5* Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, and other techniques.

⁶⁷ Google Maps and City of Hesperia Zoning Map. Website accessed on October 17, 2022.

- *Implementation Policy LU-3.6* Discourage the outdoor commercial use of property immediately adjacent to a residential neighborhood, except as part of an approved temporary special event for a limited time.
- *Implementation Policy LU-3.7* Incorporate varied planes and textures and variety in materials to provide superior architectural design on commercial buildings.
- *Implementation Policy LU-3.8* Incorporate landscape plantings into commercial developments to define and emphasize entrances, inclusive of those areas along the front of a building facing a parking lot.
- *Implementation Policy LU-3.9* Incorporate on all major commercial developments theme elements intended to distinguish them from other development, foster individuality, and promote gathering opportunities.
- *Implementation Policy LU-3.10* Where possible, connect rear parking lots of commercial development to the fronts of buildings with sidewalks or other features.
- *Implementation Policy LU-3.11* Where possible, reduce conflicts between delivery areas and pedestrian areas.
- *Implementation Policy LU-3.12* Require outdoor or seasonal storage areas, where permitted, to be screened from public view.
- *Implementation Policy LU-3.13* Include full architectural treatment on all sides of development projects unless immediately adjacent to another building.

The proposed project is consistent with the above General Plan guidelines and policies. *As a result, no impacts will occur.*

MITIGATION MEASURES

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

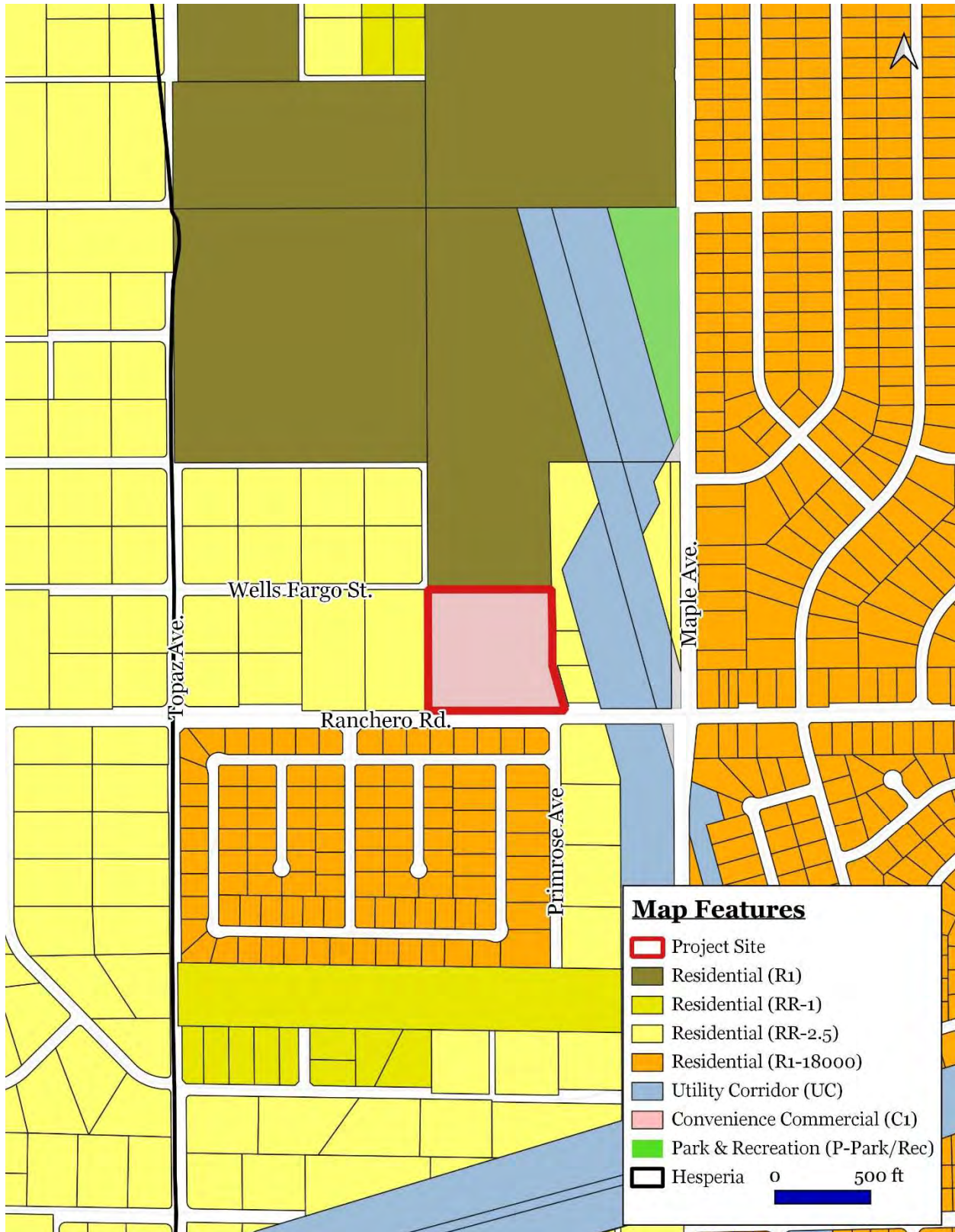


EXHIBIT 3-5 ZONING MAP
 SOURCE: CITY OF HESPERIA

3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project 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?				✗
B. Would the project 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?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project 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? • No Impact.

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1).⁶⁸

A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.⁶⁹ The Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1):* This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2):* This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3):* This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about

⁶⁸ Primaco Shopping Center. Site Plan A-o. September 2022.

⁶⁹ California, State of. Department of Conservation. California Oil, Gas, and Geothermal Resources Well Finder. <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14>.

the quality of material in these areas could either upgrade the classification to MRZ-2 or downgraded it to MRZ-1.

- *Mineral Resource Zone 4 (MRZ-4)*: This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

The project site is not located in a Significant Mineral Aggregate Resource Area (SMARA) nor is it located in an area with active mineral extraction activities.⁷⁰ As indicated previously, the site is developed and there are no active mineral extraction activities occurring on-site or in the adjacent properties. *As a result, no impacts to mineral resources will occur.*

B. *Would the project 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?* • *No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. *Therefore, no impacts will result from the implementation of the proposed project.*

MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

⁷⁰ California Department of Conservation. *Mineral Land Classification Map for the Hesperia Quadrangle*. Map accessed June 8, 2022.

3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✗		
B. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?			✗	
C. For a project located within the vicinity of a private airstrip or 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?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? • Less than Significant Impact with Mitigation.*

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The site's zoning designation is Convenience Commercial (C1).⁷¹

The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.⁷² The maximum noise level allowed by Hesperia's code of ordinances is 65 dB during any time period.

The major source of noise in the City of Hesperia and the project area is vehicular traffic. The level of vehicular traffic noise varies with many factors, including traffic volume, vehicle mix (truck percentage), traffic speed, and distance from the roadway. Other sources of noise include railroad, aircraft, industrial and commercial activity, and construction.

⁷¹ Primaco Shopping Center. Site Plan A-o. September 2022.

⁷² Bugliarello, et. al. *The Impact of Noise Pollution*, Chapter 127, 1975.
 DRAFT • INITIAL STUDY MITIGATED NEGATIVE DECLARATION Page 93

The following noise standards are located within the City of Hesperia Municipal Code, Section 16.20.125: A. Noise Measurement. For the commercial zones, 65 dB represents the noise standard for the zone. In addition, as stated within the City of Hesperia Municipal Code Section 16.20.125, no person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

- The noise standard for that receiving land use (as specified in subsection (B)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or
- The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
- The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
- The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or
- The noise standard plus twenty (20) dB(A) for any period of time.

To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

- The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.
- The restaurant drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the west and east. The speakers must be designed so that noise amplification is directed towards the cars and not the residences.
- Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.

Strict adherence to the mitigation provided below will reduce the number of units and residents potentially affected by ground-borne vibration generated by empty haul trucks:

- Haul trucks will be prohibited from travelling on local streets in the residential areas. All haul trucks must travel either eastbound or westbound on Ranchero Road.

Adherence to the aforementioned mitigation measures will reduce the potential noise impacts to levels that are less than significant.

B. *Would the project result in generation of excessive ground-borne vibration or ground-borne noise levels? • Less than Significant Impact.*

The nearest noise sensitive uses are located adjacent to the project site to the west. With sparse residential land usage on the northwest. This area is zoned as Residential (RR-1).⁷³ The construction of the proposed project will result in the generation of vibration and noise, though the vibrations and noise generated during the project's construction will not adversely impact the nearby residential sensitive receptors.

⁷³ Google Maps and City of Hesperia Zoning Map. Website accessed on November 13, 2022.






dB Levels		
 Serious Injury	165	
	160	
	155	
	150	
 Pain	145	
	140	<i>sonic boom</i>
	135	
	130	
	125	<i>jet take off at 200 ft.</i>
	120	
 Discomfort	139	<i>music in night club interior</i>
	110	<i>motorcycle at 20 ft.</i>
	105	<i>power mower</i>
	100	
	95	<i>freight train at 50 ft.</i>
	90	<i>food blender</i>
 Range of Typical Noise Levels	85	<i>electric mixer, light rail train horn</i>
	80	
	75	
	70	<i>portable fan, roadway traffic at 50 ft.</i>
	65	
	60	<i>dishwasher, air conditioner</i>
	55	
	50	<i>normal conversation</i>
	45	<i>refrigerator, light traffic at 100 ft.</i>
	40	
 Threshold of Hearing	35	<i>library interior (quiet study area)</i>
	30	
	25	
	20	
	15	
	10	<i>rustling leaves</i>
	5	
	0	

EXHIBIT 3-6 TYPICAL NOISE SOURCES AND LOUDNESS SCALE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

The background vibration velocity level in residential areas is usually around 50 vibration velocity level (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Construction activities may result in varying degrees of ground vibration, depending on the types of equipment, the characteristics of the soil, and the age and construction of nearby buildings.

The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

Typical levels from vibration generally do not have the potential for any structural damage. Some construction activities, such as pile driving and blasting, can produce vibration levels that may have the potential to damage some vibration sensitive structures if performed within 50 to 100 feet of the structure. The reason that normal construction vibration does not result in structural damage has to do with several issues, including the frequency vibration and magnitude of construction related vibration. Unlike earthquakes, which produce vibration at very low frequencies and have a high potential for structural damage, most construction vibration is in the mid- to upper- frequency range, and therefore has a lower potential for structural damage.

The project's implementation will not require deep foundations since the underlying fill soils will be removed and the height of the proposed buildings will be limited. The commercial buildings would be constructed over a shallow foundation that will extend no more than three to four feet bgs. The use of shallow foundations precludes the use of pile drivers or any auger type equipment. However, other vibration generating equipment may be used on-site during construction. As stated above, the project will require the use of excavators, loaders, bulldozers, and haul trucks.

Vibration resulting from the operation of empty haul trucks may affect the residents located east and west of the project site. Strict adherence to the mitigation provided below will reduce the number of units and residents potentially affected by ground-borne vibration generated by empty haul trucks:

- Haul trucks will be prohibited from travelling on local streets in the residential areas. All haul trucks must travel either eastbound or westbound on Ranchero Road.

Adherence to the above-mentioned mitigation will reduce potential vibration impacts to levels that are less than significant. Once operational, the proposed project will not generate excessive ground-borne noise because the project will not require the use of equipment capable of creating ground-borne noise. The project will be required to adhere to all pertinent City noise control regulations. In addition, the cumulative

traffic associated with the proposed project will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater).

Once in operation, the proposed project will not significantly raise ground borne noise levels. Slight increases in ground-borne noise levels could occur during the construction phase. The limited duration of construction activities and the City's construction-related noise control requirements will reduce the potential impacts *As a result, the impacts would be less than significant.*

C. *For a project located within the vicinity of a private airstrip or 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? • No Impact.*

The project site is not located within an airport land use plan and the nearest airport to the site is the Hesperia Airport that is located approximately 1.92 miles to the southeast. The proposed use is not considered to be a sensitive receptor. As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses. *As a result, no impacts will occur.*

MITIGATION MEASURES

The following mitigation will be required in order to further reduce construction noise:

Noise Mitigation Measure No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

Noise Mitigation Measure No. 2. The restaurant drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the west and east. The speakers must be designed so that noise amplification is directed towards the cars and not the residences.

Noise Mitigation Measure No. 3. Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.

