

City of Hesperia

STAFF REPORT



DATE: August 14, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

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

SUBJECT: Appeal to the Planning Commission (APP25-00001); Applicant Supporters Alliance for Environmental Responsibility "SAFER"; APN: 0410-051-11

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-10, denying appeal APP25-00001 and upholding the Development Review Committee's (DRC) decision to adopt the Mitigated Negative Declaration ("MND") associated with the approval of site plan review SPR23-00018.

BACKGROUND

Proposal: On April 23, 2025, the DRC approved Site Plan Review SPR23-00018, to construct two industrial warehouse buildings totaling 79,778 square feet on approximately 5.2 acres of vacant land. As a part of the approval, the DRC made an environmental determination pursuant to the California Environmental Quality Act (CEQA) and adopted the associated Mitigated Negative Declaration (SCH No.2025021160). There were no public comments during the meeting.

On April 30, 2025, Lozeau Drury submitted, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), an application to appeal the decision of the Development Review Committee to the Planning Commission. The appellant generally asserts that the Mitigated Negative Declaration does not adequately analyze the project's impacts and requests the preparation of an Environmental Impact Report to analyze potential significant impacts on Biological Resources (Attachment 1).

Current General Plan, Zoning and Land Uses: The project is located on the southwest corner of Mojave Street and "E" Avenue. The site is within General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on the General Plan Land Use Map (Attachment 2). The property is currently vacant. An automotive and body repair facility exists to the north. To the south is an abandoned non-conforming residence which has remained vacant for over 10 years. The properties to the east and west are vacant (Attachment 3).

ISSUES/ANALYSIS

Given the size and significance of the project, environmental review under the California Environmental Quality Act (CEQA) is required. A qualified CEQA consultant prepared an Initial Study (IS), which concluded that all potentially significant environmental impacts could be reduced

to a less-than-significant level with the implementation of specific mitigation measures. As a result, a Mitigated Negative Declaration (MND) was prepared for the project (Attachment 4)

A Notice of Intent (Attachement 5) was distributed on February 26, 2025 and the IS/MND was released for a 30-day public review period from February 28, 2025 to March 31, 2025 (SCH No.2025021160). The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners. During the review period, 4 comment letters were received (Attachment 6). Of these, the Mojave Water Agency and the Mojave Desert Air Quality Management District expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's conditions of approval. The fourth comment letter was submitted by the law firm Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER). The letter requests the preparation of an Environmental Impact Report (EIR) due to concerns with possible environmental impacts that the project might have that may not have been addressed within the IS/MND.

Although SAFER's comment letter raises concerns, it does not include site-specific evidence indicating that impacts to biological resources cannot be mitigated. All potential impacts were evaluated in the Initial Study, and mitigation measures have been incorporated as conditions of approval.

Per CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The comment letter does not provide substantial evidence. The Initial Study determined that there would be a less than significant impact with mitigation to 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, as well as conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The following mitigation measure was placed:

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Additionally, in response to the comment letter received from the CDFW, conditions of approval were added requiring a nesting bird survey, a Strembed Alternation Agreement, and a Burrowing Owl survey (Attachment 7).

CONCLUSION

The Initial Study and Mitigated Negative Declaration were prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

All potential impacts have been mitigated to less-than-significant levels, and the conditions of approval further protect the project's impact on biological resources. Therefore, there is no substantial evidence to support the need for preparation of an EIR. It is recommended that the

Planning Commission adopt Resolution No. PC-2025-10 (Attachment 7), denying the appeal (APP25-00001), and upholding the Development Review Committee's decision to adopt the IS/MND (SCH# 2025021160) for the Project.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Appeal Application
2. Land Use Map
3. Aerial View
4. IS/MND
5. NOI
6. Comment Letters Received
 - a. CDFW
 - b. MWA
 - c. MDAQMD
 - d. Lozeau Drury
7. Conditions of Approval
8. Resolution PC-2025-10