Strict adherence to the mitigation provided below will reduce the number of units and residents potentially affected by ground-borne vibration generated by empty haul trucks:

Noise Mitigation Measure No.4. Haul trucks will be prohibited from travelling on local streets in the residential areas. All haul trucks must travel either eastbound or westbound on Ranchero Road.

3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned 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)?				×
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				×

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project induce substantial unplanned 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)? • No Impact.

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. The site's zoning designation is Convenience Commercial (C1).⁷⁴

Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The site is currently undeveloped though it has been disturbed. The proposed use is consistent with the proposed Convenience Commercial zoning and general plan designations.
- *Extension of roadways and other transportation facilities.* Future roadway and infrastructure connections will serve the proposed project site only.
- *Extension of infrastructure and other improvements.* The installation of any new utility lines will not lead to subsequent offsite development since these utility connections will serve the site only.
- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility

⁷⁴ Primaco Shopping Center. Site Plan A-o. September 2022.

services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants.

- *The removal of housing requiring replacement housing elsewhere.* The site does not contain any housing units. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* The project will result in an increase in employment. Referring to the Employment Density Study prepared by The Natelson Company Inc, there will be an employee for every 1,392 square feet of gross land area. The total gross land area of the site is 439,125 square feet, requiring about 244 employees, which can be accommodated by the local labor market.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

The proposed project will utilize existing roadways and infrastructure. The proposed project will not result in any unplanned growth. *Therefore, no impacts will result.*

B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? • No Impact.

The project site is vacant and ungraded. The proposed use is consistent with the proposed Convenience Commercial zoning and general plan designations. No housing units will be permitted, and none will be displaced as a result of the proposed project's implementation. *Therefore, no impacts will result.*

MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact 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 would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i). Would the project result in substantial adverse physical impacts associated with Fire protection?			✗	
ii). Would the project result in substantial adverse physical impacts associated with Police protection?			✗	
iii). Would the project result in substantial adverse physical impacts associated with Schools?			✗	
iv). Would the project result in substantial adverse physical impacts associated with Parks?			✗	
v). Would the project result in substantial adverse physical impacts associated with Other public facilities?			✗	

ANALYSIS OF ENVIRONMENTAL IMPACTS

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 would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be

located south of the convenience store. There would be 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces for the convenience store, and 34 parking spaces for the drive-thru restaurant. A total of 351 parking spaces would be provided. Landscaped areas would total 31,883 square feet. The site's zoning designation is Convenience Commercial (C1).⁷⁵

i). Would the project result in substantial adverse physical impacts associated with fire protection? • Less than Significant Impact.

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department. Currently there are five (5) fire stations within the City of Hesperia, Stations 301, 302, 303, 304, and 305. In addition, there are two (2) stations outside of the City, which include Stations 22 and 23. Station 305 (8331 Caliente Rd, Hesperia, CA 92344) is the first response station to the project site located 3.24 miles to the northwest. The proposed project would only place an incremental demand on fire services since the project will be constructed with strict adherence to all pertinent building and fire codes. In addition, the proposed project would be required to implement all pertinent Fire Code Standards. Furthermore, the project will be reviewed by City and County building and fire officials to ensure adequate fire service and safety. *As a result, the potential impacts to fire protection services will be less than significant.*

ii). Would the project result in substantial adverse physical impacts associated with police protection? • Less than Significant Impact.

Law enforcement services within the City are provided by the San Bernardino County Sheriff's Department which serves the community from one police station. The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis. The Hesperia Police Department is located at 15840 Smoketree approximately 3.5 miles to the northeast of the project site. This station is adjacent to the City Hall and Library, surrounding the Hesperia Civic Plaza. The primary potential security issues will be related to vandalism and potential burglaries during off-business hours. The project Applicant must install security cameras throughout the project site. *Adherence to the aforementioned standard conditions and regulatory compliance measures will ensure that potential impacts remain less than significant.*

iii). Would the project result in substantial adverse physical impacts associated with schools? • Less than Significant Impact.

The Hesperia Unified School District (HUSD) is the largest school district in the high desert, covering nearly 160 square miles, serving approximately 21,000 students (K-12) on 26 separate campuses. The nearest school to the project site is Oak Hills High School located 1.77 miles to the west along Ranchero Road. Due to the nature of the proposed project, no direct enrollment impacts regarding school services will occur. The proposed project will not directly increase demand for school services. *As a result, the impacts on school-related services will be less than significant.*

⁷⁵ Primaco Shopping Center. Site Plan A-O. September 2022.

iv). *Would the project result in substantial adverse physical impacts associated with parks? • Less than Significant Impact.*

The Hesperia Recreation and Park District (HRPD) is an independent special district within the County of San Bernardino. HRPD was created in 1957 to meet the recreational needs of the community and encompasses approximately 100 square miles, including the 75 square miles within the City of Hesperia and much of the Sphere of Influence. HRPD constructs and maintains parks, recreation facilities, retention basins, Landscape Maintenance Districts, streetlights, and other recreational services and programs to the community. The nearest park to the project site is located 0.5 miles to the northeast along Maple Avenue. The proposed project will not result in any local increase in residential development (directly or indirectly) which could potentially impact the local recreational facilities. *As a result, less than significant impacts on parks will result from the proposed project's implementation.*

v). *Would the project result in substantial adverse physical impacts associated with other public facilities? • Less than Significant Impact.*

The proposed project will not create direct local population growth which could potentially create demand for other governmental service. *As a result, less than significant impacts will result from the proposed project's implementation.*

MITIGATION MEASURES

The analysis of public service impacts indicated that no significant adverse impacts are anticipated, and no mitigation is required with the implementation of the proposed project.

3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact 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?				✕
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✕

ANALYSIS OF ENVIRONMENTAL IMPACTS

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?* • *No Impact.*

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. The site's zoning designation is Convenience Commercial (C1).⁷⁶

The Hesperia Recreation and Park District (HRPD) is an independent special district within the County of San Bernardino. HRPD was created in 1957 to meet the recreational needs of the community and encompasses approximately 100 square miles, including the 75 square miles within the City of Hesperia and much of the Sphere of Influence. HRPD constructs and maintains parks, recreation facilities, retention basins, Landscape Maintenance Districts, streetlights, and other recreational services and programs to the community. No parks are located adjacent to the site. The nearest public park is Maple Park located approximately 0.41 miles northeast of the project site. The proposed project would not result in any improvements that would potentially significantly physically alter any public park facilities and services. *As a result, no impacts are anticipated.*

⁷⁶ Primaco Shopping Center. Site Plan A-o. September 2022.

B. *Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? • No Impact.*

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the City. No such facilities are located adjacent to the project site. *As a result, no impacts will occur.*

MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✗	
B. Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✗	
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✗	
D. Would the project result in inadequate emergency access?			✗	

The traffic study is provided in Appendix E.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.*

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store.

There would be 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces for the convenience store, and 34 parking spaces for the drive-thru restaurant. A total of 351 parking spaces would be provided. Landscaped areas would total 31,883 square feet. Several access alternatives providing success to Tamarisk Avenue and Ranchero Road, are under consideration. Several access alternatives providing access to Tamarisk Avenue and Ranchero Road, are under consideration. The developer's preferred access alternative would involve the construction of a driveway connection with Tamarisk Avenue along the project's western frontage and the installation of a traffic signal at the proposed three-leg

intersection of Ranchero Road and Tamarisk Avenue providing full access to the project. The site's zoning designation is Convenience Commercial (C1).⁷⁷

Traffic generation is expressed in vehicle trip ends, defined as one-way vehicular movements, either entering or exiting the generating land use. Traffic volumes expected to be generated by the proposed project were estimated for the weekday commuter AM and PM peak hours, as well as over a 24-hour daily period, using trip generation rates provided by the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition. The ITE document contains trip rates for a variety of land uses which have been derived based on traffic counts conducted at existing sites throughout California and the United States.

For this project, a traffic study was conducted by David Evans and Associates Inc, attached as Appendix E. The ITE land use code for shopping plaza with supermarket is code 821, for fast-food restaurant with drive through window is ITE 934, and for convenience market/gas station is 945. According to the ITE trip generation rates, the proposed land uses will generate 15,864 average daily trips (ADT). In addition, the PM peak hour trips will total 1,232 trips. Pass-by trips are trips generated to the project site by vehicles that are traveling to a different end destination. An example of a pass-by trip to a convenience market/gas station would be a resident leaving their house and stopping at the gas station on their way to a supermarket without originally intending to visit the gas station. Since pass-by trips are trips made en-route to an end destination, they are not considered a full trip. Uses that generate a large number of pass-by trips are typically not end destinations (carwashes, convenience stores, gas stations, ATMs, certain drive-thru establishments, etc.).

When considering the pass-by adjustment, the total pass-by ADT will be 7,680 trips per day and the pass-by PM peak hour trips will be 664 PM peak hour trips. When considering the aforementioned pass-by adjustments, the total "adjusted" ADT trip generation will be 8,184 ADT (15,864 ADT – 7,680 pass-by ADT = 8,184 ADT) and the total PM peak hour trips will be 568 PM peak hour trips (1,232 PM peak hour trips – 664 pass-by PM peak hour trips = 568 PM peak hour trips.).

⁷⁷ Primaco Shopping Center. Site Plan A-o. September 2022.

Table 3-5 Project Trip Generation

Use		Size/Quantity	Daily	AM			PM		
				In	Out	Total	In	Out	total
1	Shopping Plaza w/Supermarket-Land Use Category (ITE 821) -2 buildings								
	Per 1,000 Sq. Ft GLA	75,000	94.49	2.19	1.34	3.53	4.33	4.7	9.03
	Trips		7,087	164	101	265	325	353	678
	Pass-By Trips (0%, 40%)		1,418	0	0	0	130	141	271
	Primary Trips (100%, 60%)		5,669	164	101	265	195	212	407
2	Fast-Food Restaurant with Drive-Through Window - Land Use Category (ITE 934)								
	Per 1,000 Sq. Ft GLA	3,400	467.48	22.75	21.86	44.61	17.18	15.85	33.03
	Trips		1,590	77	75	152	58	54	112
	Pass-By Trips (50%, 55%)		835	39	38	77	32	30	62
	Primary Trips (65%, 65%)		755	38	37	75	26	24	50
3	Convenience Market/Gas Station - VFP (16-24) Land Use Category (ITE 945)								
	Per 1,000 Sq. Ft GLA	5,600	1,283.38	46.59	44.76	91.35	41.05	37.9	78.95
	Trips		7,187	261	251	512	230	212	442
	Pass-By Trips (76%, 75%)		5,427	198	191	389	172	159	331
	Primary Trips (24%, 25%)		1,760	63	60	123	58	53	111
	Total Project Trips		15,864	502	427	929	613	619	1,232
	Total Pass-By Trips		7,680	237	229	466	334	330	664
	Total Primary Trips		8,184	265	198	463	279	289	568

Source: "Trip Generation Manual, Institute of Transportation Engineers", 11th Edition

The projected additional traffic generation is minimal and is not anticipated to affect the level of service of any nearby roadway segment. The increase in the morning and evening peak hour trips will not affect the LOS at this intersection. As a result, the impacts will be less than significant. The traffic volumes would be far less than the potential traffic volumes for other types of commercial land uses and development that would otherwise be permitted under the City's Zoning Ordinance for the property. *As a result, the potential impacts are anticipated to be less than significant.*

B. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? • Less than Significant Impact.

CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The proposed project is not a transportation project. As a result, no impacts on this issue will result. CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. The City of Hesperia has developed guidelines for analyzing a development project's VMT in conformance with SB 743. According to the guidelines a VMT analysis would apply to projects that have the potential to increase the average VMT per service population (e.g., population plus employment) compared to the County of San Bernardino VMT average of 32.7 VMT per service population.⁷⁸ When considering the pass-by adjustment, the total pass-by ADT will be 7,680 trips per day and the pass-by PM peak hour trips will be 664 PM peak hour trips. The proposed project is not located in a low-VMT generating Traffic Analysis Zone (TAZ) and a VMT analysis is required but an analysis is not required for the individual buildings as they are all under 50,000 square feet and are within the threshold of the project type screening

⁷⁸ David Evans and Associates Inc. Focused Traffic Impact Study. Report dated September 29, 2022.

criterion.⁷⁹ As a result, the project will not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines. *As a result, the impacts will be less than significant.*

C. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.*

Vehicular access would be provided by a total of five driveway connections. Primary access to the project site would be provided by two 30-foot wide driveway connections consisting of a two lane ingress and egress with the north side of Ranchero Road. The two driveway connections with Ranchero Road would be “right turn in” and “right turn exit.” A third driveway connection consisting of two lanes with a total width of 34-feet would be located in the site’s northeast portion connecting with the south side of Wello Fargo Street. A fourth 36-foot wide driveway would connect with the east side Tamarisk Avenue. Truck access to the loading docks located in the eastern portion of the site would be provided in the site’s northeastern corner.⁸⁰ The City’s traffic engineer reviewed the site and access plans and approved the design. *As a result, the impacts would be less than significant.*

D. *Would the project result in inadequate emergency access? • Less than Significant Impact.*

The proposed project would not affect emergency access to any adjacent parcels. At no time during construction will the adjacent public street, Ranchero Road and Tamarisk Avenue be completely closed to traffic. All construction staging must occur on-site. *As a result, the impacts associated with the proposed project’s implementation will be less than significant.*

MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project’s approval and subsequent implementation. As a result, no mitigation measures are required.

⁷⁹ David Evans and Associates Inc. Focused Traffic Impact Study. Report dated September 29, 2022.

⁸⁰ Ibid.

3.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact 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:				
i) Would the project have 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				✗
ii). Would the project have 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 Resource 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.		✗		

ANALYSIS OF ENVIRONMENTAL IMPACTS

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:*

A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

Adherence to the standard condition presented in Subsection B under Cultural Resources will minimize potential impacts to levels that are less than significant.

The proposed project site is located on recognized Yuhaaviatam/Maarenga'yam land. The word Maara'yam, the People of Maara', is used to describe all peoples known today as Serrano. The name Yuhaaviatam, or People of the Pines, refers to the Serrano clan of our progenitor, Santos Manuel. The Serrano ancestral territory covers present-day Antelope Valley on the west, southwest Mojave Desert to the north, the Inland Empire north of the city of Riverside to the south, and the city of Twentynine Palms to the east.⁸¹

The site is also within an area of the City that has been disturbed due to adjacent development and there is a limited likelihood that artifacts would be encountered. The proposed project's construction would involve shallow excavation for the installation of building footings, utility lines, and other underground infrastructure. Ground disturbance would involve grading and earth-clearing activities for the installation of the grass and landscaping and other on-site improvements. In addition, the proposed project area is not located within an area that is typically associated with habitation sites, foraging areas, ceremonial sites, or burials. Nevertheless, mitigation was provided in the previous subsection. *With the implementation of the mitigation measure found in subsection B of the Cultural Resources section within this document, impacts would be reduced to levels that would be less than significant.*

i). Would the 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). • No Impact

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. The project site is not listed in the Register. *As a result, no impacts would occur.*

ii). Would the project have 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 Resource 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? • Less than Significant Impact with Mitigation.

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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a). *As a result, there will be a less than significant impact with mitigation.*

⁸¹ San Manuel Band of Mission Indians. History. <https://sanmanuel-nsn.gov/culture/history>. Website Accessed October 13, 2022.

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

Tribal Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

Tribal Cultural Resources Mitigation Measure No. 2. The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.

Tribal Cultural Resources Mitigation Measure No. 3. Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.

Tribal Cultural Resources Mitigation Measure No. 4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.

3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✗	
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✗	
C. Would the project 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?			✗	
D. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✗	
E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				✗

The energy and utilities computer work sheets are provided in Appendix D.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. <i>Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? • Less than Significant Impact.</i>

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet. The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. The site's zoning designation is Convenience Commercial (C1).⁸² The proposed project involves the construction of a shopping center located on Ranchero Road in the city

⁸² Primaco Shopping Center. Site Plan A-o. September 2022.

of Hesperia. The center will consist of a 47,000 square feet commercial building, a 28,000 square feet commercial building, a 5,600 square feet convenience store, a gas station, and a 3,400 square feet drive-thru restaurant. The total building area is 84,000 square feet on a 439,125 square foot (10.1 acre) parcel. 360 parking stalls will be provided throughout the project site. 31,883 square feet will be dedicated to landscape which will cover 9.4% of the site. The site's Accessor Parcel Number (APN) is 0405-383-31 with a zoning designation of Convenience Commercial (C1).⁸³ There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. Therefore, the project's implementation will not require the relocation of any of the aforementioned facilities. The project site is currently undeveloped though the site has existing electrical, sewer and water connections adjacent to the project site. The proposed project's connection can be adequately handled by the existing infrastructure. *As a result, the potential impacts will be less than significant.*

B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? • Less than Significant Impact.

The Hesperia Water District (HWD) currently maintains 18 storage reservoirs within the distribution system with a total capacity of 49.5 million gallons. The City sits above the Upper Mojave River Basin within the jurisdiction of the Mojave Water Agency, and draws its water from the Alto sub-basin, which has a capacity of 2,086,000 acre-feet. Approximately 960,000 acre-feet of stored groundwater is estimated within the basin with an additional 1,126,000 acre-feet of storage capacity available through recharge efforts. The proposed project is estimated to consume 37,604.8 gallons of water on a daily basis. There are existing water and sewer lines located on Ranchero Road. *As a result, the impacts will be less than significant.*

Table 3-7 Projected Water Consumption

Project Element	Consumption Rate	Project Consumption
Convenience Store (5,600 sq. ft.)	0.15 gals./day/sq. ft.	840 gals. /day
Shopping Center (73,448 sq. ft.)	0.50 gals. /day/sq. ft.	36,356.8 gals. /day
Fast-Food Restaurant (3,400 sq. ft.)	0.12 gals. /day/sq. ft.	408 gals. /day
Total		37,604.8 gals. /day

Source: Steeno Design Studio. *Primaco Shopping Center Site Plan*

C. Would the project 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? • Less than Significant Impact.

Wastewater services are provided by the Victor Valley Wastewater Reclamation Authority (VWVRA). Currently the City is served by an interceptor system that extends approximately 15 miles from the regional treatment facility (Victorville) south to I Avenue and Hercules in the City of Hesperia. The interceptor system consists of both gravity and force main pipelines, ranging in size from 6-inch to 42-inch diameters. The City's sewer system collects to the VWVRA's 3-mile interceptor that runs along the northeast boundary of the City. Sewer lines range from 3 inches up to 21-inch lines within the City. The proposed project is estimated to generate 25,069.8 gallons of wastewater on a daily basis. The project's implementation will

⁸³ Primaco Shopping Center. Site Plan A-o. September 2022.

not create a substantial increase of existing infrastructure. *As a result, the impacts are expected to be less than significant.*

Table 3-8 Projected Effluent Generation

Project Element	Generation Rate	Project Generation
Convenience Store (5,600 sq. ft.)	0.10 gals./day/sq. ft.	560 gals. /day
Shopping Center (73,448 sq. ft.)	0.33 gals./day/sq. ft.	24,237.8 gals. /day
Fast-Food Restaurant (3,400 sq. ft.)	0.08 gals./day/sq. ft.	272 gals. /day
Total		25,069.8 gals. /day

Source: Steeno Design Studio. *Primaco Shopping Center Site Plan*

D. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? • Less than Significant Impact.

Approximately 63 percent of the solid waste generated in Hesperia is being recycled, exceeding the 50 percent requirement pursuant to the California Integrated Waste Management Act of 1989 (AB939). Currently, about 150 tons of the solid waste generated by the City per day is sent to the landfill. This remaining solid waste is placed in transfer trucks and disposed of at the Victorville Sanitary Landfill at 18600 Stoddard Wells Road in Victorville, owned and operated by the County of San Bernardino. The proposed project is estimated to generate 818.7 pounds of solid waste on a daily basis. *As a result, the potential impacts will be less than significant.*

Table 3-9 Projected Solid Waste Generation

Project Element	Generation Rate	Project Generation
Convenience Store (5,600 sq. ft.)	42 lbs./day/1,000 sq. ft.	235.2 lbs./day
Shopping Center (73,448 sq. ft.)	6 lbs./day/1,000 sq. ft.	440.7 lbs./day
Fast-Food Restaurant (3,400 sq. ft.)	42 lbs./day/1,000 sq. ft.	142.8 lbs./day
Total		818.7 lbs./day

Source: Steeno Design Studio. *Primaco Shopping Center Site Plan*

E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.

The proposed project, like all other development in Hesperia and San Bernardino County, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. *As a result, no impacts related to State and local statutes governing solid waste are anticipated.*

MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✗
B. Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✗
C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✗
D. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✗

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.

The proposed project involves the construction and operation of a commercial shopping center located near the northeast corner of Ranchero Road and Tamarisk Avenue in the City of Hesperia. The proposed project site consists of approximately 10.8 acres that would include a shopping center with a supermarket and nine tenant spaces, a second commercial building with 15 tenant spaces that would include two restaurants, a fast-food restaurant with drive-through window, and a convenience market/gas station with 16 vehicle fueling positions. The shopping center would include a major anchor store, referred to as Building A, that would include a supermarket consisting of 32,000 square feet and nine tenant spaces (referred to as Unit A through Unit I, totaling 13,599 square feet). The second major commercial building, referred to as Building B totaling 26,448 square feet, would contain fifteen tenant spaces including two restaurants. A fast-food restaurant with a drive through window would be located in the south-central portion of the site and would consist of 3,400 square feet. Finally, a convenience store with 5,600 square feet of floor area, would be located in the western portion of the site. A fuel dispensing area, with 16 vehicle fueling positions, would be located south of the convenience store. There would be 188 parking spaces for Building A, 106 parking spaces for Building B, 23 parking spaces. The site's zoning designation is Convenience Commercial (C1).⁸⁴

The proposed project would involve construction of a shopping center located on Ranchero Road in the city of Hesperia. The center will consist of a 47,000 square feet commercial building, a 28,000 square feet commercial building, a 5,600 square feet convenience store, a gas station, and a 3,400 square feet drive-thru restaurant. The total building area is 84,000 square feet on a 439,125 square foot (10.1 acre) parcel. 360 parking stalls will be provided throughout the project site. 31,883 square feet will be dedicated to landscape which will cover 9.4% of the site. The site's Accessor Parcel Number (APN) is 0405-383-31 with

⁸⁴ Primaco Shopping Center. Site Plan A-o. September 2022.

a zoning designation of Convenience Commercial (C1).⁸⁵

Vehicular access would be provided by two new driveway connections with the north side of Ranchero Road, two along the east side of Tamarisk Avenue, and one along the northern side of the project site. The site's zoning designation is Convenience Commercial (C1).⁸⁶ Surface streets that will be improved at construction will serve the project site and adjacent area. The proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. At no time during construction will adjacent streets be completely closed to traffic. All construction staging must occur on-site. *As a result, no impacts will occur.*

B. Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • No Impact.

The project site is located in the midst of an urbanized zoned area. The proposed project may be exposed to particulate emissions generated by wildland fires in the mountains (the site is located approximately 12 miles northeast and northwest of the San Gabriel and San Bernardino Mountains). However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire City as well as the surrounding cities and unincorporated county areas. *As a result, no impacts will occur.*

C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • No Impact.

The project site is located in an area that is classified as a Moderate fire risk severity within a Local Responsibility Area (LRA) and will not require the installation of specialized infrastructure such as fire roads, fuel breaks, or emergency water sources. *As a result, no impacts will occur.*

D. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? • No Impact.

While the site is located within a moderate fire risk and local responsibility area, the proposed project site is located within an area classified as urban with relatively flat land. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes. As a result, no impacts will occur.

MITIGATION MEASURES

The analysis of wildfires impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

⁸⁵ Primaco Shopping Center. Site Plan A-o. September 2022.

⁸⁶ Ibid.

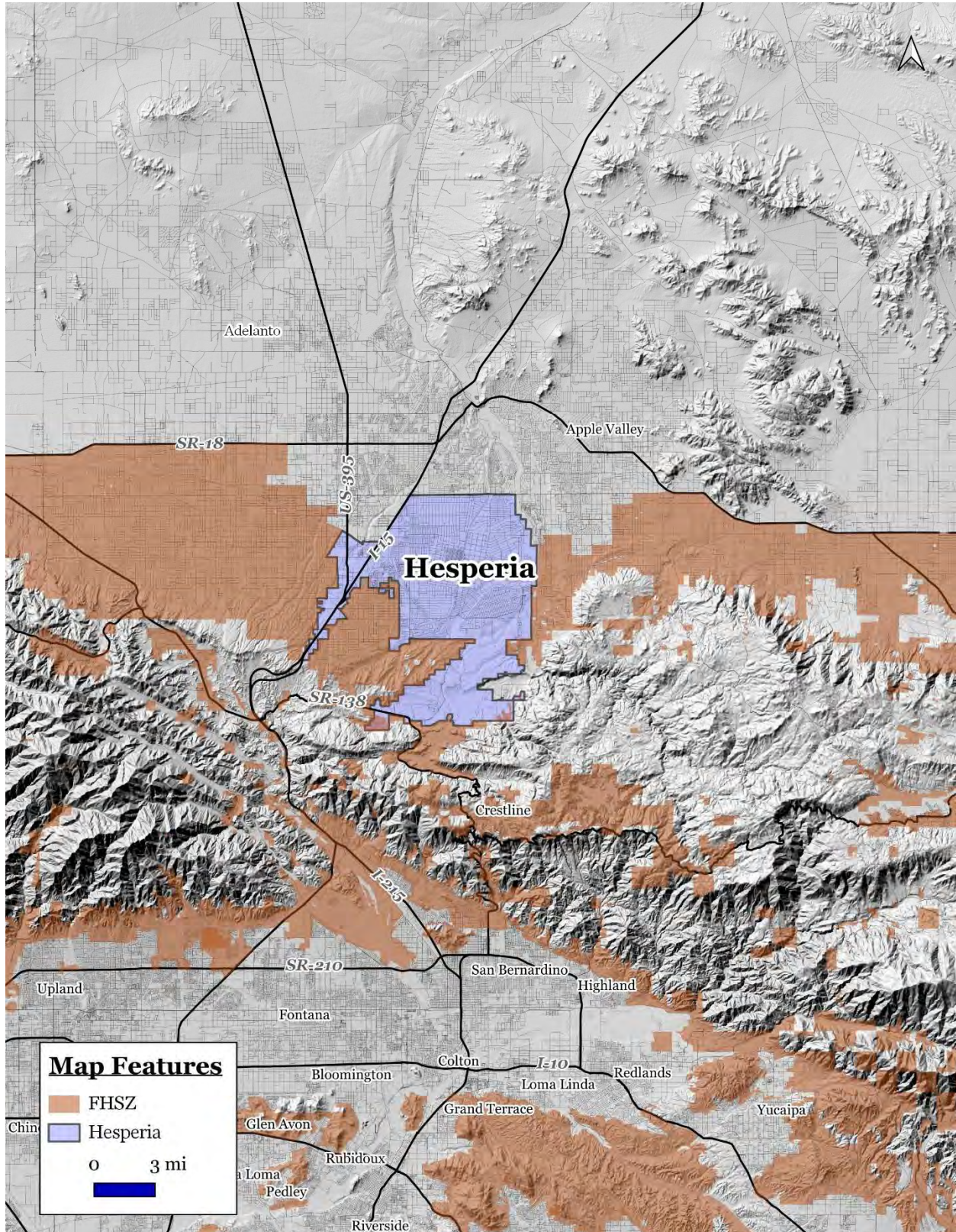


EXHIBIT 3-7 FHSZ MAP
 SOURCE: CALFIRE

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Does the project have the potential to substantially 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, substantially 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?				×
B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				×
C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				×

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- A. The proposed project *will not* have the potential to substantially 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, substantially 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. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.
- B. The proposed project *will not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.
- C. The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.



SECTION 4. CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially 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, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

4.2 MITIGATION MONITORING

This IS/MND includes the following mitigation measures. The Mitigation Monitoring and Reporting Program is provided in Table 4-1.

Air Quality Mitigation Measure No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project;

Air Quality Mitigation Measure No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

Air Quality Mitigation Measure No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

Air Quality Mitigation Measure No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

Air Quality Mitigation Measure No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto

paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

Biological Resources Mitigation Measure No. 1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code may need to be conducted prior to the commencement of future ground disturbance.

- a. Appropriate survey methods and time frames shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.
- b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

Biological Resources Mitigation Measure No.2. A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the County's Municipal Code.

Biological Resources Mitigation Measure No.3. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

Biological Resources Mitigation Measure No. 4. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.

Biological Resources Mitigation Measure No. 5. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees were also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation

Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

Cultural Resources Mitigation Measure No. 2. The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols. The paleontological monitor shall be present

full-time during the first week of ground disturbance below one foot for the Project, including but not limited to grading, trenching, utilities, and off-site easements. If, after excavation begins, the qualified paleontologist determines that the sediments are not likely to produce fossil resources, monitoring efforts shall be reduced. The paleontological monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered.

Cultural Resources Mitigation Measure No. 3. In the event of a paleontological discovery, the paleontological monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area. In consultation with the qualified paleontologist the paleontological monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly mapped, documented, removed, and the area cleared for construction. If the discovery is significant the qualified paleontologist shall notify the CLIENT and CITY immediately.

Cultural Resources Mitigation Measure No. 4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.

Cultural Resources Mitigation Measure No. 5. If previously unidentified archaeological and/or paleontological materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist/paleontologist can assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has determined the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or their authorized representative, the MLD may inspect the site of the discovery. The MLD shall conduct the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Energy Mitigation Measure No. 1. The use of motion activated lighting to reduce energy use at night.

Noise Mitigation Measure No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

Noise Mitigation Measure No. 2. The restaurant drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the west and east. The speakers must be designed so that noise amplification is directed towards the cars and not the residences.

Noise Mitigation Measure No. 3. Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.

Noise Mitigation Measure No.4. Haul trucks will be prohibited from travelling on local streets in the residential areas. All haul trucks must travel either eastbound or westbound on Ranchero Road.

Tribal Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.

Tribal Cultural Resources Mitigation Measure No. 2. The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.

Tribal Cultural Resources Mitigation Measure No. 3. Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.

Tribal Cultural Resources Mitigation Measure No. 4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.

Table 4-1 Mitigation Monitoring Program

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
Air Quality Mitigation Measure No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Air Quality Mitigation Measure No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:

Table 4-1 Mitigation Monitoring Program

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
Air Quality Mitigation Measure No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>During construction of the project.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Air Quality Mitigation Measure No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Air Quality Mitigation Measure No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Biological Resources Mitigation Measure No. 1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code may need to be conducted prior to the commencement of future ground disturbance. a. Appropriate survey methods and time frames shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Biological Resources Mitigation Measure No.2. A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the County's Municipal Code.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Biological Resources Mitigation Measure No.3. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	<i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.	Date: Name & Title:

Table 4-1 Mitigation Monitoring Program

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
Biological Resources Mitigation Measure No. 4. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	Prior to the start of any construction related activities. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Biological Resources Mitigation Measure No. 5. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees were also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation	Planning Department (The Applicant is responsible for implementation)	Prior to the start of any construction related activities. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Cultural Resources Mitigation Measure No. 2. The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols. The paleontological monitor shall be present full-time during the first week of ground disturbance below one foot for the Project, including but not limited to grading, trenching, utilities, and off-site easements. If, after excavation begins, the qualified paleontologist determines that the sediments are not likely to produce fossil resources, monitoring efforts shall be reduced. The paleontological monitor shall be empowered to temporarily halt or redirect grading efforts if paleontological resources are discovered.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Cultural Resources Mitigation Measure No. 3. In the event of a paleontological discovery, the paleontological monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area. In consultation with the qualified paleontologist the paleontological monitor shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly mapped, documented, removed, and the area cleared for construction. If the discovery is significant the qualified paleontologist shall notify the CLIENT and CITY immediately.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Cultural Resources Mitigation Measure No. 4. A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:

Table 4-1 Mitigation Monitoring Program

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
Cultural Resources Mitigation Measure No. 5. If previously unidentified archaeological and/or paleontological materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist/paleontologist can assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has determined the origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or their authorized representative, the MLD may inspect the site of the discovery. The MLD shall conduct the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Energy Mitigation Measure No. 1. The use of motion activated lighting to reduce energy use at night.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Noise Mitigation Measure No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	Prior to the start of any construction related activities. Mitigation extends over the lifetime of the project.	Date: Name & Title:
Noise Mitigation Measure No. 2. The restaurant drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the west <u>and east</u> . The speakers must be designed so that noise amplification is directed towards the cars and not the residences.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	Prior to the start of any construction related activities. Mitigation ends at the completion of the construction phase.	Date: Name & Title:
Noise Mitigation Measure No. 3. Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted. The drive through lane restaurant speakers must remain at its location shown on the site plan so as not to impact the residences located to the east.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During the project's operational life. Mitigation continues over the project's operational life.	Date: Name & Title:
Noise Mitigation Measure No.4. Haul trucks will be prohibited from travelling on local streets in the residential areas. All haul trucks must travel either eastbound or westbound on Ranchero Road.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During the project's operational life. Mitigation continues over the project's operational life.	Date: Name & Title:
Tribal Cultural Resources Mitigation Measure No. 1. Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Hesperia that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.	City of Hesperia Planning Department (The Applicant is responsible for implementation)	During construction of the project. Mitigation ends at the completion of the construction phase.	Date: Name & Title:

Table 4-1 Mitigation Monitoring Program

MEASURE	ENFORCEMENT AGENCY	MONITORING PHASE	VERIFICATION
<p><i>Tribal Cultural Resources Mitigation Measure No. 2.</i> The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.</p>	<p style="text-align: center;">City of Hesperia Planning Department <i>(The Applicant is responsible for implementation)</i></p>	<p style="text-align: center;"><i>Prior to the start of any construction related activities.</i> Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name & Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 3.</i> Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.</p>	<p style="text-align: center;">City of Hesperia Planning Department <i>(The Applicant is responsible for implementation)</i></p>	<p style="text-align: center;"><i>During construction of the project.</i> Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name & Title:</p>
<p><i>Tribal Cultural Resources Mitigation Measure No. 4.</i> A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Hesperia prior to building final.</p>	<p style="text-align: center;">City of Hesperia Planning Department <i>(The Applicant is responsible for implementation)</i></p>	<p style="text-align: center;"><i>During construction of the project.</i> Mitigation ends at the completion of the construction phase.</p>	<p>Date:</p> <p>Name & Title:</p>



SECTION 5. REFERENCES

5.1 PREPARERS

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(626) 336-0033

Karla Nayakarathne, Project Manager
Marc Blodgett, Project Principal
Genesis Loyda, Administrator
Alice Ye, Business Developer

5.2 REFERENCES

The references that were consulted have been identified using footnotes.



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ATTACHMENT 9

RESOLUTION NO. PC-2024-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A COMMERCIAL SHOPPING CENTER CONSISTING OF A 5,600 SQUARE FOOT CONVENIENCE STORE WITH A GAS STATION AND 8 FUEL ISLANDS, 3,400 SQUARE FOOT DRIVE-THRU RESTAURANT AND TWO MULTI-TENANT BUILDINGS TOTALING APPROXIMATELY 82,448 SQUARE FEET IN CONJUNCTION WITH TENTATIVE PARCEL MAP NO. 20592 TO CREATE 4 PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND TAMARISK AVENUE (CUP22-00009)

WHEREAS, Primaco, Inc. has filed an application requesting approval of CUP22-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 10.1 gross acres located at the northeast corner of Ranchero Road and Tamarisk Avenue and consists of Assessor's Parcel Numbers 0405-383-31; and

WHEREAS, the Application, as contemplated, proposes to construct a commercial shopping center consisting of a 5,600 square foot convenience store with a gas station and 8 fuel islands, 3,400 square foot drive-thru restaurant and two multi-tenant buildings totaling approximately 82,448 square feet; and

WHEREAS, the applicant has also filed an application requesting approval of tentative parcel map TPM22-00009 (TPM No. 20592), to create 4 parcels from a 10.1 gross acre parcel; and

WHEREAS, the 10.1 gross acre site is currently vacant. The properties to the north are currently under construction for the development of 312 single family lots as part of approved Tract No. 17980. The properties to the west consist of single-family homes. The properties to the east are vacant followed by the Southern California Edison utility corridor located immediately to the east. The properties to the south, on the opposite side of Ranchero Road consist of single-family homes; and

WHEREAS, the subject property is currently zoned Convenience Commercial (C1). The properties to the north are zoned R1-Single Family Residential (2.5 - 4.5 du/ac). The properties to the west are zoned Rural Residential with a 2 ½ acre minimum lot size (RR 2 ½). The properties to the east are zoned Rural Residential with a 2 ½ acre minimum lot size (RR 2 ½) followed by the Southern California Edison utility corridor located immediately to the east. The properties to the south, on the opposite side of Ranchero Road are zoned R1 with an 18,000 square foot minimum lot size (R1-18,000); and

WHEREAS, an environmental Initial Study for the proposed project was circulated for a 30-day public review from April 30, 2024 through May 30, 2024, and it determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. A Mitigated Negative Declaration was subsequently prepared; and

WHEREAS, on July 11, 2024, 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 July 11, 2024 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The Planning Commission had independently reviewed and analyzed the Mitigated Negative Declaration and finds that it reflects the independent judgement of the Planning 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.
- (b) The proposed shopping center is a permitted use within the C1 Convenience Commercial zone. However, fueling stations and the off-sale of alcoholic beverages necessitates approval of a Conditional Use Permit (CUP). The Applicant has filed a CUP application to permit the grocery store to sell beer, wine, and liquor. In addition, the fueling station in-and-of itself requires approval of a CUP. However, the off-sale of alcohol from the gas station/convenience store is not being proposed at this time.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 10.1 gross acres and can accommodate a 3,600 square foot convenience store with a gas station and 8 fuel islands, a 3,400 square foot drive-thru restaurant, two multi-tenant buildings totaling approximately 82,448 square feet and 358 parking spaces. 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.
- (d) 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 Convenience Commercial (C1) zone, with approval of this Conditional Use Permit. The project is also designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also meets all the development standards of the C1 zone. In addition, the proposed convenience store is not anticipated to generate substantial amounts of noise, and the site is separated from surrounding residential uses by Ranchero Road to the south, Tamarisk Avenue to the west and Wells Fargo Street to the north.

Furthermore, the sale of alcoholic beverages (beer, wine and liquor) from the grocery store will not have a detrimental impact on adjacent properties.

- (e) The proposed sale of beer, wine and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General 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 C1 zone with approval of a Conditional Use Permit.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the C1 zone. A shopping center, convenience store and drive-thru restaurant are allowable uses, and the sale of alcoholic beverages from the grocery store as well as the proposed fueling station are allowed with approval of a Conditional Use permit.
- (g) The site for the proposed use will have adequate access. A Traffic Impact Analysis (TIA) was prepared for the project which analyzed three different access alternatives to provide access into and out of the proposed project site. All three access alternatives are under consideration. Under Access Alternative 1, adequate access to the site will be provided by a new traffic signal located at the three-leg intersection of Ranchero Road and Tamarisk Avenue. Under Access Alternative 2 adequate access could be provided by a new traffic signal located at the Ranchero Road and Maple Avenue intersection, however it is not anticipated that this Alternative will be implemented. Under Access Alternative 3, primary access could be provided by an extension of Wells Fargo Street eastward to a new stop-controlled intersection at Maple Avenue. 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 subject property is within Census Tract 100.41, which allows up to four licenses for off-site sales of alcoholic beverages. The census tract contains two off-sale licenses and therefore the City is not required to make a finding of public convenience and necessity.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP22-0009 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 11th day of July 2024.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP22-00009

Approval Date: July 11, 2024
Effective Date: July 23, 2024
Expiration Date: July 23, 2027

This list of conditions applies to: Consideration of Conditional Use Permit CUP22-00009 to construct a commercial shopping center consisting of a 5,600 square foot convenience store with a gas station and a fuel canopy with 8 fuel islands, a 3,400 square foot drive-thru restaurant and two multi-tenant buildings totaling approximately 82,448 square feet in conjunction with Tentative Parcel Map No. 20592 (TPM22-00009) to create 4 parcels from a 10.1 gross acre parcel within the Convenience Commercial (C1) zone located at the northeast corner of Ranchero Road and Tamarisk Avenue (Applicant: Primaco Inc.; APN: 0405-383-31)

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

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)

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

FINAL MAP: A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor based upon a survey and shall conform to all provisions as outlined in Article 2, Section 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (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

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, Dena Alcayaga at (760) 947-1438 or dlalcayaga@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.

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

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer to be reviewed and approved by the City Engineer. (E)

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

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of

Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01. (F)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Ranchero Road. The right-of-way full width for Ranchero Road shall be one-hundred-forty (140') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for Wells Fargo Street across the project frontage. The right-of-way full width for Wells Fargo Street across project frontage shall be eighty (80') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for Tamarisk Avenue. The right-of-way full width for Tamarisk Avenue shall be eighty (80') feet. The Developer is also responsible for all right of way dedication required for any off-site improvements per the approved Traffic Impact Analysis. Corner cut off right of way dedication per City standards is required at all intersections.

(E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC SIGNAL(S). Dependant on the agreed upon alternative chosen as part of the approved Traffic Impact Analysis, the Developer may be required to design to construct traffic signal at the intersection identified in said TIA. Traffic signal preemption device for emergency vehicle operation shall be included. (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

RANCHERO ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Ranchero Road across the project frontage based on City's 140-foot Special Street Section for Ranchero Road. The curb face is to be located at 46' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial drive approach 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. Relocate existing utilities. The Developer shall coordinate with affected utility companies.
- M. Provide signage and striping for a Class 1 bike trail per City's adopted non-motorized transportation plan.

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TAMARISK AVENUE: Developer shall design to construct half-width improvements on Tamarisk Avenue across the project frontage based on City's 80-foot Secondary Arterial Roadway Standard. The curb face is to be located at 25' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial drive approach per City standards.
- G. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WELLS FARGO STREET: Developer shall design to construct half-width improvements on Wells Fargo Street across the project frontage based on City's 80-foot Secondary Arterial Roadway Standard. The curb face is to be located at 25' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial drive approach per City standards.
- G. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic

study and or the City Engineer.

J. Provide a signage and striping plan per City standards.

K. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF-SITE IMPROVEMENTS: Developer may be required to construct 26' minimum paved access on Wells Fargo Street from project site west to Topaz Avenue or east to Maple Avenue based on approved alternative as outlined in the approved Traffic Impact Analysis.

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 Developers 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 domestic / fire and sewer service connections.

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the proposed 8" PVC sewer main in Wells Fargo Street per approved site plan and 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

WATER/SEWER IMPROVEMENT PLAN. The Developer shall design water and sewer improvements in accordance with City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8 minimum PVC SDR 35 sewer main in Wells Fargo Street as shown on approved site plan. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER IMPROVEMENT PLAN. The Developer shall design and construct an 8" minimum PVC water main in Wells Fargo Street from Tamarisk Avenue across project frontage. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

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>

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 project's Erosivity Waiver Certification and Waiver ID to the City.

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.

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

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (P)

A. A 6' high split face block wall shall be installed along the eastern property line to adequately screen the truck delivery area.

B. All parking stalls facing public streets shall utilize screening to eliminate headlight glare into the right-of-way, and shall be consistent with Section 16.20.045, clear sight triangles, and Section 16.20.075, projections into yards. All screening used to block headlight glare shall be thirty-six (36) inches in height above the adjacent parking surface. A combination of shrubs, trees, or low level walls shall be located within the required landscape planter adjacent to the right of way and shall provide the required three foot high screening. In addition, berms may be used when possible in larger planter areas.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. A qualified archaeological and paleontological monitor shall be present during grading operations so that any resources discovered during grading will be collected in accordance with CEQA. A copy of an executed contract with a qualified archaeologist and paleontologist for monitoring during grading operations shall be submitted for Planning Division review and approval prior to issuance of a grading permit. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL 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)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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

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 plans to the Building Division with the required application fees for all proposed walls. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STAMPED CONCRETE. Stamped color concrete shall be installed at the driveway entrances in a color and design consistent with the architectural theme of the structures on-site, prior to the issuance of a building permit. The stamped color concrete shall be noted on the approved construction plans accordingly. (P)

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

ROOFTOP EQUIPMENT. All rooftop equipment shall be screened from view from the right-of-way and architecturally integrated into the design of the building. All roof-mounted mechanical equipment proposed on the roof shall be shown on a cross-section of the building, as well as a line of site study, evidencing that the equipment will be screened from view and will not be visible from the right-of-way.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRIVE-THRU TRASH RECEPTACLE. Consistent with Municipal Code Section 16.16.365 (F) a minimum of one trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be maintained at all times and emptied

on a regular basis so as to not prevent overflow. (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

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

LANDSCAPE/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

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)

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire three (3) years from the date of action of the reviewing authority. Where no grading or building permit is required, the allowed use on the site shall have commenced prior to the expiration date in compliance with the approval and any applicable conditions of approval. An extension of time may be granted pursuant to Municipal Code Section 16.12.060 if the applicant files an application and written request for an extension prior to the

expiration of the permit.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of \$2,996.75 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ABC REQUIREMENTS. The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SINGLE-SERVICE ORDINANCE. The establishment shall not sell single-service alcoholic beverages, including but not limited to beer, malt liquor and alcoholic energy drinks of any size; wine of less than 750 ml in size; distilled spirits of less than 375 ml in size; or any other individual alcoholic beverage for single-serve consumption. The establishment is subject to the regulations in Section 16.16.370 of the Development Code.

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

ATTACHMENT 10

RESOLUTION NO. PC-2024-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO CREATE FOUR PARCELS FROM A 10.1 GROSS ACRE PARCEL WITHIN THE CONVENIENCE COMMERCIAL (C1) ZONE LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND TAMARISK AVENUE (TPM22-00009)

WHEREAS, Primaco, Inc. has filed an application requesting approval of CUP22-00009 and TPM22-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 10.1 gross acres located at the northeast corner of Ranchero Road and Tamarisk Avenue and consists of Assessor's Parcel Numbers 0405-383-31; and

WHEREAS, the Application, as contemplated, proposes to create 4 parcels from a 10.1 gross acre parcel (TPM No. 20592); and

WHEREAS, the applicant has also filed an application requesting approval of CUP22-00009, to construct to construct a commercial shopping center consisting of a 5,600 square foot convenience store with a gas station and 8 fuel islands, 3,400 square foot drive-thru restaurant and two multi-tenant buildings totaling approximately 82,448 square feet; and

WHEREAS, the 10.1 gross acre site is currently vacant. The properties to the north are currently under construction for the development of 312 single family lots as part of approved Tract No. 17980. The properties to the west consist of single-family homes. The properties to the east are vacant followed by the Southern California Edison utility corridor located immediately to the east. The properties to the south, on the opposite side of Ranchero Road consist of single-family homes; and

WHEREAS, the subject property is currently zoned Convenience Commercial (C1). The properties to the north are zoned R1-Single Family Residential (2.5 - 4.5 du/ac). The properties to the west are zoned Rural Residential with a 2 ½ acre minimum lot size (RR 2 ½). The properties to the east are zoned Rural Residential with a 2 ½ acre minimum lot size (RR 2 ½) followed by the Southern California Edison utility corridor located immediately to the east. The properties to the south, on the opposite side of Ranchero Road are zoned R1 with an 18,000 square foot minimum lot size (R1-18,000); and

WHEREAS, an environmental Initial Study for the proposed project was circulated for a 30-day public review from April 30, 2024 through May 30, 2024, and it determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. A Mitigated Negative Declaration was subsequently prepared; and

WHEREAS, on July 11, 2024, 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 HESERIA 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 July 11, 2024 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia.
- (b) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to nonresidential development and the proposed parcels have adequate area to accommodate the uses proposed under CUP22-00009.
- (d) The site is physically suitable for the proposed intensity of nonresidential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met.
- (e) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (f) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby approves Tentative Parcel Map TPMN22-00009 (TPM No. 20592) subject to the conditions of approval as shown in Attachment "A," 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 this 11th day of July 2024.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TPM22-00009

Approval Date: July 11, 2024
Effective Date: July 23, 2024
Expiration Date: July 23, 2027

This list of conditions applies to Consideration of Tentative Parcel Map No. 20592(TPM22-00009) to create 4 parcels from 10.1 gross acres in conjunction with CUP22-00009 to construct a commercial shopping center consisting of a 5,600 square foot convenience store with a gas station, a 3,400 square foot drive-thru restaurant and two multi-tenant buildings totaling approximately 82,448 square feet within the Convenience Commercial (C1) zone located at the northeast corner of Ranchero Road and Tamarisk Avenue (Applicant: Primaco Inc.; APN: 0405-383-31)

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 PRIOR TO RECORDATION OF THE PARCEL MAP

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	ACCESS EASEMENTS. The Developer shall grant an Access Easement if required to provide reciprocal access to and from parcels. Said easements shall be indicated on the Map. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	IRREVOCABLE OFFERS OF DEDICATION. The Developer shall show all Offers of Dedications on the Map as outlined below: (E) A. WELLS FARGO - Wells Fargo shall have a half-width dedication of 40-feet plus a portion of a knuckle. B. TAMARISK AVENUE - Tamarisk Avenue shall have a half-width dedication of 40-feet. C. RANCHERO ROAD - Ranchero Road shall have a half-width dedication of 70-feet plus any dedicated turning movements, if required, as identified per the approved Traffic Impact Analysis. D. Dedications shall be provided at all intersections.
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	OFF SITE OFFERS OF DEDICATION AND EASEMENT. Should off site offers of dedication or easements be required for off site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMMERCIAL PARCEL MAP. A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66444 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (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 City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@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.

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

DRIVEWAY/PARKING EASEMENT. A reciprocal access and parking easement shall be recorded with the map which allows for the perpetual use of the driveways and off-street parking spaces for the benefit of each property. The reciprocal parking and access shall be indicated on the final map. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of \$2,966.75 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

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 DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

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

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

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

RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Records Office. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. An automatic meter reader is to be included on all meter connections. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY RELOCATION/UNDERGROUND. If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. A qualified archaeological and paleontological monitor shall be present during grading operations so that any resources discovered during grading will be collected in accordance with CEQA. A copy of an executed contract with a qualified archaeologist and paleontologist for monitoring during grading operations shall be submitted for Planning Division review and approval prior to issuance of a grading permit. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NATIVE AMERICAN 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)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the City Engineer. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. 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

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City of Hesperia

STAFF REPORT



DATE: July 11, 2024

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner
Leilani Henry, Assistant Planner

SUBJECT: Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001; Applicant: City of Hesperia; Area affected: City-wide.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2024-06 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying the development requirements associated with the establishment of new or the expansion of existing single price overstock/discount stores, or store as appropriate (SPODS).

BACKGROUND

On February 6, 2024, the City Council determined that without further regulation of the location and operation of SPODS, there is a potential for negative impacts from the development of such uses that cannot be mitigated. As such, the City Council adopted Urgency Ordinance No. 2024-02 establishing a 45-day moratorium on the establishment or expansion of new SPODS throughout the City.

Additionally, on March 19, 2024, the City Council voted to extend the noted moratorium for an additional period of ten months and fifteen days, for a total period of one year (Attachment 1).

The purpose of the moratorium is to allow staff time to study the issue(s) associated with SPODS and to present recommendations which would regulate the location of such establishments and the types of development standards that should be imposed on their operation to mitigate any potential negative impacts to the community.

On April 11, 2024, the Planning Commission considered a resolution recommending that the City Council introduce and place on first reading an ordinance approved a Development Code Amendment and Specific Plan Amendment modifying the development requirements associated with the establishment of new or the expansion of existing SPODS. After discussion, the Planning Commission directed staff to continue the item to a future date.

ISSUES/ANALYSIS

Existing Regulations: Hesperia Municipal Code section 16.16.320 currently allows retail sales in the Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3), zoning designations. The City's Municipal Code does not specifically identify SPODS as permitted by right or as a conditional use, so no specific regulations exist. Under the existing regulations, SPODS are considered a general retail use and are permitted by right in the Convenience

Commercial (C1), General Commercial (C2), and Service Commercial (C3), zoning designations. The Limited Manufacturing (I1) and General Manufacturing (I2) zones allow restricted retail sales only when it is incidental to a principally permitted use on the site and the retail sales do not occupy more than twenty-five (25) percent of the total building square footage. As such, SPODS are not currently permitted within the Limited Manufacturing (I1) and General Manufacturing (I2) zones.

Additionally, within the Main Street and Freeway Corridor Specific Plan (Specific Plan), retail sales are listed as a permitted use in the Regional Commercial (RC), Office Commercial (OC) and Neighborhood Commercial (NC) zoning designations. As with the Municipal Code, the Main Street and Freeway Corridor Specific Plan does not specifically identify SPODS as permitted by right or as a conditional use, so no specific regulations exist. Under the existing regulations, SPODS are considered a general retail use and are permitted by right in the Regional Commercial (RC), Neighborhood Commercial (NC) and Office Commercial (OC) zoning designations. The Office Park (OP), Auto Sales Commercial (ASC), General Industrial (GI), and Commercial Industrial Business Park (CIBP) zoning designations allow for limited commercial retail sales that are incidental to a principally permitted use with additional restrictions. Therefore, SPODS are not currently permitted within the Office Park (OP), Auto Sales Commercial (ASC), General Industrial (GI), or Commercial Industrial Business Park (CIBP) zones.

Proposed Regulations: As previously noted, SPODS are not currently defined in the Development Code, nor are there specific development standards for SPODS. As a part of the proposed regulations staff is proposing to add the following definition for SPODS (Attachment 2):

Single Price Overstock/Discount Stores (SPODS)- A retail establishment with a floor area less than 15,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, such as including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products, and continuously offers a majority of the items in its inventory for sale at a discount or price per item of \$10.00 or less, adjusted for inflation. This definition shall control any use that fits the same despite definition otherwise being termed "grocery store," "variety store," or "convenience store".

In addition, the proposed Ordinance would require all future SPODS proposals to apply for a Conditional Use Permit (CUP) where retail sales are listed as a permitted use, allowing the Planning Commission final say in determining whether a proposed project or occupancy is suitable and appropriate. By implementing the requirements of a CUP, the Planning Commission will determine if a site is adequate in size and shape to accommodate the proposed use, that the proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof and will not generate excessive disturbances, nuisances or hazards, and that the use is consistent with the goals and policies of the Development Code, General Plan, and other applicable codes and ordinances adopted by the City.

Furthermore, additional requirements may be placed upon the development project by the reviewing authority as conditions of approval such as specific hours of operations, landscape maintenance and efficient site upkeep from trash and debris. Lastly, the City Municipal Code authorizes the Planning Commission to periodically review any CUP to ensure that it is being operated in a manner consistent with conditions of approval and in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity.

Environmental: Approval of the Development Code Amendment and Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Development Code Amendment does not propose to increase the density or intensity allowed in the General Plan.

Conclusion: The proposed Development Code Amendment complies with the General Plan. The Specific Plan amendment complies with the Main Street and Freeway Corridor Specific Plan. Each ensuring that all future SPODS are subject to a conditional use permit to ensure that future sites are developed and maintained in an orderly manner.

FISCAL IMPACT

There are no fiscal impacts identified with this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. March 19, 2024, City Council staff report
2. Exhibit A.
3. Resolution No. PC-2024-06

City of Hesperia

STAFF REPORT



DATE: March 19, 2024

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager

BY: Nathan R. Freeman, Director of Development Services
Ryan Leonard, Principal Planner

SUBJECT: Urgency Ordinance-Single Price Overstock/Discount Stores Moratorium

RECOMMENDED ACTION

It is recommended that the City Council waive further reading and adopt Urgency Ordinance 2024-03 pursuant to California Government Code Section 65858 extending a moratorium for a period of ten (10) months and fifteen (15) days on the establishment or expansion of single price overstock/discount stores, or store as appropriate (SPODS).

BACKGROUND

Pursuant to State law, Government Code Section 65858, a city may enact an interim zoning ordinance on an urgency basis ("Urgency Ordinance") for the protection of public safety, health, and welfare by prohibiting any use(s) that a city is intending to study within a reasonable period of time.

On February 6, 2024, the City Council adopted Urgency Ordinance No. 2024-02 establishing a 45-day moratorium on the establishment or expansion of SPODS in the City. Pursuant to State law, the adopted Urgency Ordinance is valid for 45 days and will expire on March 22, 2024, unless extended by the City Council. After holding a public hearing, the City Council may extend the Urgency Ordinance for up to an additional 10 months and 15 days, for a total period of one year. As with the initial adoption of the Urgency Ordinance, a four-fifths (4/5) vote is required to extend the Urgency Ordinance.

An extension of the Urgency Ordinance will allow staff the necessary time to draft a Development Code Amendment, to regulate the establishment or expansion of new SPODS, and present it to the Planning Commission for review and then the City Council for final review and approval.

ISSUES/ANALYSIS

As noted in staff's previous report, dated February 6, 2024, SPODS are generally defined as a retail store that is less than 15,000 square feet and sells individual items generally obtained through outlet, close-out, discontinued, liquidation, or overstock, primarily at a single discount price or in the low and very low price ranges (e.g., \$10.00, or less). Moreover, a SPODS typically dedicates less than fifteen percent (15%) of shelf space to fresh or frozen foods and produce and sells at retail an assortment of physical goods, products or merchandise directly to the consumer, including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products.

Additionally, SPODS may have a profound impact on the public health, safety, general welfare, and quality of life of surrounding communities and tend to proliferate in low-income neighborhoods. SPODS typically have lower quality items, items that cost much more per ounce over time, and limited access to fresh foods for vulnerable neighborhoods. Furthermore, SPODS generally employ fewer people at lower wages than grocery stores and tend to depend on taxpayers to subsidize their employees' health insurance. Also, SPODS contribute to resident fear of safety by being a source of trash, loitering, or graffiti, and theft in and around them due to their lack of security.

The City's current zoning code does not specifically identify SPODS as permitted by right or as a conditional use, so no specific regulations to curb threats to public health, safety, or welfare exist. As developable land becomes scarcer in the City, there is concern that the proliferation of SPODS, without further regulation, could have adverse impacts on the community. SPODS tend to operate in minimally developed spaces, discourage the upgrading of the existing area and its future economic vibrancy, and are inconsistent with the goal of upgrading commercial areas. Should SPODS continue to be permitted to locate within the commercial areas of the City, without further regulation, such developments would constitute a current and immediate threat to the public health, safety, and welfare in that such a development will start an irrevocable downward shift in the economic and aesthetic value of the area and thus act as a bar to the goals of the City.

Currently, the City has seventeen (17) single price overstock discount stores within the community:

Number	Company	Location
1	Dollar Tree	Main St / Eighth Ave
2	Family Dollar	Main St / Hickory Ave
3	Dollar Tree	Main St / I Ave
4	Dollar Tree	Main St / Escondido Ave
5	Button's Discount Store	Main St / G Ave
6	99 Cents Only	Main St / G Ave
7	99 Cents Only	Main St / Topaz Ave
8	Dollar General	I Avenue / Danbury Ave
9	M&M \$.99+ Store	Main St / Eleventh Ave
10	760 Discount Tools	Hesperia Rd / Mesa St
11	Elite Tools and More	Main St / Eighth Ave
12	Second Time Around Bin Store	Hesperia Rd / Sequoia St
13	High Desert Thunder Deals	Main St / Eighth Ave
14	99 Cent Discount Store	Main St / C Ave
15	99 Cent and Plus	Bear Valley Rd / Hesperia Rd (PENDING)
16	H&R Discount	Main St / Eighth Ave
17	Cash Deal and More	Main St / Seventh Ave

Staff intends to study the issues associated with SPODS to determine which locations are most appropriate to mitigate any potential adverse impacts on the City. This includes reviewing land use definitions for SPODS to determine if revisions are needed, evaluating all land use districts

where SPODS are permitted for suitability, and study development standards and best practices from other jurisdictions to determine if they would be appropriate City-wide.

Staff believes that continued approval of entitlements, building permits, or other approvals for new SPODS, without further regulations or studies, poses a current and immediate threat to public health, safety, and general welfare. Further regulations, via a Development Code Amendment, are needed for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. The regulations will help to avoid and reduce over-concentration and to maintain cleanliness for the health and safety of residents within the City's neighborhoods.

As previously noted, per Government Code Section 65858, a municipality may adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, for the immediate preservation of the general health, safety, or welfare, provided the ordinance contains a declaration of the facts constituting the urgency, and is passed by not less than a four-fifths (4/5) vote of the City Council.

As such, staff recommends that the City Council waive further reading and adopt Urgency Ordinance 2024-03 pursuant to California Government Code Section 65858 extending the moratorium for a period of ten (10) months and fifteen (15) days, or until such time as a permanent development code is in full force and effect, on the establishment or expansion of SPODS.

ENVIRONMENTAL REVIEW

The City, as the Lead Agency, has determined that the proposed interim ordinance is exempt from further review under the California Environmental Quality Act (California Public Resources Code 21000, *et seq.*, "CEQA"). Section 15378 of the CEQA Guidelines provides that an activity is a project subject to CEQA when action that has the potential for resulting in physical change to the environment, either directly or indirectly. Section 15061(b)(3) of the CEQA Guidelines provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City has determined that there is no possibility that the proposed ordinance may have a potential for resulting in physical change to the environment, or that if it does have the potential, there is no possibility that the activity in question may have a significant effect on the environment.

FISCAL IMPACT

There are no fiscal impacts identified with this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Urgency Ordinance 2024-03

EXHIBIT “A”

DCA24-00001 and SPLA24-00001

The following are modifications to Chapter 16.16.365 of the City of Hesperia Development Code regulations and Chapter 9 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

1) The following are modifications to **Chapter 16.08- Definitions of the City Municipal Code:**

16.08.935- Single Price Overstock/Discount Stores (SPODS).

“Single Price Overstock/Discount Stores (SPODS)” means a retail establishment with a floor area less than 15,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, such as including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products, and continuously offers a majority of the items in its inventory for sale at a discount or price per item of \$10.00 or less, adjusted for inflation. This definition shall control any use that fits the same despite otherwise being termed “grocery store,” “variety store,” or “convenience store”.

2) The following are modifications to **Chapter 16.16.320- Commercial and industrial uses of the City Municipal Code**

	Land Use Designations				
Land Uses	C1	C2	C3	I1	I2
TT. Retail sales (not including off-sale alcohol ⁷ <u>or single price overstock/discount stores (SPODS).</u>	R	R	R	R ⁶	R ⁶
UU. School — Trade, community college, university		R	R	R	R
VV. School — Specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
WW. Semi-truck repair and storage				CUP	CUP
XX. Shopping center (not including off-sale alcohol ⁷)	R	R	R		
<u>YY. Single price overstock/discount stores (SPODS).</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>		
ZZ-YY. Outdoor storage of shipping containers and semi-truck trailers as a primary use ²	NP	NP	NP	CUP	CUP
AAA-ZZ. Trucking facilities including truck terminals, bus terminals, and truck storage yards ²				CUP	CUP
BBB-AAA. Theater	NP	NP	NP	NP	NP
CCC-BBB. Upholstery and furniture repair/refinishing		R	R	R	R
DDD-CCC. Vehicle fuel station ²	CUP	CUP	CUP		
EEE-DDD. Vehicle parts and accessories sales		R	R		
FFF-EEE. Vehicle repair facility — Major (not including semi-truck repair)		CUP	CUP	R	R
GGG-FFF. Vehicle repair facility — Minor		CUP	CUP	R	R

HHH-GGG . Vehicle sales/rentals and leasing — new and used ²		R			
III-HHH . Vehicle wash facility ²		CUP	CUP	CUP	
JJJ-III . Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		
KKK-JJJ . Warehousing and wholesale distribution center				R	R
LLL-KKK . Wrecking yard ²	NP	NP	NP	NP	CUP

3) The following are modifications to Chapter 9- Non-Residential Zones of the Main Street and Freeway Corridor Specific Plan

Section B. REGIONAL COMMERCIAL ZONE

1. Permitted Uses

The following uses are permitted in the Regional Commercial zone:

- a) Artist studio (including photo).
- b) Assemblies of people – live entertainment venues - (e.g., theatre – live performance, auditoriums, banquet halls, nightclubs, etc.).
- c) Banks and financial institutions/services.
- d) Business support services and facilities (including graphic reproduction, computer services, etc.).
- e) Catering establishments.
- f) Grocery stores.
- g) Health and fitness clubs.
- h) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores).
- i) Hotel.
- j) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).
- k) Motel.
- l) Offices (administrative, business, executive and professional, but not including medical or dental).
- m) Outdoor sales and display, incidental to the primary use.
- n) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, self service laundry, etc.).
- o) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- p) Restaurants (sit down and take out), including outdoor dining.
- q) Retail sales. **(excluding Single Price Overstock/Discount Stores (SPODS)).**
- r) Schools - specialty non-degree (e.g., dance and martial arts).
- s) Shopping center – more than 10 acres in size.

- t) Vehicle parts and accessories sales.
- u) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- v) Veterinary services with no outdoor runs.
- w) Drive thru lanes incidental to the primary use, pursuant to the HMC.
- x) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the Regional Commercial zone:

- a) Alcohol sales – on-site, incidental to the primary use.
- b) Alcohol sales – off-site.
- c) Assisted living (residential care facilities).
- d) Bars, saloons, cocktail lounges and taverns.
- e) Bus terminals.
- f) Day care facility – child or adult, pursuant to the Hesperia Municipal Code (HMC).
- g) Hospital.
- h) Multi-family residential, as a part of a mixed-use development in the Interstate-15/Main Street Interchange District.
- i) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- j) Schools – college, community college, university (public or private).
- k) Schools – vocational and technical.
- l) Vehicle fuel stations (i.e., gasoline stations).
- m) Vehicle sales and leasing – new and used.
- n) Vehicle rental.
- o) Vehicle repair facilities – minor.
- p) Vehicle wash facilities.

q) Single Price Overstock/Discount Stores (SPODS).

E. OFFICE COMMERCIAL ZONE

1. Permitted Uses

The following uses are permitted in the Office Commercial zone:

- a) Artist studio (including photo).
- b) Banks and financial institutions/services.
- c) Business support services and facilities (including graphic reproduction, computer services, etc.).

- d) Catering establishments.
- e) Health and fitness clubs – 4,000 square feet or less.
- f) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores) – under 10,000 square feet.
- g) Offices (administrative, business, executive and professional, including medical and dental).
- h) Outdoor sales and display, incidental to the primary use.
- i) Restaurants (sit down and take out), including outdoor dining.
- j) Retail sales – under 10,000 square feet. **(excluding Single Price Overstock/Discount Stores (SPODS)).**
- k) Schools - specialty non-degree (e.g., dance and martial arts).
- l) Shopping center – up to 5 acres in size – limited to a corner lot location
- m) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- n) Veterinary services.
- o) Drive thru lanes, incidental to the primary use, pursuant to the HMC.
- p) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the Office Commercial zone:

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Bars, saloons, cocktail lounges and taverns.
- d) Day care centers – child or adult, pursuant to the HMC.
- e) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- f) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- g) Retail sales – over 10,000 square feet.
- h) Schools – vocational and technical.
- i) Shopping center – more than 5 acres in size – limited to a corner lot location
- j) Vehicle fuel stations (i.e., gasoline stations) – limited to a corner lot location
- k) Single Price Overstock/Discount Stores (SPODS).**

F. NEIGHBORHOOD COMMERCIAL ZONE

1. Permitted Uses

The following uses are permitted in the Neighborhood Commercial zone:

- a) Artist studio (including photo).
- b) Banks and financial institutions/services.
- c) Business support services and facilities (including graphic reproduction, computer services, etc.).
- d) Catering establishments.
- e) Grocery stores.
- f) Health and fitness clubs.
- g) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores) – under 10,000 square feet.
- h) Offices (administrative, business, executive and professional, including medical and dental).
- i) Outdoor sales and display, incidental to the primary use.
- j) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, selfservice laundry, etc.).
- k) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- l) Restaurants (sit down and take out), including outdoor dining.
- m) Retail sales – under 60,000 square feet **(excluding Single Price Overstock/Discount Stores (SPODS)).**
- n) Schools - specialty non-degree (e.g., dance and martial arts).
- o) Shopping center – up to 5 acres in size.
- p) Vehicle parts and accessories sales.
- q) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- r) Veterinary Services.
- s) Drive thru lanes, incidental to the primary use, pursuant to the HMC
- t) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the Neighborhood Commercial zone:

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Assemblies of people - entertainment - (e.g., theatre – live performance, auditoriums, banquet halls, nightclubs, etc.)
- d) Bars, saloons, cocktail lounges and taverns.

- e) Bus terminals.
- f) Day care centers – child or adult, pursuant to the HMC.
- g) Equipment (small) sales and rental.
- h) Home improvement sales and service, retail (hardware, lumber and building material stores) - 10,000 square feet or more.
- i) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- j) Schools – vocational and technical.
- k) Shopping center – more than 5 acres in size.
- l) Vehicle fuel stations (i.e., gasoline stations).
- m) Vehicle rental.
- n) Vehicle repair facilities – minor.
- o) Vehicle wash facilities.

p) Single Price Overstock/Discount Stores (SPODS).

ATTACHMENT 1

RESOLUTION NO. PC-2024-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT MODIFYING DEVELOPMENT REQUIREMENTS ASSOCIATED WITH THE ESTABLISHMENT OF ANY NEW OR THE EXPANSION OF EXISTING SINGLE PRICE OVERSTOCK/DISCOUNT STORES (SPODS). (DCA24-00001 AND SPLA24-00001)

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

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the City proposes to amend Chapter 16.08- Definitions of the City of Hesperia Municipal Code to add 16.08.935- Single Price Overstock/Discount Stores (SPODS) means a retail establishment with a floor area less than 15,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, such as including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products, and continuously offers a majority of the items in its inventory for sale at a discount or price per item of \$10.00 or less, adjusted for inflation. This definition shall control any use that fits the same despite otherwise being termed "grocery store," "variety store," or "convenience store"; and

WHEREAS, the City proposes to amend Chapter 16.16.320 of the City of Hesperia Municipal Code which contains permitted uses and permit requirements to require that the establishment of any new or the expansion of an existing single price overstock/discount stores (SPODS), in the Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3) zones, require a CUP; and

WHEREAS, the City proposes to amend Chapter 9 of the Main Street and Freeway Corridor Specific Plan to require that the establishment of any new or the expansion of an existing single price overstock/discount stores (SPODS), in the Regional Commercial (RC), Office Commercial (OC) and Neighborhood Commercial (NC) zones, require a CUP; and

WHEREAS, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Amendments are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

WHEREAS, on July 11, 2024, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying the development requirements associated with establishment of new, or expansion of existing, single price overstock/discount stores (SPODS) as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 11th day of July 2024.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

City of Hesperia

STAFF REPORT



DATE: July 11, 2024

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner
Edgar Gonzalez, Senior Planner

SUBJECT: Specific Plan Amendment SPLA24-00003; Applicant: City of Hesperia; Location: Regional Commercial (RC) zoned properties along the I-15 Freeway Corridor, Main Street, and Highway 395

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2024-11 recommending that the City Council introduce and place on first reading an ordinance approving SPLA24-00003 to increase the Floor Area Ratio within the Regional Commercial zone of the Main Street and Freeway Corridor Specific Plan from 0.23 to 0.35.

BACKGROUND

Floor Area Ratio (FAR) is the measurement of the total floor area of a building relative to the total area of the lot on which the building stands (total floor area divided by the total lot area). This measurement includes any additional floors above the ground floor.

Within the past year, the City has received feedback from developers requesting an increase to the existing FAR restrictions in the Regional Commercial (RC) zone within the Main Street and Freeway Corridor Specific Plan. Currently, the FAR within the Regional Commercial (RC) zone is substantially lower than the FAR within other commercial zones in the City. For example, within the Neighborhood Commercial (NC) zone, the FAR is 0.35 and within the C2 General Commercial zone, the FAR is 1.0.

ISSUES/ANALYSIS

The Main Street and Freeway Corridor Specific Plan currently has five commercial zones: Regional Commercial (RC), Neighborhood Commercial (NC), Auto Sales Commercial (ASC), Office Park (OP) and Office Commercial (OC). All the zones allow similar types of commercial developments and uses that are consistent within the Regional Commercial zone. Most of the zones have a maximum FAR that ranges from 0.35 to 0.75 in comparison to the 0.23 FAR within the RC zone, except for the Auto Sales Commercial (ASC) zone which has an FAR of 0.15. The primary purpose of Auto Sales Commercial (ASC) zone is to allow the development of auto dealerships, with smaller building footprints, so most of the property can be used for the outdoor display of vehicles for sale.

The Regional Commercial (RC) zone is intended for regional commercial, and service uses that are designed to serve the region (as a whole). Permitted uses in this zone include large-scale regional shopping centers, medical offices, entertainment uses, hotels, convention spaces, as well as restaurants and supporting retail. The development standards for this zone are intended to provide a high-quality appearance from the Interstate-15 freeway. Properties within the Regional Commercial (RC) zone are vital to our community, as these properties are meant to provide a wide range of services to residents, the region, and to visitors that are drawn every day from the interstate-15 freeway.

Staff is recommending an amendment to the Main Street and Freeway Corridor Specific Plan to increase the FAR from 0.23 to 0.35 within the Regional Commercial (RC) zone to be consistent with the majority of the remaining commercial zones within the Main Street and Freeway Corridor Specific Plan. This increase will maintain consistency across the various commercial zoning designations that allow similar types of commercial developments and will prevent the future submittal of variance applications that will ultimately be submitted from developers.

In addition, this will incentivize developers and landowners to develop areas within the Regional Commercial (RC) zone, as it will allow additional building area to be constructed to accommodate future commercial developments. Incentivizing commercial development will benefit the City as future development will generate additional sales tax revenue to the City while eliminating vacant areas of blight throughout the City.

Environmental: The Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment.

Conclusion: The Specific Plan Amendment will provide consistency with the FAR requirement among commercial zones within the Main Street and Freeway Corridor Specific Plan and will contribute to more development opportunities within the Regional Commercial (RC) zoned properties.

CITY GOAL SUPPORTED BY THIS ITEM

Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

There are no fiscal impacts identified with this action.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENT(S)

1. Exhibit A
2. General Plan Land Use Map
3. Resolution No. PC-2024-11

EXHIBIT “A”

SPLA24-00003

The following is an amendment to the Main Street and Feeway Corridor Specific Plan on Chapter 9: Non-Residential zones within the Regional Commercial zone under Development Standards, section 4.2 – Maximum Gross Floor Area Ratio. (Additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4. Development Standards

All property in the Regional Commercial zone shall be developed according to the following standards:

4.1 Minimum Lot Size and Dimensions

- (1)The minimum site size and dimensions for new lots in this zone are as listed below, except in the case when a conditional use permit or planned development is submitted, in which case, no minimum is established. This exception is only applicable when the site is being developed as one integrated development and appropriate measures are taken to ensure reciprocal access, parking and maintenance.
- (2)The minimum gross lot area shall be 10 acres.
- (3)The minimum lot width shall be 400 feet.
- (4)The minimum lot depth shall be 400 feet.

4.2 Maximum Gross Floor Area Ratio

The maximum gross floor area ratio for commercial uses shall be ~~0.350-23~~.

4.3 Maximum Building Height

The maximum building height for commercial uses shall be 65 feet, with the following exception: the building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.

4.4 Street Yard Setbacks

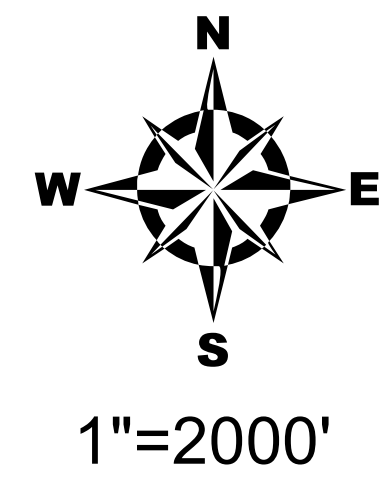
- (1)The minimum street yard setback shall be 25 feet. For corner lots, front yard setback shall be 25 feet and street side yards shall be 15 feet.
- (2)Refer to section 16.20 Article XII of the HMC for minimum landscape requirements, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:

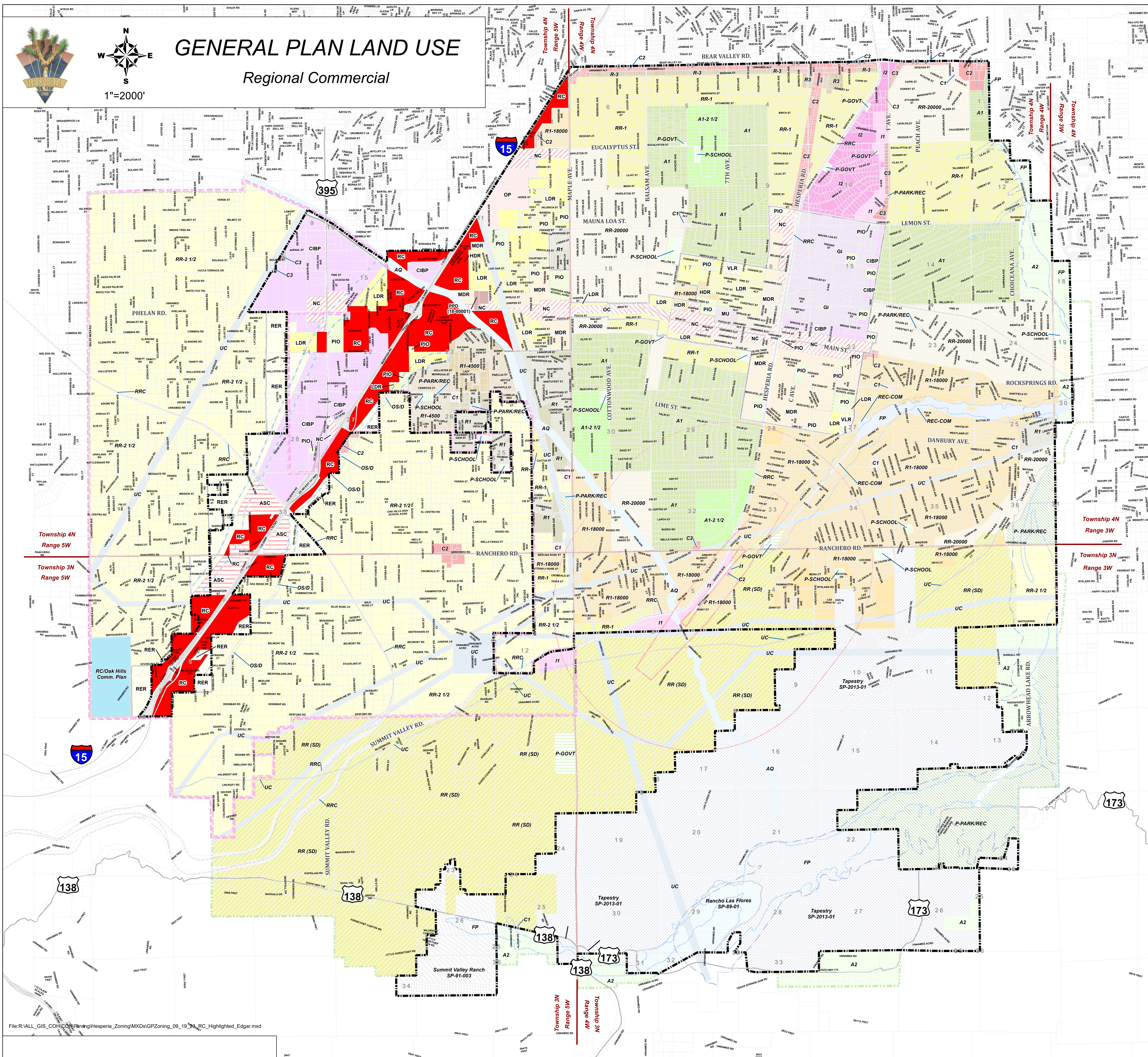
- (1)Where the rear property line abuts a residential zone, or residential development as apart of this zone, the minimum rear yard setback shall be 20 feet.
- (2)Where the rear property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum rear yard setback shall be 0 feet.
- (3)Refer to section 16.20 Article XII of the HMC for minimum landscape requirements, pursuant to Section 4.8 below.

4.6 through 4.18 – No changes



GENERAL PLAN LAND USE

Regional Commercial



General Plan

Agricultural

- A2 (0.0 - 0.2 du/ac)
- A1-2 1/2 (0.21 - 0.4 du/ac)
- A1 (0.41 - 1.0 du/ac)

Rural Residential

- RR-2 1/2 (0.0 - 0.4 du/ac)
- RR(SD) (0.0 - 0.4 du/ac)
- RR-1 (0.41 - 1.0 du/ac)
- RR-20000 (1.1 - 2.0 du/ac)

Residential

- R1-18000 (2.1 - 2.4 du/ac)
- R1 (2.5 - 4.5 du/ac)
- R1-4500 (4.6 - 8.0 du/ac)
- R3 (8.1 - 15.0 du/ac)

NOTE:
du/ac = Dwelling Units per gross acre

Commercial

- C1 - Convenience Commercial (0.0 - 0.5 FAR)
- C2 - General Commercial (0.0 - 1.0 FAR)
- C3 - Service Commercial (0.0 - 0.5 FAR)
- PPD - Planned Development

Industrial

- I1 - Limited Manufacturing (0.0 - 1.0 FAR)
- I2 - General Manufacturing (0.0 - 1.0 FAR)

Public

- P-SCHOOL - Public School (0.0 - 1.0 FAR)
- P-GOVT - Government Facility (0.0 - 1.0 FAR)
- P-PARK/REC - Park & Recreation (0.0 - 1.0 FAR)

NOTE:
FAR = Floor Area Ratio (gross building square footage / acre)

Other

- Airport Use
- Rec-Com - Recreational Commercial
- RC - Resource Conservation/Oak Hills Community Plan
- RRC - Railroad Corridor
- AQ - Aqueduct
- TC - Transportation Corridor
- UC - Utility Corridor

Overlay

- AS - Airport Safety Zone
- AAT - Airport Approach and Transitional Zone
- AN - Airport Notice Area - 2-Mile Radius
- Dam Inundation
- FP - 100-Year Flood Plain Overlay
- OS / D - Open Space Drainage

- City Boundary
- Oak Hills Community Plan
- Sphere of Influence

Specific Plans

- SP-2013-01 Tapestry Specific Plan
- SP-91-003 - Summit Valley Ranch Specific Plan
- MSFC-SP - Main Street / Freeway Corridor Specific Plan
- SP-89-01 Rancho Las Flores Specific Plan

- Potential Park
- Wash Protection Overlay
- ASC - Auto Sales Commercial
- CIBP - Com/Ind Business Park
- GI - General Industrial
- HDR - High Density Residential
- LDR - Low Density Residential
- MDR - Medium Density Residential
- MU - Mixed Use
- NC - Neighborhood Commercial
- OC - Office Commercial
- OP - Office Park
- PIO - Public/Institutional Overlay
- RC - Regional Commercial
- RER - Rural Estate Residential
- VLR - Very Low Density Residential

DISCLAIMER:
This map is a public resource of general information. The feature data provided on this map represents the most accurate zoning and parcel information available at the most recent date of revision. In the event of a conflict between information on this map and adopted City Resolutions or Ordinances, the City's Resolutions or Ordinances shall govern.

ATTACHMENT 3

RESOLUTION NO. PC-2024-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO INCREASE THE FLOOR AREA RATIO (F.A.R.) FOR THE REGIONAL COMMERCIAL (RC) ZONE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM 0.23 TO 0.35 (SPLA24-00003)

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

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the City proposes to amend the Main Street and Freeway Corridor Specific Plan to increase the F.A.R. from 0.23 to 0.35 within the Regional Commercial (RC) zone; and

WHEREAS, the Main Street and Freeway Corridor Specific Plan currently has five commercial zones which are the Regional Commercial (RC), Neighborhood Commercial (NC), Auto Sales Commercial (ASC), Office Park (OP) and Office Commercial (OC). All the zones allow similar types of commercial developments and uses that are consistent within the Regional Commercial zone. Most of the zones have a maximum FAR that ranges from 0.35 to 0.75 in comparison to the 0.23 FAR within the RC zone in which the City is proposing to increase to be consistent with the existing commercial zones; and

WHEREAS, the Regional Commercial (RC) zone is intended for regional commercial and service uses that are designed to serve the region as a whole. Permitted uses in this zone include large-scale regional shopping centers, medical offices, entertainment uses, hotels, convention spaces, as well as restaurants and supporting retail. The design and development standards for this zone are designed to provide a high-quality appearance from the Interstate-15 freeway corridor and should be compatible with the development standards of the surrounding commercial uses to ensure the success of each project. Properties within the Regional Commercial (RC) zone are vital to our community, as these properties are meant to provide a wide range of services to our local residents and to the abundant of visitors that are drawn every day from the interstate-15 freeway; and

WHEREAS, the Specific Plan Amendment will incentivize developers and landowners to develop areas within the Regional Commercial (RC) zone, as it will allow additional building area to be constructed to accommodate future commercial developments. Incentivizing commercial development will benefit the City as new commercial development will generate additional sales tax revenue to the City while eliminating vacant areas of blight throughout the City; and

WHEREAS, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment; and

WHEREAS, on July 11, 2024, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan and will not have a substantial adverse effect on the community.

Section 3. Based upon the findings and conclusions set forth in this Resolution, this commission hereby recommends adoption of Specific Plan Amendment SPLA24-00003 increasing the F.A.R for the Regional Commercial (RC) zone within the Main Street and Freeway Corridor Specific Plan from 0.23 to 0.35.

Section 4. That the secretary shall certify the adoption of this Resolution.

ADOPTED AND APPROVED on this 11th day of July 2024.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission