

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
FIRE PROTECTION DISTRICT
WATER DISTRICT
HESPERIA PUBLIC FACILITIES CORPORATION – Annual Meeting
HESPERIA JOINT PUBLIC FINANCE AUTHORITY– Annual Meeting
AGENDA**

Regular Joint Meetings
1st and 3rd Tuesday

Date: August 15, 2017
REGULAR MEETING

Time: 5:30 P.M. (Closed Session)
6:30 P.M. (Regular Meeting)

CITY COUNCIL MEMBERS

Paul Russ, Mayor

Russell Blewett, Mayor Pro Tem

Larry Bird, Council Member

Bill Holland, Council Member

Rebekah Swanson, Council Member

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Nils Bentsen, City Manager

Eric L. Dunn, City Attorney



City of Hesperia

Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

City Clerk's Office: (760) 947-1007

**Agendas and Staff Reports are
available on the City Website**
www.cityofhesperia.us

Documents produced by the City and distributed less than 72 hours prior to the meeting, regarding items on the agendas, will be made available in the City Clerk's Office located at 9700 Seventh Avenue during normal business hours.



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) 947-1056. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA FIRE PROTECTION DISTRICT
HESPERIA WATER DISTRICT
HESPERIA PUBLIC FACILITIES CORPORATION - ANNUAL MEETING
HESPERIA JOINT PUBLIC FINANCE AUTHORITY - ANNUAL MEETING**

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

Prior to action of the Council, 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.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

CLOSED SESSION - 5:30 PM

Roll Call

*Mayor Paul Russ
Mayor Pro Tem Russell Blewett
Council Member Larry Bird
Council Member Bill Holland
Council Member Rebekah Swanson*

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. Victor Valley Family Resource Center, et al. v. City of Hesperia et al.

Personnel Matters - Performance Evaluations
Government Code Section 54957

1. City Manager Evaluation

CALL TO ORDER - 6:30 PM

- A. Invocation
- B. Pledge of Allegiance to the Flag

C. Roll Call

Mayor Paul Russ
Mayor Pro Tem Russell Blewett
Council Member Larry Bird
Council Member Bill Holland
Council Member Rebekah Swanson

D. Agenda Revisions and Announcements by City Clerk**E. Closed Session Reports by City Attorney****ANNOUNCEMENTS/PRESENTATIONS**

1. Presentation to the City Council by Mayor Rich Kerr from the City of Adelanto
2. Community Events Calendar by Mayor Paul Russ

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

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- 1) City Council
- 2) Fire District
- 3) Water District

JOINT CONSENT CALENDAR

1. Page 9 Consideration of the Draft Minutes from the Special Meeting held Tuesday, August 1, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, August 1, 2017.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2017-08-01](#)

2. Page 13 Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Fire - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Staff Person: Assistant City Manager/Management Services Brian Johnson

Attachments: [SR Warrant Run Report 8-15-2017](#)

[Attachment 1 - Warrant Runs](#)

3. Page 15

Treasurer's Cash Report for the unaudited period ended June 30, 2017

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Staff Person: Assistant City Manager/Management Services Brian Johnson

Attachments: [SR Treasurer's Report 8-15-2017](#)

[Attachment 1 - Investment Reports](#)

4. Page 25

Award a contract to American Asphalt South, Inc. for the Construction of the FY 2016-17 Annual Street Improvement Project (CO #7135)

Recommended Action:

It is recommended that the City Council award a construction contract to the lowest responsive/responsible bidder, American Asphalt South, Inc., for the FY 2016-17 Annual Street Improvement Project in the amount of \$216,991.66; award Add Alternate Item 1, Hickory Avenue, in the amount of \$6,414.09; award Add Alternate Item 2, Walnut Street, in the amount of \$13,755.01; award Add Alternate Item 3, Cottonwood Avenue, in the amount of \$58,140.60; approve a 10% contingency in the amount of \$29,530.14 for a total authorized contract amount of \$324,831.36; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract.

Staff Person: Director of Development Services Michael Blay

Attachments: [SR Annual Street Improvement Project CO 7135 8-15-2017](#)

[Attachment 1 - Bid Results](#)

5. Page 29

Amendment of Professional Services Agreement with the Buxton Company

Recommended Action:

It is recommended that the City Council and Commissioners of the Hesperia Community Development Commission (HCDC) approve and authorize an amendment to Professional Services Agreement (PSA) 2015-16-049 with The Buxton Company (Buxton), increasing the contract amount from \$150,000 to \$157,500 for enhanced consumer spending data services.

Staff Person: Economic Development Manager Rod Yahne and Management Analyst Lisa LaMere

Attachments: [SR Buxton Contract Amendment 8-15-2017](#)

6. Page 31 Local Transportation Fund - Article 8a Claim

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-39, authorizing the City Manager to file the FY 2016-17 Local Transportation Fund - Article 8a claim in the amount of \$2,209,696 with San Bernardino County Transportation Authority (SBCTA).

Staff Person: Assistant City Manager/Management Services Brian Johnson

Attachments: [SR Article 8a Claim 8-15-2017](#)

[Resolution 2017-39](#)

7. Page 35 Amendment to PSA 2017-18-016 with White Nelson Diehl Evans LLP

Recommended Action:

It is recommended that the City Council authorize the City Manager to approve a contract amendment with White Nelson Diehl Evans LLP (WNDE) in the amount of \$30,000 to perform an audit of the Transient Occupancy Tax (TOT) operators within the City. Upon approval of the contract amendment, the revised contract will total a not-to-exceed amount of \$119,450.

Staff Person: Budget/Finance Manager Casey Brooksher and Assistant City Manager/Management Services Brian Johnson

Attachments: [SR White Nelson Diehl Evans Amendment 8-15-2017](#)

8. Page 37 2017 Edward Byrne Justice Assistance Grant (JAG)

Recommended Action:

It is recommended that the Council adopt Resolution No. 2017-033, accepting the appropriation of \$23,528.00 from the US Department of Justice, for the purpose of partially funding operational overtime and training.

Staff Person: Captain Gregg Wielenga

Attachments: [SR 2017 JAG Award 8-15-2017](#)

[Resolution 2017-033](#)

[Attachment 2 - MOU 2017 Justice Assistance Grant](#)

9. Page 45 **HESPERIA JOINT PUBLIC FINANCE AUTHORITY ANNUAL MEETING ITEM**
Consideration of the Draft Minutes from the Authority Annual Meeting held September 6, 2016

Recommended Action:

It is recommended that the Board of Directors approve the Draft Minutes of the Authority Annual Meeting held September 6, 2016

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft HPFA Min 9-6-2016](#)

10. Page 47 **HESPERIA PUBLIC FACILITIES CORPORATION ANNUAL MEETING ITEM**

Consideration of the Draft Minutes of the Corporation Annual Meeting held September 6, 2016

Recommended Action:

It is recommended that the Board of Directors approve the Draft Minutes from the Annual Meeting held September 6, 2016.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft HPFC Min 9-6-2016](#)

PUBLIC HEARINGS

Individuals wishing to comment on public hearing items must submit a speaker slip to the City Clerk with the numbered agenda item noted. Speaker slips should be turned in prior to an agenda item being taken up. Comments will be limited to five minutes for Public Hearing items.

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

PUBLIC HEARING

11. Page 49 General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009 to Construct a Gas Station; Applicant: Harp Verma; APN: 0412-172-01

Recommended Action:

The Planning Commission recommends that the City Council adopt Resolution Nos. 2017-37 and 2017-38, approving GPA16-00002 and CUP16-00009 to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2 ½) to General Commercial (C2) to construct a gas station with six fuel islands, a 5,784 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building located on 3.46 acres at the northeast corner of Ranchero Road and Seventh Avenue.

Staff Person: Associate Planner Ryan Leonard

Attachments: [SR GPA16-00002 & CUP16-00009 8-15-2017](#)[Attachment 1 - Site Plan](#)[Attachment 2 - General Plan Map](#)[Attachment 3 - Aerial Photo](#)[Attachment 4 - Floor Plans](#)[Attachment 5 - Color Rendering](#)[Attachment 6 - Building Elevations](#)[Attachment 7 - Census Tract Map](#)[Attachment 8 - Negative Declaration](#)[Resolution 2017-37](#)[Attachment 10 - Exhibit A](#)[Resolution 2017-38](#)[Attachment 12 - Conditions of Approval](#)[Attachment 13 - Comments Received](#)**12. Page 117**

Specific Plan Amendment SPLA16-00004 & Site Plan Review SPR16-00006 to Construct a Multiple Family Residential Development; Applicant: FH II, LLC (Frontier Communities); APN: 0405-072-59

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-14 approving Specific Plan Amendment SPLA16-00004 from Regional Commercial (RC) to High Density Residential (HDR) and adopt Resolution No. 2017-040 approving Site Plan Review SPR16-00006, to construct a two-story, 160-unit multiple family residential development located 1,650 feet east of Mariposa Road on the north side of Live Oak Street (Applicant: FH II, LLC; APN: 0405-072-59).

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [SR Multiple Family Residential Development 8-15-2017](#)[Attachment 1 - Site Plan](#)[Attachment 2 - Corridor Specific Plan](#)[Attachment 3 - Aerial photo](#)[Attachment 4- P.C. Minutes](#)[Attachment 5 - Floor plan](#)[Attachment 6 - Building Elevations](#)[Attachment 7 - Building Elevations \(Recreation Building\)](#)[Attachment 8 - Updated Patio/Balcony Designs](#)[Ordinance No 2017-14](#)[Exhibit "A"](#)[Resolution No. 2017-040](#)[Conditions of Approval](#)

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Melinda Sayre, City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, August 10, 2017 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Melinda Sayre,
City Clerk*

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.

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City of Hesperia Meeting Minutes - Draft City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, August 1, 2017

3:00 PM

**SPECIAL MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA FIRE PROTECTION DISTRICT
HESPERIA WATER DISTRICT
HESPERIA PUBLIC FACILITIES CORPORATION**

NO CLOSED SESSION

CALL TO ORDER - 3:01 PM

- A. Invocation by Jason Jahn of Hesperia High Desert Church
- B. Pledge of Allegiance to the Flag
- C. Roll Call

Present: 5 - Mayor Russ, Mayor Pro Tem Blewett, Council Member Bird, Council Member Holland and Council Member Swanson

- D. Agenda Revisions and Announcements by City Clerk - *None*
- E. Closed Session Reports by City Attorney – *No Closed Session*

ANNOUNCEMENTS/PRESENTATIONS

1. Community Events Calendar by Mayor Paul Russ - *National Night Out 8/1 5pm in the Civic Plaza Park, the Dog Daze of Summer event in the Civic Plaza Park on 8/5, Movies in the Park featuring the Secret Life of Pets 8/5, Hesperia Animal Shelter is offering free pet adoptions to veterans.*

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Bob Nelson commented on first amendment rights and the Brown Act.

JOINT CONSENT CALENDAR

A motion was made by Bird, seconded by Blewett, that Consent Calendar items 1-2 and 4-5 be approved. The motion carried by the following vote:

Aye: 5 - Russ, Blewett, Bird, Holland and Swanson

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, July 18, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, July 18, 2017.

Sponsors: City Clerk Melinda Sayre

2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Fire - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Sponsors: Assistant City Manager/Management Services Brian Johnson

Item No.3 was pulled for discussion by Mayor Russ

3. Annual Community Facilities District No. 94-01 Special Tax Levy

Recommended Action:

It is recommended that the Hesperia Fire Protection District Board of Directors adopt Resolution No. HFPD 2017-13, authorizing the levy of a special tax for Community Facilities District (CFD) No. 94-01 and requesting that San Bernardino County place the levy on the tax rolls for FY 2017-18.

Sponsors: Assistant City Manager/Management Services Brian Johnson

A motion was made by Blewett, seconded by Swanson, that this item be approved. The motion carried by the following vote:

Aye: 5 - Russ, Blewett, Bird, Holland and Swanson

Nay: 0

4. **HESPERIA PUBLIC FACILITIES CORPORATION SPECIAL MEETING ITEM**
Purchase and Sale Agreement for Eagle Plaza

Recommended Action:

It is recommended that the Chair and Board of the Hesperia Public Facilities Corporation (Seller) adopt Resolution No. HPFC 2017-002 approving the sale of Eagle Plaza located at 15776 Main Street pursuant to the Purchase and Sale Agreement (PSA) by and between the Seller and Hermansen Family Living Trust (Buyer), and authorizing the Executive Director to execute all documents necessary to consummate the transaction.

Sponsors: Economic Development Manager Rod Yahnke

5. Amend Professional Services Agreement with Highball Signal, Inc.

Recommended Action:

It is recommended that the City Council approve an amendment in the amount of \$10,420 and authorize a six month extension to Professional Services Agreement (PSA) 2013-14-010 with Highball Signal, Inc. for a total contract amount of \$60,240, and authorize the City Manager to

execute said amendment.

Sponsors: Director of Development Services Michael Blay

NEW BUSINESS

6. Hesperia Veterinary Services Contract

Recommended Action:

It is recommended the Mayor and City Council authorize the City Manager to execute an agreement with William Connelly, DVM in a not-to-exceed amount of \$423,000 for On-Site Veterinary services for Fiscal Years 2017-18, 2018-19, and 2019-20.

Sponsors: Director of Development Services Michael Blay and Animal Services Manager Donald Riser

A motion was made by Swanson, seconded by Blewett, that this item be approved. The motion carried by the following vote:

Aye: 5 - Russ, Blewett, Bird, Holland and Swanson

Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Holland commented that he had no committee meetings to attend until September, on SBCTA meeting in September, the League of Ca Cities meeting on 8/10 in the Police Department Community Room, and National Night Out event.

Council Member Bird commented on his vacation and missing the last council meeting, school starting in two weeks, the roadwork on Ranchero Road, and thanked staff for all their hard work.

Council Member Swanson commented that she had no committee meetings to attend, thanked High Desert Church for use of their facility, and National Night Out event.

Mayor Pro Tem Blewett commented on his attendance at the VVTA meeting, the VVWRA lawsuit article in the newspaper, National Night Out event, and the grand opening of Walmart's mobile ordering of groceries.

Mayor Russ commented that he had no committee meetings to attend, Walmart mobile ordering and pickup of groceries, and National Night Out event.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

Adjourned at 3:23 pm in memory of Vincenza Mancinelli who passed away.

*Stephanie McClure,
Assistant City Clerk*

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City of Hesperia STAFF REPORT



DATE: August 15, 2017

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Fire Protection District
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Brian D. Johnson, Assistant City Manager/Management Services
Anne Duke, Deputy Finance Director
Virginia Villasenor, Senior Accountant

SUBJECT: Warrant Run Report (City – Successor Agency – Housing Authority – Community Development Commission – Fire – Water)

RECOMMENDED ACTION

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

BACKGROUND

The Warrant Run totals represented below are for the period July 15, 2017 through July 28, 2017.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$2,715,796.87	\$214,642.64	\$0.00	\$2,930,439.51
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	35.00	3,703.31	0.00	3,738.31
Community Development Commission	4,512.54	6,006.88	0.00	10,519.42
Fire	39,038.67	0.00	0.00	39,038.67
Water	248,379.97	91,677.64	0.00	340,057.61
Totals	\$3,007,763.05	\$316,030.47	\$0.00	\$3,323,793.52

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
07/15/2017 - 07/28/2017

FUND #	FUND NAME	W/E 7/21/2017	W/E 7/28/2017	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable							
100	GENERAL	\$ 763,905.48	\$ 1,317,487.30	\$ 2,081,392.78	\$ -	\$ 2,309,138.35	\$ 2,598,186.58
204	MEASURE I - RENEWAL	\$ -	\$ -	\$ -	\$ -	\$ 20.87	\$ -
205	GAS TAX	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26.06
207	LOCAL TRANSPORT-SB 325	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
251	CDBG	\$ 11,878.91	\$ 7,917.37	\$ 19,796.28	\$ -	\$ 32,474.87	\$ 32,643.48
253	CDBG - RLF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
256	ENVIRONMENTAL PROGRAMS GRANT	\$ 2,579.00	\$ 908.34	\$ 3,487.34	\$ -	\$ 4,482.86	\$ 893.73
257	NEIGHBORHOOD STABILIZATION PROG	\$ 1,264.82	\$ 86.61	\$ 1,351.43	\$ -	\$ 1,392.50	\$ 2,475.51
260	DISASTER PREPARED GRANT	\$ 80.75	\$ -	\$ 80.75	\$ -	\$ 194.78	\$ 114.03
263	STREETS MAINTENANCE	\$ 109,821.15	\$ 7,289.31	\$ 117,110.46	\$ -	\$ 158,214.52	\$ 207,435.83
300	DEV. IMPACT FEES - STREET	\$ 2,984.74	\$ -	\$ 2,984.74	\$ -	\$ 5,950.84	\$ 4,992.82
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
400	2004 STREETS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
401	CITY DEBT SERVICES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
504	CITY WIDE STREETS - CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
800	EMPLOYEE BENEFITS	\$ 377,731.07	\$ 23,219.68	\$ 400,950.75	\$ -	\$ 635,357.60	\$ 592,639.02
801	TRUST/AGENCY	\$ (144.34)	\$ 88,786.68	\$ 88,642.34	\$ -	\$ 89,751.34	\$ 81,641.22
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 749.00	\$ 278.46
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ 2,827.92	\$ 3,570.38
807	CFD 2005-1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00
815	PLAN REVIEW TRUST - FRONTIER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	CITY	\$ 1,270,101.58	\$ 1,445,695.29	\$ 2,715,796.87	\$ -	\$ 3,240,555.45	\$ 3,524,997.12
200	HESPERIA FIRE DISTRICT	\$ 7,056.50	\$ 195.92	\$ 7,252.42	\$ -	\$ 12,178.67	\$ 391,010.49
502	FIRE STATION BUILDING	\$ 31,786.25	\$ -	\$ 31,786.25	\$ -	\$ 31,786.25	\$ -
	FIRE	\$ 38,842.75	\$ 195.92	\$ 39,038.67	\$ -	\$ 43,964.92	\$ 391,010.49
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	\$ -	\$ -	\$ -	\$ 2,318.27	\$ 2,003.17
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	\$ -	\$ -	\$ -	\$ 256.73	\$ 221.83
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	SUCCESSOR AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 2,575.00	\$ 2,225.00
370	HOUSING AUTHORITY	\$ -	\$ 35.00	\$ 35.00	\$ -	\$ 2,176.55	\$ 3,852,450.78
	HOUSING AUTHORITY	\$ -	\$ 35.00	\$ 35.00	\$ -	\$ 2,176.55	\$ 3,852,450.78
170	COMMUNITY DEVELOPMENT COMMISSION	\$ 1,859.03	\$ 2,653.51	\$ 4,512.54	\$ -	\$ 14,450.28	\$ 53,690.62
	COMMUNITY DEVELOPMENT COMMISSION	\$ 1,859.03	\$ 2,653.51	\$ 4,512.54	\$ -	\$ 14,450.28	\$ 53,690.62
700	WATER OPERATING	\$ 141,395.37	\$ 35,155.84	\$ 176,551.21	\$ -	\$ 566,507.75	\$ 736,419.09
701	WATER CAPITAL	\$ 46,026.48	\$ -	\$ 46,026.48	\$ -	\$ 46,046.87	\$ 8,716.34
710	SEWER OPERATING	\$ 25,802.28	\$ -	\$ 25,802.28	\$ -	\$ 31,166.46	\$ 221,300.29
711	SEWER CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	WATER	\$ 213,224.13	\$ 35,155.84	\$ 248,379.97	\$ -	\$ 643,721.08	\$ 966,435.72
	ACCOUNTS PAYABLE TOTAL	\$ 1,524,027.49	\$ 1,483,735.56	\$ 3,007,763.05	\$ -	\$ 3,947,443.28	\$ 8,790,809.73
REG. PAYROLL							
	City	\$ -	\$ 214,642.64	\$ 214,642.64	\$ -	\$ 434,713.96	\$ 424,055.94
	Housing Authority	\$ -	\$ 3,703.31	\$ 3,703.31	\$ -	\$ 7,406.61	\$ 8,221.98
	Community Development Commission	\$ -	\$ 6,006.88	\$ 6,006.88	\$ -	\$ 12,013.74	\$ 11,612.56
	Water	\$ -	\$ 91,677.64	\$ 91,677.64	\$ -	\$ 186,237.89	\$ 181,833.19
	PAYROLL TOTAL	\$ -	\$ 316,030.47	\$ 316,030.47	\$ -	\$ 640,372.20	\$ 625,723.67

* The year to date totals for this Warrant Report are for the 2017-18 fiscal year starting July 1, 2017.

City of Hesperia STAFF REPORT



DATE: August 15, 2017

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Fire Protection District
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Brian D. Johnson, Assistant City Manager/Management Services
Anne Duke, Deputy Finance Director
Virginia Villasenor, Senior Accountant

SUBJECT: Treasurer's Cash Report for the unaudited period ended June 30, 2017

RECOMMENDED ACTION

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

BACKGROUND

This report is presented to the City Council pursuant to Government Code Section 53646 (b) setting forth the City's investment portfolio.

ISSUES/ANALYSIS

The Treasurer's Cash Reports are presented on the following pages for each agency.

FISCAL IMPACT

These reports reflect unaudited cash balances as of June 30, 2017.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENT(S)

1. City of Hesperia Investment Report
2. Successor Agency to the Hesperia Community Redevelopment Agency Investment Report
3. Hesperia Housing Authority Investment Report
4. Community Development Commission Investment Report
5. Hesperia Fire Protection District Investment Report
6. Hesperia Water District Investment Report

CITY OF HESPERIA

<u>FUND</u>	<u>VALUE</u>
General Fund (100 & 800)	\$ 5,643,525.28
AB27666 - Transit (254)	94,147.69
AB3229 Supplemental Law (255)	110,653.78
AD No. 91-1 (802)	352,584.25
Beverage Recycling Grant (256)	31,934.80
CFD 2005-1 (807)	1,338,194.08
City Wide-Capital Projects (504)	(10,514.55)
Community Dev Block Grant (251, 252, & 253)	535,694.49
Development Impact Fund (300-304)	6,173,959.86
Disaster (260)	82,188.56
Gas Tax Fund (205)	125,019.06
Gas Tax Swap (206)	185,987.76
Local Transportation SB325 (207)	(206,695.53)
Measure I - Renewal (204)	2,529,924.08
2004 Streets Debt Serv 1993A Ref(400)	0.00
Neighborhood Stabilization Prog (257)	2,022,385.73
Public Works Street Maint (263)	640,897.17
Trust Fund (801, 803-806, & 815)	1,769,357.24
2012 Water Rights Acquisition (402)	5,901.43
2013 Refunding Lease Rev Bonds (403)	108,638.73
TOTAL CITY FUNDS	<u>\$ 21,533,783.91</u>

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

<u>FUND</u>	<u>VALUE</u>
Successor Agency Administration (173)	\$ (2,242.58)
Redevelop Oblig Retirement - PA1 (160)	5,673,637.68
Redevelop Oblig Retirement - PA2 (161)	427,294.00
Redevel Oblig Retirement-Housing (162)	2,458,601.00
TOTAL SUCCESSOR AGENCY FUNDS	<u>\$ 8,557,290.10</u>

HESPERIA HOUSING AUTHORITY

<u>FUND</u>	<u>VALUE</u>
Hesperia Housing Authority Fund (370)	\$ 2,737,896.65
WEDA Housing Authority (371)	1,715,082.86
TOTAL HOUSING AUTHORITY FUNDS	<u>\$ 4,452,979.51</u>

COMMUNITY DEVELOPMENT COMMISSION

<u>FUND</u>	<u>VALUE</u>
Community Development Commission Fund (170)	<u>\$ (431,242.59)</u>

FIRE

<u>FUND</u>	<u>VALUE</u>
Fire District Fund (200)	\$ (601,639.29)
Fire Station Building (502)	6,094,222.33
TOTAL WATER FUNDS	<u>\$ 5,492,583.04</u>

WATER

<u>FUND</u>	<u>VALUE</u>
Water Operating (700)	\$ 4,069,619.76
Water Capital (701)	(12,074,608.76)
Sewer Operating (710)	10,882,461.57
Sewer Capital (711)	3,651,800.75
TOTAL WATER FUNDS	<u>\$ 6,529,273.32</u>

City of Hesperia
Investment Report
Unaudited
June 30, 2017

ATTACHMENT 1

<u>Type of Investment</u>	<u>Institution/ Fiscal Agent</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	0.978%	30-Jun-17	Demand	\$ 16,586,907.41	16,586,907.41	16,586,907.41	
Money Market	Bank of the West	0.300%	30-Jun-17	Demand	3,532,557.40	3,532,557.40	3,532,557.40	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	30-Jun-17	Demand	1,414,319.10	1,414,319.10	1,414,319.10	
Total Unaudited Investments under the direction of the City					\$ 21,533,783.91	\$ 21,533,783.91	\$ 21,533,783.91	

Investments under the direction of fiscal agents:

2012 Lease Revenue Bonds	Union	0.660%	30-Jun-17	Demand	67.74	67.74	67.74	2012 - Water Rights Revenue Fund
2012 Lease Revenue Bonds	Union	0.670%	30-Jun-17	Demand	1,454,303.72	1,454,303.72	1,454,303.72	2012 - Water Rights Reserve Fund
2013 Refunding Lease Revenue Bonds	Union	0.660%	30-Jun-17	Demand	79.20	79.20	79.20	2005 Civic Plaza - Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	0.000%	30-Jun-17	Demand	-	-	-	2005 Civic Plaza - Interest Fund
2013 Refunding Lease Revenue Bonds	Union	0.000%	30-Jun-17	Demand	-	-	-	2005 Civic Plaza - Principal Fund
2013 Refunding Lease Revenue Bonds	Union	0.670%	30-Jun-17	Demand	1,151,470.14	1,151,470.14	1,151,470.14	2005 Civic Plaza - Reserve Fund
2014 CFD 2005-1 Refunding	Union	0.690%	18-Dec-14	Demand	21.69	21.69	21.69	2014 CFD 05-1 - Special Tax Fund
2014 CFD 2005-1 Refunding	Union	0.670%	18-Dec-14	Demand	31.45	31.45	31.45	2014 CFD 05-1 - Bond Fund
2014 CFD 2005-1 Refunding	Union	0.670%	18-Dec-14	Demand	1,431,253.29	1,431,253.29	1,431,253.29	2014 CFD 05-1 - Reserve Fund
2014 CFD 2005-1 Refunding	Union	0.670%	18-Dec-14	Demand	22,797.98	22,797.98	22,797.98	2014 CFD 05-1 Administrative Expense Bonds
Deposits W/Other Agencies	Various	n/a	30-Jun-17	n/a	-	-	-	GL 1350
Deposits - Workers' Comp	PERMA	n/a	30-Jun-17	n/a	834,968.13	834,968.13	834,968.13	GL 1352
Total Unaudited Investments under the direction of fiscal agents					\$ 4,894,993.34	4,894,993.34	4,894,993.34	

Please Note: All market value data is provided courtesy of the City's fiscal agents,
Union Bank of California & Bank of New York (BNY) Trust Company.

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.

* Note: 2005 Certificates of Participation began in May 2005 for the financing of the Civic Plaza.


Virginia Villaseñor, Senior Accountant

Investment Report

Unaudited

June 30, 2017

Type of Investment	Issuer/ Institution	Interest Rate	Date of Purchase	Date of Maturity	Par Value at Maturity	Book Value	Market Value	Account Description
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	0.978%	30-Jun-17	Demand	\$ 6,591,455.51	\$ 6,591,455.51	6,591,455.51	
Money Market	Bank of the West	0.300%	30-Jun-17	Demand	1,403,799.66	1,403,799.66	1,403,799.66	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	30-Jun-17	Demand	562,034.93	562,034.93	562,034.93	
Total Unaudited Investments under the direction of the City					\$ 8,557,290.10	\$ 8,557,290.10	\$ 8,557,290.10	

Investments under the direction of fiscal agents:

2005 Tax Allocation Bonds	Union	0.660%	30-Jun-17	Demand	25.86	25.86	25.86	2005A - Series A
2005 Tax Allocation Bonds	Union	0.610%	30-Jun-17	Demand	18.04	18.04	18.04	2005A - Interest Account
2005 Tax Allocation Bonds	Union	0.660%	30-Jun-17	Demand	33.15	33.15	33.15	2005A - Principal Account
2005 Tax Allocation Bonds	Union	0.670%	30-Jun-17	Demand	2,287,032.56	2,287,032.56	2,287,032.56	2005A - Reserve Account
2005 Tax Allocation Bonds	Union	0.670%	30-Jun-17	Demand	254,116.64	254,116.64	254,116.64	2005A - Reserve Account
2007 Revenue Bonds	Union	0.000%	30-Jun-17	Demand	1.00	1.00	1.00	2007A - Revenue Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	61.41	61.41	61.41	2007A - Interest Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	67.34	67.34	67.34	2007A - Principal Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	6,048,085.47	6,048,085.47	6,048,085.47	2007A - Proj. 1 - Reserve Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	489,042.69	489,042.69	489,042.69	2007A - Proj. 2 - Reserve Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	3,221,522.40	3,221,522.40	3,221,522.40	2007A - Housing - Reserve Account
2007 Revenue Bonds	Union	0.000%	30-Jun-17	Demand	1.00	1.00	1.00	2007B - Revenue Account
2007 Revenue Bonds	Union	0.610%	30-Jun-17	Demand	4.89	4.89	4.89	2007B - Interest Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	49.56	49.56	49.56	2007B - Principal Account
2007 Revenue Bonds	Union	0.650%	30-Jun-17	Demand	3.07	3.07	3.07	2007B - Proj. 1 - Reserve Account
2007 Revenue Bonds	Union	0.800%	30-Jun-17	Demand	3.76	3.76	3.76	2007B - Proj. 2 - Reserve Account
2007 Revenue Bonds	Union	0.670%	30-Jun-17	Demand	734,142.91	734,142.91	734,142.91	2007B - Housing - Reserve Account
Deposits w/Other Agencies	Various	n/a	30-Jun-17	Demand	-	-	-	GL 1350
Total Unaudited Investments under the direction of fiscal agents					\$ 13,034,211.75	\$ 13,034,211.75	\$ 13,034,211.75	

Please Note: All market value data is provided courtesy of the City's fiscal agent
Union Bank of California.

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.

* Note: The 1994 A, B & C Notes were refinanced to 2005 Series Bonds in May 2005.


Virginia Villasenor, Senior Accountant

Investment Report

Unaudited

June 30, 2017

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	0.978%	30-Jun-17	Demand	\$ 3,430,013.00	3,430,013.00	3,430,013.00
Money Market	Bank of the West	0.300%	30-Jun-17	Demand	730,498.91	730,498.91	730,498.91
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Jun-17	Demand	292,467.60	292,467.60	292,467.60
Total Unaudited Investments under the direction of the City					\$ 4,452,979.51	\$ 4,452,979.51	\$ 4,452,979.51

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

Investment Report**Unaudited**June 30, 2017

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	0.978%	30-Jun-17	Demand	\$ (332,174.83)	(332,174.83)	(332,174.83)
Money Market	Bank of the West	0.300%	30-Jun-17	Demand	(70,744.15)	(70,744.15)	(70,744.15)
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Jun-17	Demand	(28,323.61)	(28,323.61)	(28,323.61)
Total Unaudited Investments under the direction of the City					\$ (431,242.59)	\$ (431,242.59)	\$ (431,242.59)

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

Hesperia Fire District
Investment Report
Unaudited
June 30, 2017

ATTACHMENT 5

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	0.978%	30-Jun-17	Demand	\$ 4,230,792.26	4,230,792.26	4,230,792.26
Money Market	Bank of the West	0.300%	30-Jun-17	Demand	901,042.98	901,042.98	901,042.98
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Jun-17	Demand	360,747.80	360,747.80	360,747.80
Total Unaudited Investments under the direction of the City					\$ 5,492,583.04	\$ 5,492,583.04	\$ 5,492,583.04

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


 Virginia Villasenor, Senior Accountant

Hesperia Water District
Investment Report
Unaudited
June 30, 2017

ATTACHMENT 6

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
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Investments under the direction of the City:

Local Agency Investment Funds	State of California	0.978%	30-Jun-17	Demand	\$ 5,029,327.52	5,029,327.52	5,029,327.52	
Money Market	Bank of the West	0.300%	30-Jun-17	Demand	1,071,109.14	1,071,109.14	1,071,109.14	
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Jun-17	Demand	428,836.66	428,836.66	428,836.66	
Total Unaudited Investments under the direction of the City					\$ 6,529,273.32	\$ 6,529,273.32	\$ 6,529,273.32	

Investments under the direction of fiscal agents:

1992 Certificates of Participation	BNY	0.000%	30-Jun-17	Demand	10.38	10.38	10.38	1992B - 421053
1992 Certificates of Participation	BNY	0.000%	30-Jun-17	Demand	-	-	-	1992B - 421056
1992 Certificates of Participation	BNY	0.000%	30-Jun-17	Demand	1.00	1.00	1.00	1992B - 421059
First American Treas - Money Market	US Bank	0.000%	30-Jun-17	Demand	8,858.49	8,858.49	8,858.49	98 A&B - 95453340
First American Treas - Money Market	US Bank	0.000%	30-Jun-17	Demand	30.97	31.97	30.97	98 A&B - 95453341
98 A & B Dep w/Trustee - Collateral	Bank of America	n/a	30-Jun-17	Demand	1,880,000.00	1,880,000.00	1,880,000.00	GL 1319
Deposits - Workers' Comp	PERMA	n/a	30-Jun-17	n/a	422,863.80	422,863.80	422,863.80	GL 1352
Deposits w/SB Co Central Store	SB Co.	n/a	30-Jun-17	n/a	0.00	0.00	0.00	GL 1351
Deposits w/Other Agencies	Various	n/a	30-Jun-17	n/a	0.00	0.00	0.00	GL 1350
Total Unaudited Investments under the direction of fiscal agents					\$ 2,311,764.64	\$ 2,311,765.64	\$ 2,311,764.64	

**Please Note: All market value data is provided courtesy of the City's fiscal agents
Bank of New York (BNY) Trust Company and US Bank.**

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villaseñor, Senior Accountant

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City of Hesperia STAFF REPORT



DATE: August 15, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Director of Development Services
Jamie Carone, Administrative Analyst

SUBJECT: Award a contract to American Asphalt South, Inc. for the Construction of the FY 2016-17 Annual Street Improvement Project (CO #7135)

RECOMMENDED ACTION

It is recommended that the City Council award a construction contract to the lowest responsive/responsible bidder, American Asphalt South, Inc., for the FY 2016-17 Annual Street Improvement Project in the amount of \$216,991.66; award Add Alternate Item 1, Hickory Avenue, in the amount of \$6,414.09; award Add Alternate Item 2, Walnut Street, in the amount of \$13,755.01; award Add Alternate Item 3, Cottonwood Avenue, in the amount of \$58,140.60; approve a 10% contingency in the amount of \$29,530.14 for a total authorized contract amount of \$324,831.36; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract.

BACKGROUND

In June 2017 the City Council reapproved the Fiscal Year 2017-18 Capital Improvement Program (CIP), which included programming for the FY 2016-17 Annual Street Improvement Project (Construction Order No. 7135).

The Annual Street Improvement Project serves to provide corrective maintenance to existing roads throughout the City each year. Often other transportation related improvements are incorporated into the project to address significant areas of concern as identified in the City's CIP. This year's key elements of the FY 2016-17 Annual Street Improvement Project are as follows:

- Slurry seal of approximately 9.7 miles of previously rehabilitated streets to provide required maintenance.

ISSUES/ANALYSIS

Staff issued a "Public Notice Inviting Bids" for construction of the FY 2016-17 Annual Street Improvement Project on July 20, 2017. Bids were accepted and publicly read on August 10, 2017, at 10:00 a.m. from four (4) participating bidders:

American Asphalt South, Inc.	\$216,991.66	All American Asphalt	\$303,072.18
Roy Allan Slurry, Seal, Inc.	\$366,903.86	Pavement Coatings	\$325,662.94

Each bidder's submittal was thoroughly reviewed; none of the bids contained any math errors. All of the bids submitted were determined to be valid.

Staff has determined that the apparent lowest responsive/responsible bidder is American Asphalt South, Inc. on the base bid amount of \$216,991.66. In addition to the base bid, staff recommends award of Add Alternate Item 1, Hickory Avenue, in the amount of \$6,414.09, Add Alternate Item 2, Walnut Street, in the amount of \$13,755.01, and Add Alternate Item 3, Cottonwood Avenue, in the amount of \$58,140.60, for a total contract amount of \$324,831.36. American Asphalt South, Inc. has provided quality construction on numerous annual paving projects for nearby cities, and staff recommends the award of this contract to American Asphalt South, Inc. as outlined below.

The original cost estimate for this project was \$2,200,000. However, the scope of the project was reduced resulting in a reduced cost estimate. The original scope of the FY 2016-17 Street Improvement Project included preventative maintenance via slurry-seal overlay of selected roads throughout the City and a full-depth roadway reconstruction of Main Street from La Junta Road to Pyrite Avenue. However, after careful inspection of this section of Main Street, City Staff concluded that a sag in the sewer line as well as drainage issues would need to be remediated before paving commenced.

Therefore, paving for the aforementioned section of Main Street, as well as remediation of the sag in the sewer line and the drainage issues, will be combined under a separate project number; construction for this project is scheduled to begin in the summer of 2018. Though the paving portion was removed from the project, preventative maintenance via slurry seal will remain in the scope of work with a reduced cost estimate of \$407,000.

FISCAL IMPACT

Funding for this project was included in the approved Fiscal Year 2017-18 Capital Improvement Program under Construction Order No. 7135 as follows:

- Measure I Renewal Funds: \$324,831.36

ALTERNATIVE(S)

1. Reject all bids and do not award the contract.
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Bid Results

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City of Hesperia STAFF REPORT



DATE: August 15, 2017

TO: Mayor and City Council Members
Chair and Commissioners, Community Development Commission

FROM: Nils Bentsen, City Manager

BY: Rod Yahnke, Director of Economic Development
Lisa K. LaMere, Management Analyst

SUBJECT: Amendment of Professional Services Agreement with the Buxton Company

RECOMMENDED ACTION

It is recommended that the City Council and Commissioners of the Hesperia Community Development Commission (HCDC) approve and authorize an amendment to Professional Services Agreement (PSA) 2015-16-049 with The Buxton Company (Buxton), increasing the contract amount from \$150,000 to \$157,500 for enhanced consumer spending data services.

BACKGROUND

The City has contracted with Buxton since 2004. Their services have assisted the City to successfully recruit retailers and restaurants by analyzing the Hesperia market, its retail customer base, consumer spending patterns and lifestyle habits, and identifying those retailers that would be a good match for the City. Past examples include Target, Walmart, Tractor Supply, Famous Footwear, Golden Corral.

ISSUES/ANALYSIS

Despite improving economic conditions there continues to be great competition for fewer retail opportunities. The proposed contract will provide new and contemporary analysis based on credit card and mobile device data to determine specific matches for future freeway-oriented retail development in Hesperia. During the term of an Exclusive Negotiating Agreement (ENA) between Hesperia and a developer, staff is currently participating in the feasibility, planning and development of this future experiential retail concept for which the Buxton analysis is key.

FISCAL IMPACT

Funding in the amount of \$37,500 will require a first quarter budget amendment.

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. None

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CITY OF HESPERIA

STAFF REPORT



DATE: August 15, 2017

TO: Mayor and City Council Members

FROM: Nils Bentsen, City Manager

BY: Brian D. Johnson, Assistant City Manager/Management Services
George Pirsko, Senior Financial Analyst

SUBJECT: Local Transportation Fund – Article 8a Claim

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2017-39, authorizing the City Manager to file the FY 2016-17 Local Transportation Fund – Article 8a claim in the amount of \$2,209,696 with San Bernardino County Transportation Authority (SBCTA).

BACKGROUND

The California Transportation Development Act (TDA) of 1971 provides a funding mechanism to local government for transit services. This mechanism consists of the collection and allocation of one-fourth cent of each sales tax transaction to the State Local Transportation Fund. Called Local Transportation Funds (LTF), these monies are annually allocated to local governments based on population. In our region, SBCTA is the governing authority over these funds. In FY 2016-17, the total allocation of LTF to the City of Hesperia was approximately \$4,471,953 which includes \$93,483 excess funds from the FY 2014-15 close-out reconciliation.

LTF may be used for street and road improvements if any monies remain after providing for local transit needs. These road and street monies, should they be available, are designated as LTF – Article 8a funds, and must be officially claimed by the agency as such. This claim must be made to SBCTA.

Annually, the Victor Valley Transit Authority (VVTA) holds public hearings to determine the unmet transit needs. Based upon information from those hearings and established state and federal requirements, VVTA determines the total cost of all transit services in the High Desert. The City contributes LTF to this budget in proportion to its share of participants in the various VVTA programs offered. As a member of the VVTA, the City of Hesperia has met its constituents' FY 2016-17 transit needs through the expenditure of a major portion of allocated LTF.

The City's portion of the VVTA budget for FY 2016-17 was estimated to be \$2,262,257 by SBCTA. The City's monies are allocated to the following areas: VVTA administration and related capital purchases; the interconnected Victor Valley regional route system and related capital purchases; pickup service and transportation for ADA clients; and the Hesperia Community Route.

Distribution of Article 8a funds for FY 2016-17 occurs upon completion of the annual audit of these funds and the Measure I funds. For FY 2015-16, the audit was completed in December 2016.

ISSUES/ANALYSIS

Since all City transit needs have been met for FY 2016-17 through participation in the VVTA programs cited above, SBCTA has notified the Management Services Department that the balance of the City's LTF allocation of \$2,209,696 (which includes \$93,483 excess funds from FY 2014-15 close-out reconciliation) can now be claimed as Article 8a monies and used for street and road improvements.

Adoption of the Resolution No. 2017-39 and submission of that Resolution with the required claim form will fulfill SBCTA requirements for the City to claim the residual LTF as Article 8a monies for street and road improvements.

FISCAL IMPACT

The Article 8a allocation of \$2,209,696 is more than the FY 2016-17 Budget of \$2,113,262 by \$96,434.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Resolution No. 2017-39

RESOLUTION NO. 2017-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AUTHORIZING THE CITY TO FILE THE FY 2016-17 LTF – ARTICLE 8a LOCAL STREETS AND ROADS CLAIM WITH SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA)

WHEREAS, the California Transportation Development Act of 1971 (TDA) provides that one-fourth cent of every sales tax collection on the dollar be deposited in the State Local Transportation Fund (LTF) for allocation to local government based upon population; and

WHEREAS, this allocation is managed by the SBCTA, and is distributed annually; and

WHEREAS, these monies must first be used to meet local transit needs, with this portion of the allocation given to the agency which manages this service; for the City of Hesperia this entity is the Victor Valley Transit Authority (VVTA); and

WHEREAS, the balance of this LTF allocation can be requested by each local government to use for the improvement of streets and roads; and

WHEREAS, this application must be made to SBCTA on an official LTF – Article 8a claim form, wherein the applying jurisdiction agrees: (1) that such monies will be used only in accordance with TDA provisions and allocation instructions; (2) to provide financial reporting information; and (3) to provide a governing body authorization document to file said claim; and

WHEREAS, the City's Management Services Department has completed the first two steps of the claim process, and now requests Council authorization to proceed in the collection of these Article 8a monies.

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

Section 1. The Council hereby finds that all of the facts set forth in the Resolution are true and correct.

Section 2. The Council authorizes the City Manager to file the FY 2016-17 LTF –Article 8a Local Streets and Roads Claim in the amount of \$2,209,696 with SBCTA.

Section 3. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED THIS 15th DAY OF AUGUST 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre, City Clerk

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City of Hesperia STAFF REPORT



DATE: August 15, 2017
TO: Mayor and City Council Members
FROM: Nils Bentsen, City Manager
BY: Brian Johnson, Assistant City Manager-Management Services
Anne M. Duke, Deputy Finance Director
Casey Brooksher, Budget/Finance Manager
SUBJECT: Amendment to PSA 2017-18-016 with White Nelson Diehl Evans LLP

RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to approve a contract amendment with White Nelson Diehl Evans LLP (WNDE) in the amount of \$30,000 to perform an audit of the Transient Occupancy Tax (TOT) operators within the City. Upon approval of the contract amendment, the revised contract will total a not-to-exceed amount of \$119,450.

BACKGROUND

The City collects a TOT tax, commonly referred to as a “bed tax” of 10% on occupants staying in rooms of a hotel, motel, inn, and other lodging facility. The City currently has ten (10) lodging operators. It is a good practice to periodically conduct an independent “audit” of the records and reporting of the lodging operators to determine if they are in compliance, as well as to ensure that the City is receiving all TOT related revenue to which it is entitled under the City Ordinance.

At the June 13, 2017 Council Meeting, the Council requested that staff bring forward an item for an independent audit of TOT lodging operators, as the most recent TOT audit was performed in FY 2007-08 and there are now two additional hotel/motels that have begun operations since the last TOT audit was completed. WNDE is the City’s current independent auditor and has experience in performing TOT audits for cities.

ISSUES/ANALYSIS

WNDE will conduct a field audit of each of the 10 hotel/motel establishments and review calendar year 2016 TOT related transactions to ensure proper reporting to the City. Specifically, WNDE will answer the following:

- How “gross rents” and “uncollected rents” were accounted for and reported to the City?
- What procedures were in place to identify transient and non-transient guests?
- How exemptions, including complimentary rooms, were documented and reported to the City?
- How the lodging operators handled reservations and payments done online through a third party, such as Expedia.com, and how the transient occupancy tax was collected and reported to the City for these transactions?

In addition, WNDE will review the sample tax returns (TOT revenue) to ensure that the hotel/motel remitted the correct amount to the City. Finally, WNDE will issue a separate report for each of the hotels that details the audit finding.

FISCAL IMPACT

WNDE will perform the audit for \$30,000, which is \$3,000 per hotel/motel. If the contract amendment is approved, a budget amendment will be presented to the City Council during the First Quarter budget review in November 2017.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

None.



DATE: August 15, 2017
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Gregg Wielenga, Chief of Police
SUBJECT: 2017 Edward Byrne Justice Assistance Grant (JAG)

RECOMMENDED ACTION

It is recommended that the Council adopt Resolution No. 2017-033, accepting the appropriation of \$23,528.00 from the US Department of Justice, for the purpose of partially funding operational overtime and training.

BACKGROUND

The Edward Byrne Justice Assistance Grant Program (JAG, formerly LLEBG) was authorized by the Omnibus Appropriations Act of 1997, Public Law 104-208 for the purpose of providing units of local government with funds to underwrite projects to reduce crime and improve public safety. The Bureau of Justice Assistance makes direct awards to local government when amounts are over \$10,000, provided that they are used consistently within the statutory program purpose areas. These program areas have been identified as hiring, overtime, equipment, and support personnel.

ISSUES/ANALYSIS

The City of Hesperia has chosen to distribute its Edward Byrne Justice Assistant Grant funds for the following purpose: Operational overtime and specialized training and training conferences.

FISCAL IMPACT

The funds from this grant will supplement the existing police budget; and this will have no fiscal impact on the general budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. Resolution No. 2017-033
2. MOU concerning distribution of the Edward Byrne JAG program award

RESOLUTION NO. 2017-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, SPECIFYING THE INTENDED PURPOSE FOR THE 2017 ALLOCATION FROM THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG).

WHEREAS, the Edward Byrne Justice Assistance Grant provides for supplemental funding for local crime prevention and law enforcement activities; and

WHEREAS, the funding is administered by the US Department of Justice; and

WHEREAS, the revenues received from this grant are allocated to qualifying agencies for specific purposes.

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

- Section 1. All facts set forth in this resolution are true and correct.
- Section 2. That the City Council approves the appropriation of \$23,528 from the US Department of Justice, Edward Byrne Justice Assistance Grant (JAG), for the purpose of partially funding operational overtime and training.
- Section 3. The Director of Management Services shall establish a mechanism to provide for the receipt and expenditure of all allocated monies under the Edward Byrne Justice Assistance Grant (JAG).
- Section 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 15th day of August, 2017

Paul Russ, Mayor

ATTEST:

Melinda Sayre, City Clerk

INTERLOCAL AGREEMENT
BETWEEN THE TOWN OF APPLE VALLEY, THE CITIES OF ADELANTO, BARSTOW, CHINO,
COLTON, FONTANA, HESPERIA, HIGHLAND, MONTCLAIR, ONTARIO, RANCHO CUCAMONGA,
REDLANDS, RIALTO, SAN BERNARDINO, UPLAND, VICTORVILLE,
AND THE COUNTY OF SAN BERNARDINO, CA

CONCERNING DISTRIBUTION OF THE
2017 JUSTICE ASSISTANCE GRANT AWARD

This Agreement is made and entered into this 22nd day of August, 2017, by and between THE COUNTY OF SAN BERNARDINO, acting by and through its governing body, the Board of Supervisors (hereinafter referred to as "COUNTY"), and the aforementioned TOWN (hereinafter referred to as "TOWN") and named CITIES (hereinafter referred to as "CITIES"), acting by and through their respective governing bodies, the Town Council and City Councils, all of whom are situated within the County of San Bernardino, State of California, as follows:

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the COUNTY agrees to release to TOWN and CITIES their respective grant allocation from the JAG Award within sixty (60) days upon receipt of funds, less five percent (5%) for administrative fees, as reflected on Appendix 1 here attached and hereby incorporated by reference as part of this agreement; and COUNTY agrees to use the five percent (5%) of JAG award funds received from TOWN and CITIES under this agreement for administrative fees toward the administration of TOWN's and CITIES' programs during the entire permissible duration of said programs; and TOWN and CITIES agree to deposit their JAG award funds into a separate trust account in accordance with JAG guidelines; and TOWN and CITIES each agree to the five percent (5%) reduction of their respective grant allocation from the JAG award, as reflected on Appendix 1 for administrative fees toward the administration of this program; and additionally the TOWN and CITIES each agree that it is their responsibility to ensure these funds are expended in accordance with JAG guidelines, and that the interest generated from such funds shall be solely applied and expended in accordance with these same JAG guidelines; and

WHEREAS, the TOWN, CITIES and COUNTY believe it to be in their best interests to reallocate the JAG funds,

NOW THEREFORE, the COUNTY and TOWN and CITIES agree as follows:

Section 1.

COUNTY agrees to release to TOWN and CITIES their respective grant allocation from the JAG Award within sixty (60) days upon receipt of funds, less five percent (5%) for administrative fees, as reflected in Appendix 1 here attached and hereby incorporated by reference as part of this Agreement, and; COUNTY agrees to use the five percent (5%) of JAG award funds received from TOWN and CITIES under this agreement for administrative fees toward the administration of the TOWN's and CITIES' programs during the entire permissible duration of said programs.

Section 2.

TOWN and CITIES agree to deposit their JAG award funds into a separate trust account in accordance with the JAG guidelines; and TOWN and CITIES agree to the five percent (5%) reduction of their respective grant allocation from the JAG award, as reflected in Appendix 1, for administrative fees toward the administration of this program, and; TOWN and CITIES each agree that it is their responsibility to ensure these funds are expended in accordance with JAG guidelines and that all interest generated from such funds shall be solely applied and expended in accordance with these same JAG guidelines.

Section 3.

TOWN and CITIES agree to enter into a sub-award grant agreement with the COUNTY in order to acknowledge receipt of the federal award information and applicable compliance requirements, including special conditions for each sub-award, before receiving grant funds.

Section 4.

TOWN and CITIES agree to provide COUNTY with sufficient timely information as necessary within five business days after receiving written request from COUNTY to meet JAG requirements for quarterly and annual financial and performance reports.

Section 5.

Nothing arising from this Agreement shall impose any liability for claims or actions against COUNTY other than what is authorized by law.

Section 6.

Nothing arising from this Agreement shall impose any liability for claims or actions against TOWN and/or CITIES other than what is authorized by law.

Section 7.

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable to any other party to this Agreement for any claim or action arising from the services provided under this Agreement.

Section 8.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 9.

By entering into this Agreement, the parties do not intend to create any obligations, either express or implied, other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

WHEREFORE, all parties freely and voluntarily agree to all of the above terms.

TOWN OF APPLE VALLEY, CA

COUNTY OF SAN BERNARDINO, CA

City Manager

Robert A. Lovingood
Chair, County Board of Supervisors

ATTEST:

ATTEST:

City Clerk

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO FORM:

*Jean-Rene Basle
County Counsel

by: Phebe W. Chu, Deputy

*By law, the County Counsel's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our clients. Our approval of this document was offered solely for the benefit of our clients. Other parties should not rely on this approval and should seek review and approval by their own respective attorneys.

CITY OF HESPERIA, CA

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

[illegible]

**2017 Justice Assistance Grant
APPENDIX 1**

Jurisdiction	Allocation	5% Admin Fee	Award
San Bernardino County	\$ 73,404	\$ (3,670)	\$ 69,734
Adelanto	\$ 15,310	\$ (766)	\$ 14,545
Apple Valley	\$ 16,127	\$ (806)	\$ 15,321
Barstow	\$ 18,632	\$ (932)	\$ 17,700
Chino	\$ 16,996	\$ (850)	\$ 16,146
Colton	\$ 12,345	\$ (617)	\$ 11,728
Fontana	\$ 57,226	\$ (2,861)	\$ 54,365
Hesperia	\$ 24,766	\$ (1,238)	\$ 23,528
Highland	\$ 16,588	\$ (829)	\$ 15,759
Montclair	\$ 15,795	\$ (790)	\$ 15,005
Ontario	\$ 36,574	\$ (1,829)	\$ 34,745
Rancho Cucamonga	\$ 22,440	\$ (1,122)	\$ 21,318
Redlands	\$ 14,671	\$ (734)	\$ 13,937
Rialto	\$ 30,287	\$ (1,514)	\$ 28,773
San Bernardino	\$ 173,134	\$ (8,657)	\$ 164,477
Upland	\$ 14,441	\$ (722)	\$ 13,719
Victorville	\$ 52,906	\$ (2,645)	\$ 50,261
Total	\$ 611,642	\$ (30,582)	\$ 581,060

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**Draft Minutes
September 6, 2016
HESPERIA JOINT PUBLIC FINANCE AUTHORITY**

CALL TO ORDER 9:30 p.m.

Roll Call:

Present:

Mayor Holland

Mayor Pro Tem Russ

Council Member Blewett

Council Member Leonard

Council Member Schmidt

PUBLIC COMMENTS- None

CONSENT CALENDAR

1. Approve the minutes of the Authority Annual meeting held on September 6, 2016. (Staff person: Melinda Sayre, City Clerk)

Motion was made by Council Member Russ to approve minutes from the August 18, 2015 meeting, seconded by Council Member Blewett passed with the following vote:

Ayes: Holland, Blewett, Russ, Schmidt, Leonard

ADJOURNMENT

9:31 p.m.

Melinda Sayre,
City Clerk

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**Draft Minutes
September 6, 2016
HESPERIA PUBLIC FACILITIES CORPORATION**

CALL TO ORDER 9:31 p.m.

Roll Call:

Present:
Mayor Holland
Mayor Pro Tem Russ
Council Member Blewett
Council Member Leonard
Council Member Schmidt

PUBLIC COMMENTS- None

CONSENT CALENDAR

1. Approve the minutes of the Corporation Annual meeting held on September 6, 2016. (Staff person: Melinda Sayre, City Clerk)

Motion was made by Council Member Schmidt to approve minutes from the August 18, 2015 meeting, seconded by Council Member Russ passed with the following vote:

Ayes: Holland, Blewett, Russ, Schmidt, Leonard

ADJOURNMENT

9:32 p.m.

Melinda Sayre,
City Clerk

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City of Hesperia STAFF REPORT



DATE: August 15, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Director of Development Services
Dave Reno, AICP, Principal Planner
Ryan Leonard, AICP, Associate Planner

SUBJECT: General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009 to Construct a Gas Station; Applicant: Harp Verma; APN: 0412-172-01

RECOMMENDED ACTION

The Planning Commission recommends that the City Council adopt Resolution Nos. 2017-37 and 2017-38, approving GPA16-00002 and CUP16-00009 to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2 ½) to General Commercial (C2) to construct a gas station with six fuel islands, a 5,784 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building located on 3.46 acres at the northeast corner of Ranchero Road and Seventh Avenue.

BACKGROUND

Proposal: A General Plan Amendment from Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}) to General Commercial (C2) in conjunction with a Conditional Use Permit (CUP) to construct a proposed gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant, a detached 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building, located on approximately 3.5 gross acres (Attachment 1). The convenience store will include the retail sale of beer, wine and liquor for off-site consumption. The proposed project will be constructed in two phases; the proposed gas station, convenience store with a second story office and drive-thru restaurant, and carwash will be constructed in phase 1 and the drive-thru restaurant and multi-tenant commercial building will be constructed in phase 2.

Location: On the northeast corner of Seventh Avenue and Ranchero Road.

Current General Plan, Zoning and Land Uses: The site is within the Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}) designation (Attachment 2). The surrounding land is designated as noted on Attachment 2. The site is currently occupied by a single family residence. The property directly to the east also contains a single family residence. The properties to the north, on the opposite side of Third Avenue are improved with single family residences. The properties to the west, on the opposite side of Seventh Avenue are also improved with single family residences. The property to the south, on the opposite side of Ranchero Road is vacant and within a public utility easement. Additional single-family residences occur further to the south (Attachment 3).

On June 27, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval by a 3-0 vote (Commissioner Hahn recused herself, Commissioner Murphy was absent). During the meeting one resident spoke in favor of the project and four residents spoke in opposition to the project. The residents were primarily concerned with increased traffic coming to and from the site and the effect that this would have on surrounding residences.

The Commission had several concerns with increased traffic generated by the project, particularly at the Rancho Road and Seventh Avenue intersection. The Commission asked for clarification regarding the timing of traffic signal improvements at the Rancho Road and Seventh Avenue intersection. Staff clarified that the requirement to construct a signal is listed as a condition of approval and is required prior to the occupancy of the first building within Phase 1 of the project. Staff also clarified that a traffic signal is required since the driveway approach on Rancho Road is restricted to a right-in and right-out only. As a result, the traffic impact analysis recommends dual left-hand turn lanes on Seventh Avenue which can only be safely controlled with a traffic signal.

Commissioner Leis expressed concerns with the hours of operation for the proposed carwash. Commissioner Leis noted that the conditions of approval require a closing time of 10:00 p.m., but stated that it would be more appropriate to require the carwash to close at 8:00 p.m. Staff agreed to revise the conditions of approval accordingly.

ISSUES/ANALYSIS

The proposed General Plan Amendment would change the land use designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}) to General Commercial (C2), to allow for the proposed commercial development. The properties to the north and east are also designated Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}). The property to the west, on the opposite side of Seventh Avenue, is designated Limited Agricultural with a minimum lot size of 1-acre (A1). The property to the south, on the opposite side of Rancho Road is designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000).

The proposed General Commercial (C2) designation can be justified as the site is located at a primary intersection that fronts Rancho Road and Seventh Avenue. The General Plan identifies Rancho Road as a 140' wide Special Street with three travel lanes in each direction and Seventh Avenue as a 100' wide Arterial Roadway with two travel lanes in each direction. Rancho Road is designed to link local traffic with Interstate 15 through the recently completed Rancho Road/Interstate-15 freeway interchange. Given the regional significance of Rancho Road, commercial uses along this roadway are certain to occur and are considered appropriate land uses at certain key intersections. The project is similar to the General Plan Amendment and Conditional Use Permit that the City Council approved on December 20, 2016 at the northwest corner of Rancho Road and Seventh Avenue. Therefore the proposed project is consistent with planned future uses and will not create a "spot zone".

The proposed General Commercial (C2) zone allows the convenience store, gas station, car wash, drive-thru restaurants and commercial building as permitted uses, but requires approval of a CUP for the sale of alcoholic beverages. The CUP includes the sale of beer, wine and liquor from the convenience store for off-site consumption (Type 21 License). The proposed development consists of a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant and a detached 1,560 square foot automated car wash tunnel that will be built in phase 1 (Attachment 4); and a 3,300 square foot

drive-thru restaurant and a 19,000 square foot multi-tenant commercial building that will be built in phase 2.

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 122 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces; 33 total parking spaces will be provided just for phase 1 and 116 parking spaces will be provided just for phase 2, for a total of 149 parking spaces.

Table 1: Parking Spaces Required

Use (sq. ft.)	Parking Formula	Spaces Required
Phase 1-Convenience Store and drive thru restaurant (5,784 sq. ft)	4.0 spaces per 1,000 square feet gross floor area	23
Phase 1-Car Wash (1,560 sq. ft)	Automated/Hand = 10 spaces	10
Phase 1 Total		33
Phase 2-Commercial Building (19,000 sq. ft.)	4.0 spaces per 1,000 square feet gross floor area	76
Phase 2-Drive-thru Restaurant (3,300 sq. ft.)	4.0 spaces per 1,000 square feet gross floor area	13
Phase 2 Total		89
TOTAL SPACES REQUIRED		122

The proposed development complies with all building setback requirements including the 20-foot building setback along the eastern boundary of the property, since this boundary abuts a residential zone. In addition, the development code requires a 6-foot high block wall when a commercial development abuts a residential zone. As required, a six-foot high decorative block wall will be constructed along the eastern boundary. Prior to development, a condition of approval requires that a photometric study be submitted demonstrating that parking lot lighting will not exceed 0.5 foot-candles at the property lines. The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the total site area and the project provides 11,656 square feet (8.2%) of total landscape coverage.

The site design complies with the architectural guidelines in the City's Development Code. The exterior of the buildings utilize a stucco finish with varying accent colors, faux wood grain columns and decorative ceramic tiles on all sides. The buildings also incorporate changes in wall and roof planes, and include other architectural features such as awnings, cornices, sconces and decorative lighting on the walls of the buildings (Attachment 5). On the west elevation (rear of the building) an outdoor staircase is proposed to provide access to the upstairs office area (Attachment 6). The staircase will be viewable from Ranchero Road and customers using the car wash. Staff is conditioning that the staircase incorporate decorative materials such as a wrought iron railing and that the poles underneath the staircase be replaced with stucco columns.

The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). The Development Code requires approval of a CUP for the sale of alcoholic beverages. ABC authorizes this census tract

to have three off-sale licenses. However, as shown in Table 2, there are currently eight active off-sale alcoholic beverage licenses within Census Tract 100.19 (Attachment 7). Therefore approval of CUP16-00009 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 10).

Table 2: Existing Off-Sale Licenses in Census Tract 100.19

Status	Business Name	Business Address	Type of License
Active	Stator Bros Markets	15757 Main St.	21-Beer, Wine, and Liquor
Active	Union 76	16307 Main St	20-Beer and Wine
Active	Hesperia Fastrip	16117 Main St	21-Beer, Wine, and Liquor
Active	Hesperia Liquor	16233 Main St	21-Beer, Wine, and Liquor
Active	Cardenas Market	15555 Main St	21-Beer, Wine, and Liquor
Active	Tesoro Shell Gas	16337 Main St	20-Beer and Wine
Active	Hesperia Chevron	15933 Main St	20-Beer and Wine
Active	A Mart	15853 Main St	21-Beer, Wine, and Liquor

* The Planning Commission and City Council recently approved a Type 21 license at the northwest corner of Ranchero Road and Seventh Street. This license does not appear in the Department of ABC's database because the site has not been constructed and the final tenant is not known. Therefore, even though the Department of ABC only shows 8 "active" licenses, there is one additional license that is approved and pending.

Staff believes that a finding of public convenience and necessity can be made to obtain an additional license in an over-concentrated tract. Specifically, all of the existing licenses within this census tract are located along Main Street; there are no existing licenses located along Ranchero Road. In addition, approval of GPA16-00002 will potentially allow the first commercial use along this segment of Ranchero Road, which has been designed to link local traffic with Interstate 15. It is the City's intent to attract commercial developments in this area that can serve pass-by traffic and commuters, and this will necessitate exceedence of ABC's standards for on-sale licenses.

Drainage: The development is required to handle the increase in storm water runoff as a result of construction of this project. The site plan proposes an underground drainage system to handle storm water runoff. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant. The site is also not impacted by existing drainage from upstream properties.

Water and Sewer: The development will be connected to an existing 16-inch water line along Ranchero Road. The project is allowed to use an approved on-site septic waste system.

Traffic/Street Improvements: A Traffic Impact Analysis (TIA) was prepared for the 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 project will generate a total of approximately 7,045 daily vehicle trips. During the morning peak hour the traffic study estimates that 423 vehicles will come and go from the site, however 194 of those trips would be pass-by trips already traveling on the surrounding roadway network; therefore the traffic study estimates that the project will generate 229 new vehicle trips during the morning peak hour. During the evening peak hour 545 vehicles are estimated to come and go from the site, however 214 of those trips would be pass-by trips;

therefore the traffic study estimates that the project will generate 331 new vehicle trips during the evening peak hour.

The TIA analyzed the project impacts on surrounding roadways segments. As shown in Table 1 below, the study area roadways are projected to operate within capacity except for the following study area roadway without improvements:

Ranchero Road: Eleventh Avenue to Seventh Avenue.

The widening of Ranchero Road is a planned capital improvement project identified by the City's General Plan Circulation Element and DIF program. The project will be subject to the payment of development impact fees which will be collected at the time that building permits are issued which will provide the City partial funding for the future widening of Ranchero Road from 2 to 4 lanes. With this improvement the roadway segment would operate acceptably.

Table 1-Summary of Roadway Segments

Roadway	Segment		Roadway Capacity Existing Conditions		Existing Level of Service			Future Conditions: Existing Plus Project		
	From	To	Lanes	Capacity	Average Daily Traffic	Volume to Capacity	LOS	Average Daily Traffic	Volume to Capacity	LOS
Ranchero Rd	West of Maple Ave	Maple Ave	2U	18,360	13,700	0.746	C	14,400	0.784	C
	Maple Ave	Cottonwood Ave	2U	18,360	14,100	0.768	C	15,510	0.845	D
	Cottonwood Ave	Eleventh Ave	2U	18,360	14,400	0.784	C	16,160	0.880	D
	Eleventh Ave	Seventh Ave	2U	18,360	14,900	0.812	D	16,660	0.907	E
	Seventh Ave	Santa Fe Ave	4D	32,200	13,500	0.419	A	16,320	0.507	A
	Santa Fe Ave	East of Santa Fe Ave	4D	32,200	11,000	0.342	A	12,060	0.375	A
Seventh Ave	North of Third Ave	Third Ave	2U	15,300	3,600	0.235	A	4,660	0.305	A
	Third Ave	Ranchero Rd	2U	15,300	5,600	0.366	A	8,590	0.468	A
	Ranchero Rd	South of Ranchero Rd	2U	15,300	2,100	0.137	A	2,800	0.183	A

Table 2- Summary of Intersection Operations: Opening Year (2017) With and Without Project

Intersection	Traffic Control	Opening Year (2017) WITHOUT PROJECT				Opening Year (2017) WITH PROJECT			
		Peak Hour				Peak Hour			
		Morning		Evening		Morning		Evening	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Maple Ave (NS) at: Ranchero Rd (EW)	AWS TS								
Without Improvements		272.2	F	176.2	F	287.7	F	191.5	F
With Improvements		25.2	C	30.1	C	26.8	C	31.5	C
Cottonwood Ave (NS) at:									

Ranchero Rd (EW)	AWS	99.0	F	191.7	F		115.3	F	218.5	F
Without Improvements	TS	13.2	B	11.5	B		13.3	B	11.7	B
With Improvements										
Eleventh Ave (NS) at: Ranchero Rd (EW)	CSS	31.0	D	57.9	F		33.7	D	67.4	F
Without Improvements	CSS	18.6	C	20.0	C		19.2	C	21.0	C
With Improvements										
Seventh Ave(NS) at: Third Ave (EW)	CSS	14.1	B	14.3	B		14.7	B	15.3	B
Ranchero Rd (EW)										
Without Improvements	AWS	21.2	C	22.2	C		28.2	D	33.8	D
With Improvements	TS	23.4	C	25.6	C		28.8	C	27.4	C
Santa Fe Ave at: Ranchero Rd (EW)	TS	40.3	D	34.8	C		42.1	D	35.2	D

AWS= All Way Stop, CSS=Cross Street Stop, TS=Traffic Signal

As shown in Table 2 above, for existing plus project traffic conditions in opening year 2017, the following three intersections are projected to operate at unacceptable levels of service during the peak hours even if the project is not constructed, and without improvements:

Maple Avenue (NS) at: Ranchero Road (EW)

Cottonwood Avenue (NS) at: Ranchero Road (EW)

Eleventh Avenue (NS) at: Ranchero Road (EW)

For existing plus project conditions, the study area intersections are projected to operate within acceptable levels of service during the peak hours, with improvements. To mitigate project impacts the TIA recommends that the project pay its fair share contribution towards the installation of traffic signals at the Maple Avenue/Ranchero Road and Cottonwood Avenue/Ranchero Road intersections.

With respect to the Eleventh Avenue/Ranchero Road intersection, the TIA recommends that the project pay DIF fees to construct two eastbound through lanes, one westbound through lane and one shared through right lane. The payment of fair share fees and DIF fees will be collected at the time that building permits are issued, which will provide funding for the construction of signal improvements to reduce the impacts of additional vehicular traffic. With these improvements the intersections would operate acceptably.

In addition, the TIA recommends a traffic signal installation and lane control modification at the Seventh Avenue and Ranchero Road intersection based on volume analysis. Dual southbound turn lanes are recommended at the intersection because the left turn volume in the southbound direction exceeds the recommended left turn maximum for a single left turn lane. The requirement to construct a signal is listed as a condition of approval as well as a mitigation measure in the Initial Study prepared for the project.

Noise Levels: An Acoustical Analysis was prepared to evaluate the noise impacts to the adjacent properties from the operation of the project. The results of the study indicate that noise generated from the mechanical equipment associated with the proposed buildings would produce approximately 40 dB(A) at the eastern boundary of the site, while noise generated from air conditioning compressors would produce approximately 45 dB(A). This is in conformance with the City's most restrictive requirement of 55 dB(A) during the nighttime hours. With regard

to the carwash, a noise impact of about 80 dB(A) can be expected at 10 feet from the exit of the carwash, primarily due to blowers used in water removal, and about 75 dB(A) can be expected at 15 feet from the vacuum. Compliance with the City's Noise Ordinance will be achieved by limiting the hours of operation from 7:00 a.m. to 10:00 p.m., ensuring that the carwash is not operational during morning and nighttime hours and by requiring noise suppression/mufflers in the blowers. The noise study prepared by P.A Penardi and Associates states that with incorporation of the noise suppression mufflers, the carwash will generate noise of 63 dBA at the project boundary. This would be in compliance with the City's Noise Ordinance which allows a maximum noise level of 65 dBA for a duration not exceeding 15 minutes out of any 1 hour period¹.

With regard to the self-serve vacuum, the noise study recommends a 3-sided acoustical enclosure be constructed around the vacuum with the open side facing the proposed project. Incorporation of the enclosure is expected to reduce noise levels to less than 60 dBA at the project boundary. This would be in compliance with the City's maximum noise level of 60 dBA for the daytime hours of 7:00 a.m. to 10:00 p.m. The noise study states that the operational activities associated with the project will comply with the City's Noise Ordinance. As an ongoing condition of approval, the project is required to be in conformance with the City's Noise Ordinance at all times.

Environmental: Approval of this project requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 8) prepared for this project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided. The site does not contain habitat for the desert tortoise nor any other threatened or endangered species. A pre-construction survey for the burrowing owl will be conducted prior to the issuance of a grading permit. The site is in an area which has a low probability of containing archaeological/paleontological resources. As such, a cultural resource survey was not required.

Comments Received: As of the writing of this staff report staff has received two comments in opposition to this project (Attachment 11).

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of the General Plan Amendment. Further, approval of the sale of beer, wine and liquor is appropriate, particularly to allow the convenience store to serve pass-by traffic and to meet customer demand.

FISCAL IMPACT

Development will be subject to payment of development impact fees and the developer's fair share cost for traffic signal improvements at the Maple Avenue/Ranchero Road and Cottonwood Avenue/Ranchero Road intersections. In addition the developer is required to construct a traffic signal at the Ranchero Road/Seventh Avenue intersection. The City may choose to contribute a portion of the remaining costs to fully construct the traffic signals that are subject to fair share fees and/or the City may choose to enter into an agreement with the developer to reimburse the costs associated with constructing a new traffic signal.

¹ The typical time for a "rollover" type of carwash is approximately 5 minutes/vehicle. Therefore the maximum number of cars possible during a 1-hour period would be 12 cars. For a typical blower on time of about one minute per vehicle, this calculates to a maximum blower on time of 12 minutes per hour.

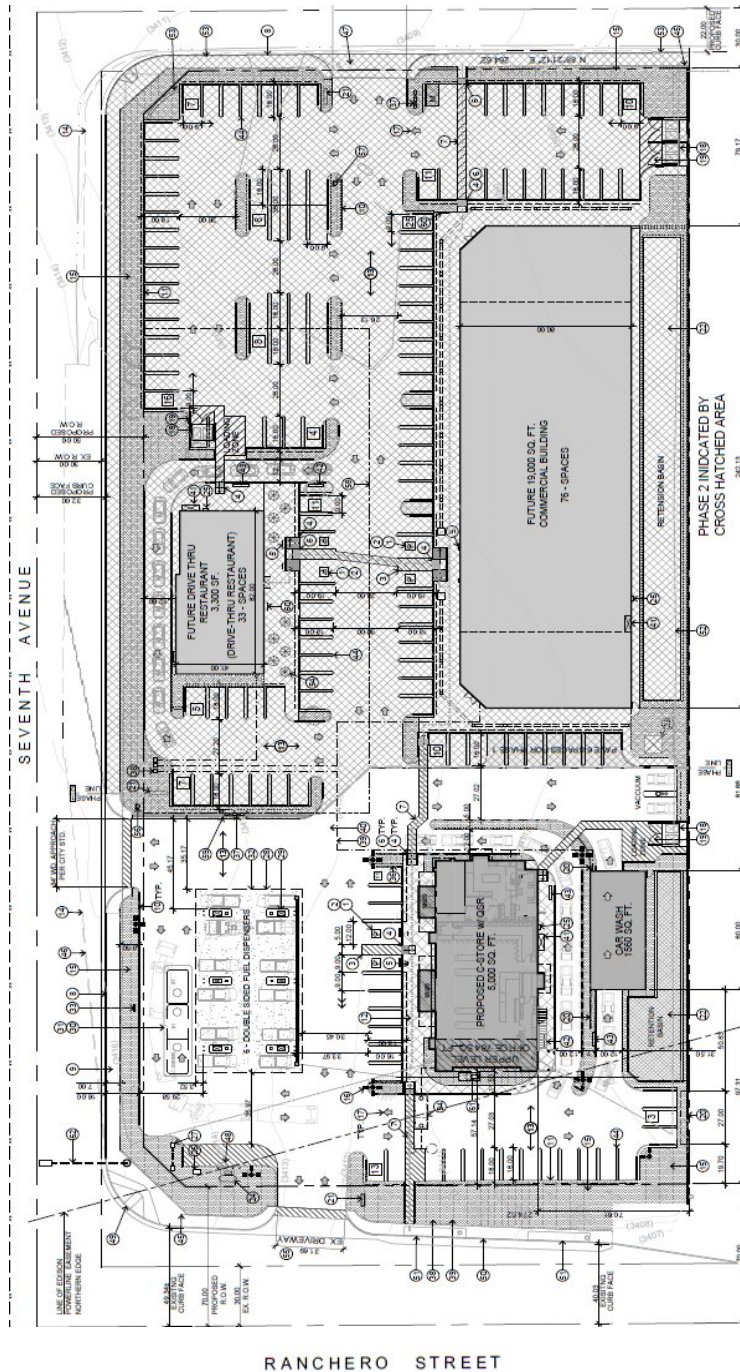
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color rendering
6. Building Elevations
7. Census Tract Map
8. Negative Declaration ND16-00013 and its initial study
9. Resolution No. 2017-37 (GPA16-00002)
10. Exhibit A
11. Resolution No. 2017-38
12. Conditions of approval (CUP16-00009)
13. Comments Received.

ATTACHMENT 1



RANCHERO STREET

APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

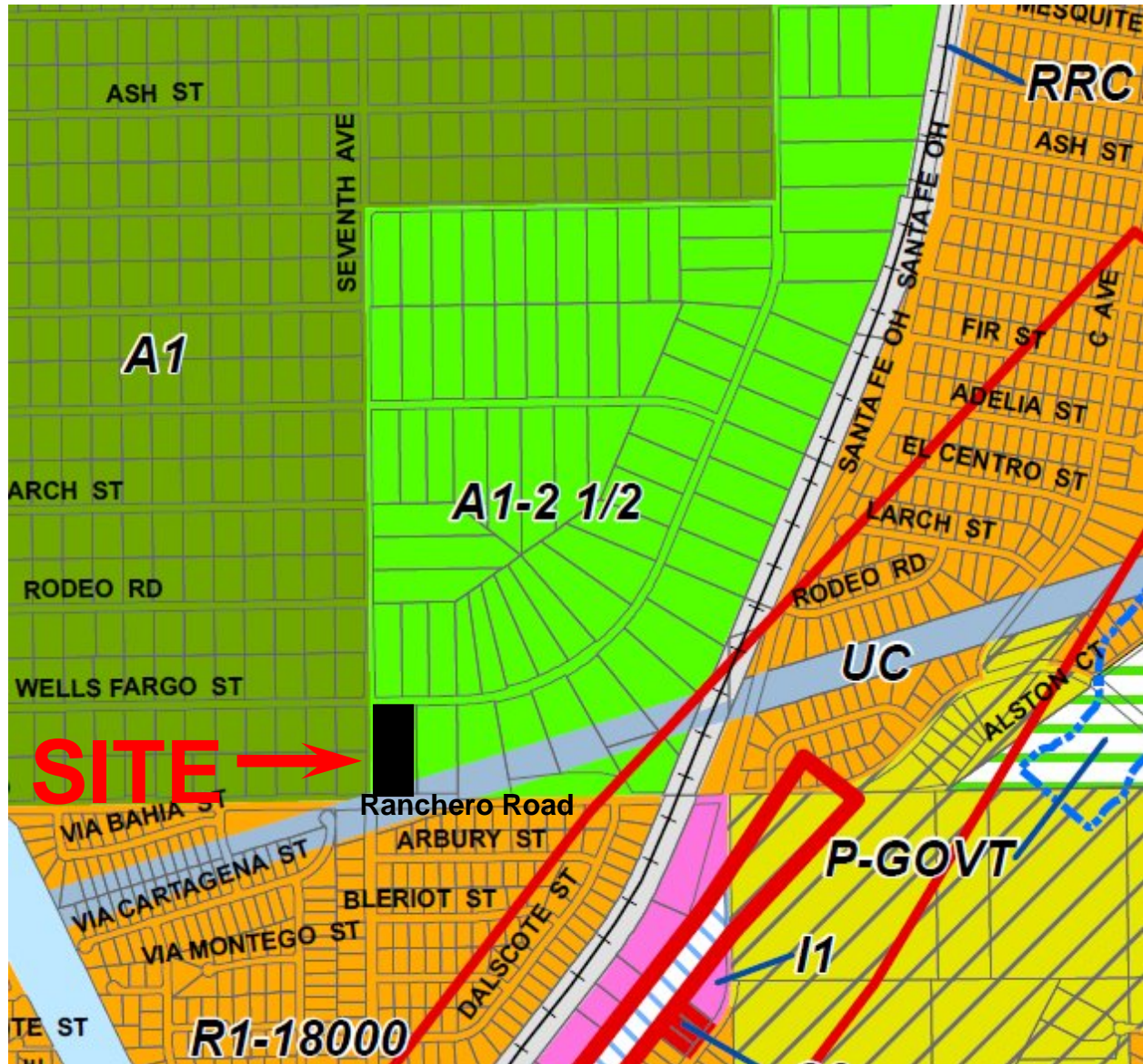
APN(S):
0412-172-01

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE



SITE PLAN

ATTACHMENT 2



APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE



ATTACHMENT 3



APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

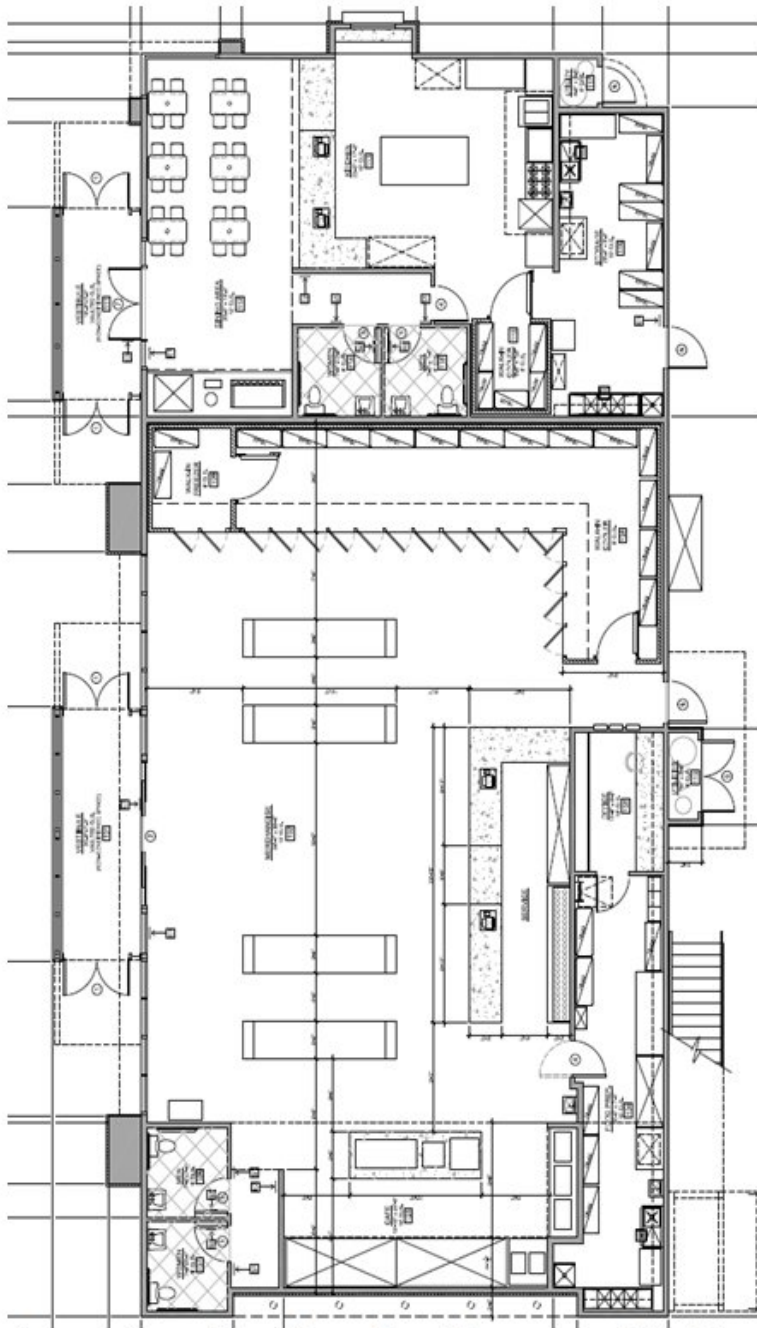
LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

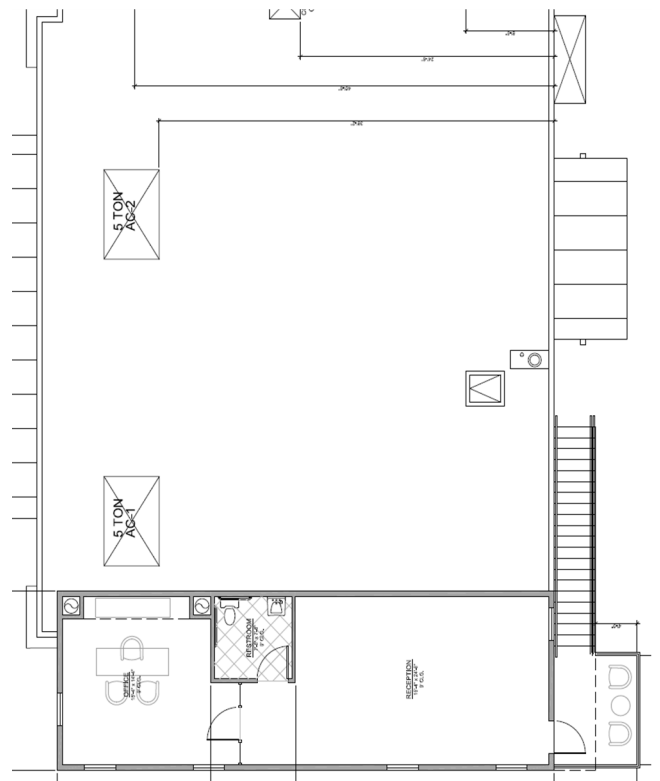
PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE



ATTACHMENT 4



Convenience Store/Fast Food Restaurant First Floor



Convenience Store/Fast Food Restaurant Second Floor

APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE



ATTACHMENT 5



APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

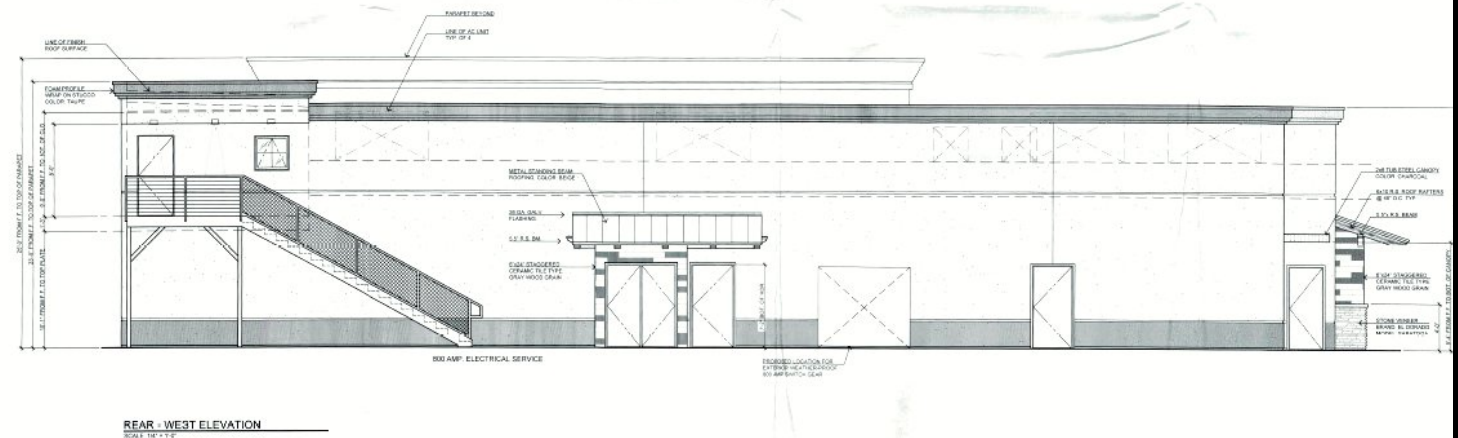
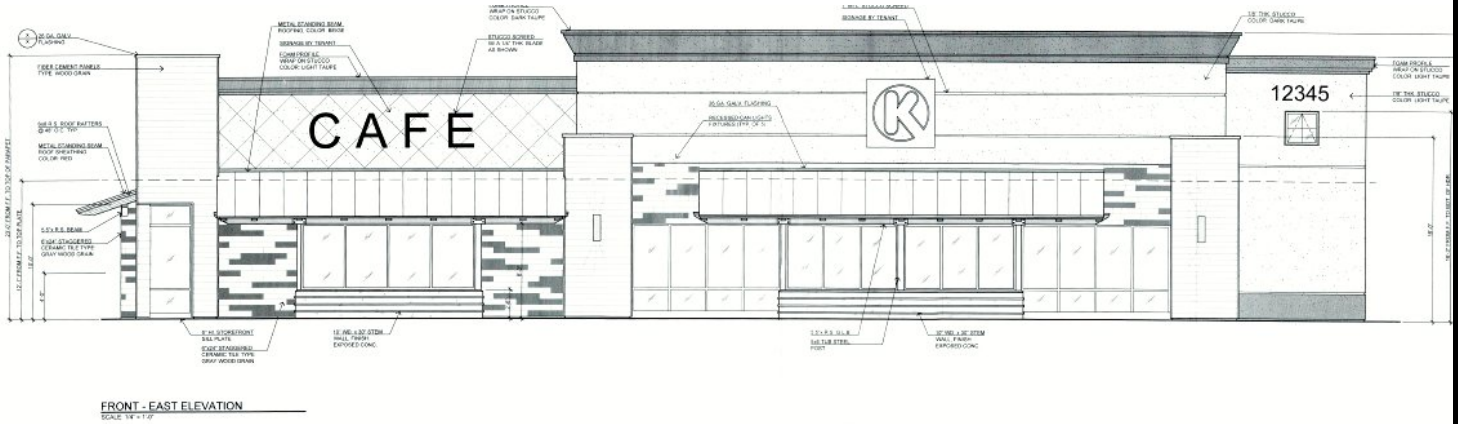
LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE

COLOR RENDERING

ATTACHMENT 6



APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

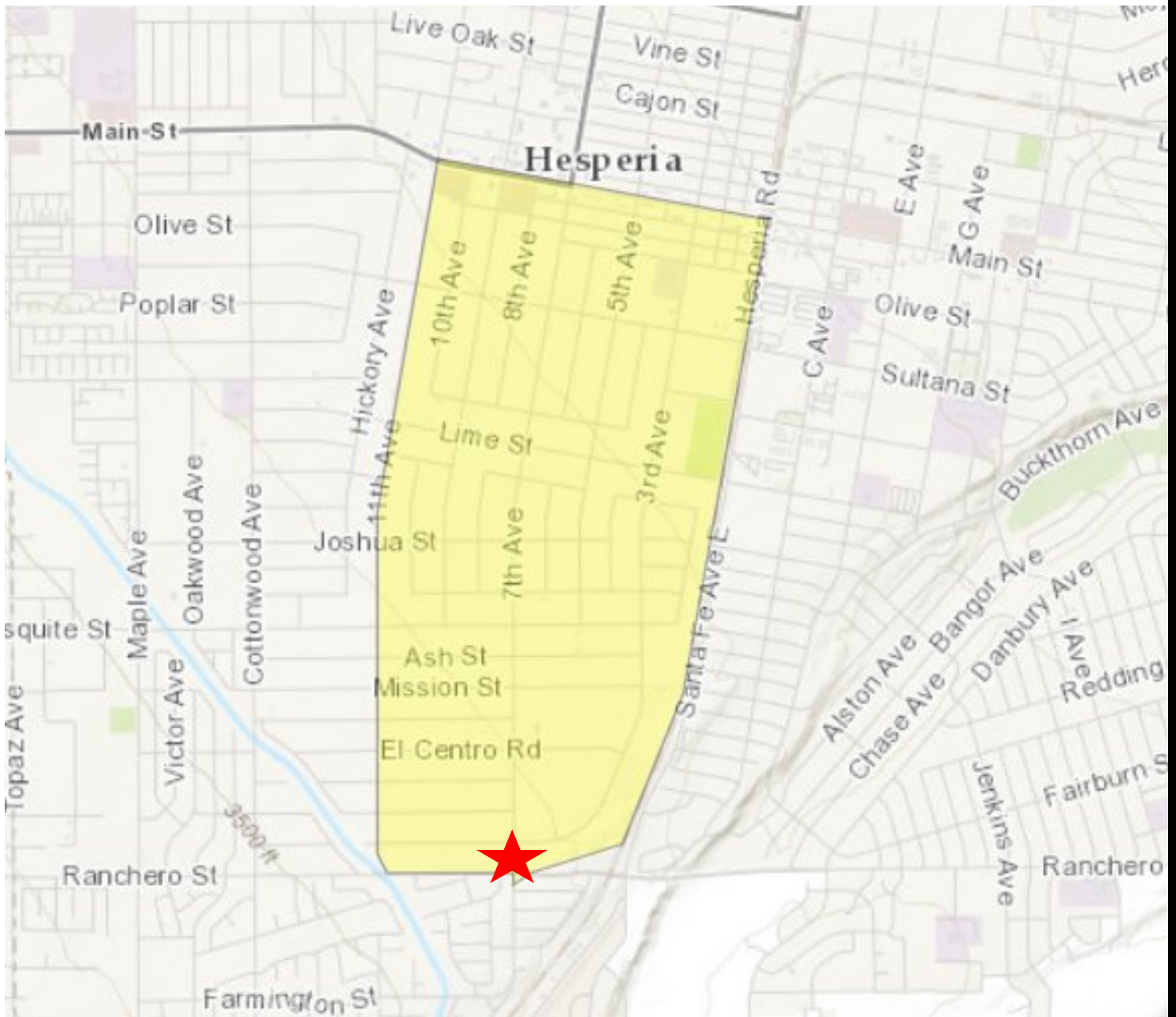
LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE

BUILDING ELEVATIONS

ATTACHMENT 7



APPLICANT(S): HARP VERMA

FILE NO(S): GPA16-00002 & CUP16-00009

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, A 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE



CENSUS TRACT MAP

ATTACHMENT 8
PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1221

NEGATIVE DECLARATION ND-2016-13
Preparation Date: May 15, 2017

Name or Title of Project: General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009

Location: On the northeast corner of Seventh Avenue and Ranchero Road. (APN: 0412-172-01).

Entity or Person Undertaking Project: Steeno Design Studio.

Description of Project: A General Plan Amendment from Limited Agricultural with a minimum parcel size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2) in conjunction with a Conditional Use Permit to construct a gas station with 6 fuel islands, a 5,000 square foot convenience store with a drive-thru restaurant, a detached 1,560 square foot automated carwash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building, located on approximately 3.5 gross acres. The CUP will also allow the retail sale of beer, wine and liquor for off-site consumption.

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

Mitigation Measures:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. To reduce noise impacts associated with the carwash, noise suppression/mufflers shall be incorporated in the blowers for use in the carwash and any noisy mechanical equipment like hydraulic pumps be contained in a noise attenuating enclosure or room.
3. To reduce noise impacts associated with the vacuums, the vacuums that are utilized shall incorporate factory installed noise suppression and the unit shall be surrounded on three sides with an enclosure that is constructed of masonry materials or stuccoed wood framing. The height of the enclosure shall extend at least two feet above the top of the vacuum.
4. The hours of operation of the carwash shall be limited to the daytime hours of 7:00 a.m to 10:00 p.m.
5. Applicant shall install a traffic signal at the Ranchero Road and Seventh Avenue intersection. The applicant shall also install dual southbound left turn lanes at the Seventh Avenue and Ranchero Road intersection because the left turn volume in the southbound direction exceeds the recommended left turn maximum for a single left turn lane.

A copy of the Initial Study and other applicable documents used to support the proposed Mitigated Negative Declaration is available for review at the City of Hesperia Planning Department.

Public Review Period: May 17, 2017 through June 6, 2017.

Adopted by the Planning Commission: June 27, 2017

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Ryan Leonard, AICP, Associate Planner
Phone number: (760) 947-1651.
4. **Project Location:** On the northeast corner of Ranchero Road and Seventh Avenue (APN: 0412-172-01).
5. **Project Sponsor:** Steeno Design Studio
Address: 11774 Hesperia Road, Suite B1, Hesperia CA, 92345
6. **General Plan & Zoning:** The site is currently within the Limited Agricultural with a minimum parcel size of 2.5 acres (A1-2^{1/2}) General Plan land use designation.
7. **Description of project:**

The project consists of General Plan Amendment GPA16-00002, to change the designation of the subject property from Limited Agricultural with a minimum parcel size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2). GPA16-00002 is being processed in conjunction with Conditional Use Permit CUP16-00009 to construct a gas station with 6 fuel islands, a 5,000 square foot convenience store with a drive-thru restaurant, a detached 1,560 square foot automated carwash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building, located on approximately 3.5 gross acres. The convenience store will include the retail sale of beer, wine and liquor for off-site consumption. The proposed project will be constructed in two phases; the proposed convenience store, gas station and carwash will be constructed in phase 1 and the drive-thru restaurant and multi-tenant commercial building will be constructed in phase 2. The site is currently occupied by a single family residence and is accessed by Ranchero Road, Seventh Avenue and Third Avenue.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The properties to the north and east are within the General Plan Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) land use designation and are improved with single family residences. The property to the west, on the opposite side of Seventh Avenue is designated Limited Agricultural with a minimum lot size of 1 acre (A1) and is vacant. The property to the south, on the opposite side of Ranchero Street is designated single family residential with a minimum lot size of 18,000 square feet (R1-18,000) and is currently vacant as shown on Attachment "A."
9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval is required from the City.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature _____

Date _____

Ryan Leonard, AICP, Associate Planner, Hesperia Planning Division

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista (1 & 2) ?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2) ?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings (1, 2, 3 & 4) ?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (5) ?			X	

Comments.

The subject property is currently vacant and is adjacent to Ranchero Road, Seventh Avenue, Third Avenue and existing single-family residences to the north, east and west **(1 & 2)**. Given the site's proximity to existing residences, the site is not considered a scenic resource. Further, the site contains frontage on Ranchero Road, Seventh Avenue and Third Avenue. None of these roadways are a scenic highway nor is the site in close proximity to any scenic resources or historic buildings.

Approval of the proposed project will not pose a significant adverse impact to the aesthetics of the area as the development is subject to Title 16 regulations **(6)**, which limit the building height and provide for minimum yard and lot coverage standards. Although commercial development will produce additional light and glare, any light or glare produced would be subject to Title 16 regulations which requires that all exterior lighting fixtures to be hooded and directed downward to minimize light and glare impacts on neighboring properties **(1 & 5)**. While commercial development of the site will have the potential to negatively impact the residentially designated properties to the north, east and west, implementation of the Title 16 zoning regulations will assure that adjacent residential land uses are buffered through the incorporation of setbacks, landscaping buffers, site planning, and other design techniques **(1 & 6)**. Consequently, development of the site will not substantially degrade the existing visual character or quality of the site and its surroundings. As such, development of the project would have a less than significant impact upon aesthetics.

II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (2 & 8) ?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (8, 9 & 10) ?				X
c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (10) ?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (1, 10 & 11) ?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (1, 9 & 10) ?				X

Comments.

The project site is not presently, nor does it have the appearance of previous agricultural uses. The soil at this location is classified by the U.S. Soil Conservation Service as *Hesperia loamy fine sand, two to five percent slopes*. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility **(12)**. Further, the proximity of residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The project site does not contain any known agricultural activities or any known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. Further, the site is not within the area designated by the State of California as "unique farmland."

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(13)**. The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes **(14)**. The project site is located in the central portion of the City within the suburban area and is substantially surrounded by large lot single-family residential development **(1)**. During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century **(11)**. Local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

The limited size of the property (3.5 gross acres), as well as the proximity of residential uses, do not make this site viable for agriculture. In addition, the site is presently zoned Limited Agricultural with a minimum parcel size of 2.5 acres (A1-2^{1/2}), which permits single family residential development. According to the City of Hesperia General Plan, no agriculture-specific land use exists within the project site and the land is not within a Williamson Act contract. **(10)**. This project has no potential to conflict with existing zoning for agricultural uses or a Williamson Act contract and will not have an impact upon agricultural resources. As such, approval of the proposed project would not have an impact upon agricultural resources.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan (15, 16 & 17)?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (15, 16 & 17)?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (15, 16 & 17)?			X	
d) Expose sensitive receptors to substandard pollutant concentrations (2, 15 & 16)?			X	
e) Create objectionable odors affecting a substantial number of people (1, 2, 15 & 16)?				X

Comments.

The General Plan Update and its Environmental Impact Report (EIR) address the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors **(15 & 16)**. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the single-family residences located immediately adjacent to the east of the site **(1)**. These adjacent residences are currently within the Limited Agricultural with a minimum parcel size of 2.5 acres (A1-2^{1/2}) designation.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years **(15)**. The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards **(15 & 16)**.

All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(17)**. Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions. Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion petroleum products by equipment. However, such odors are part of the ambient odor

environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring AQMD permits.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The General Plan Update Environmental Impact Report (GPUEIR) analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts **(7)**. As part of the GPUEIR, the impact of commercial and residential development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. The projected number of vehicles trips and turning movements associated with this project is analyzed within Section XV. Transportation/Traffic. Although the proposed development will increase traffic in the area it will not result in the creation of an unacceptable level of service (LOS). Therefore approval of this project will not result in a significant impact upon air quality.

IV. BIOLOGICAL RESOURCES. Would the project:					Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (10 & 21) ?								X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1, 10 & 23) ?								X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1, 10 & 23) ?								X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1&10) ?						X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (10 & 19) ?								X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (10, 21 & 23) ?								X

Comments.

The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species **(21)**. The desert tortoise is also not expected to inhabit the site, given its proximity to Rancho Road, Seventh Avenue, and Third Avenue as well as neighboring residences **(1)**. The site is outside the range of the arroyo toad, which has been documented to inhabit a portion of the Tapestry Specific Plan and adjacent areas **(22)**.

The site has been previously disturbed as it is developed with a single family residence, and it is in an area that is surrounded by other development, therefore the likelihood of the site containing the desert tortoise or Mohave ground squirrel is extremely remote. Consequently, a biological report assessing the existence of the desert tortoise or other endangered/threatened species is unnecessary. However, since the burrowing owl is not sensitive to development, and may occupy the site at any time, a mitigation measure requiring a biological survey to determine their presence shall be submitted no more than 30 days prior to commencement of grading activities. The mitigation measure is listed on page 27. Furthermore, prior to approval of a grading plan, a protected plant plan shall also be submitted by a qualified botanist to ensure that all healthy cactus, yucca, Joshua trees, and large creosote bushes, which are capable of being transplanted, will either be relocated or protected in place. This mitigation measure is also listed on page 27.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within Tapestry Specific Plan and vicinity **(23)**. The project site is located approximately six miles to the north within a developed portion of the City. Consequently, approval of the conditional use permit and General Plan Amendment will not have an impact upon biological resources, subject to the enclosed mitigation measures.

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

Comments.

Based upon a site visit and review of the aerial photos **(1)**, there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources **(25)**. This list, which was compiled as part of the 2010 General Plan Update; was created from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San Bernardino County. Paleontological resources are not expected to exist on the project site inasmuch as the Cultural Resources Sensitivity Map indicates that the site has a low sensitivity potential for containing cultural resources **(26)**. Since this project is not exempt from the California Environmental Quality Act (CEQA), and the proposed General Plan Amendment requires that Native American tribes be contacted as per SB18 and AB52, the City sent a letter dated September 19, 2016 giving all interested tribes the opportunity to consult pursuant to Section 21080.3.1 of the California Public Resources Code (AB 52) **(28)**. The City will also notify the tribes in writing of the Planning Commission

and City Council meeting dates. As of the date of preparation of this document, staff has not received a consultation request. In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) **(27)**. Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. Consequently, this project is not expected to have an impact upon cultural resources.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (29, 30 & 31) .				X
ii) Strong seismic ground shaking (32 & 33) ?			X	
iii) Seismic-related ground failure, including liquefaction (12 & 32) ?				X
iv) Landslides (32) ?				X
b) Result in substantial soil erosion or the loss of topsoil (12) ?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (12 & 32) ?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (12) ?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (12) ?				X

Comments.

The project site contains generally flat topography with slopes of two to five percent. No large hills or mountains are located within the project site. The state geologist has identified (zoned) several faults in California for which additional geologic studies are required. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur adjacent to or within the project site or within its vicinity and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone **(29)**. The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults **(29 & 30)**. The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City.

The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults **(34)**. The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault **(29 & 30)**. Further, the soil at this site does not have the potential for landslides, lateral spreading, subsidence,

liquefaction, or collapse **(12)**.

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

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

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code **(6)** and the 2013 Building Code, which ensures that the structures will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Regardless of the General Plan land use designation, each lot shall meet these standards. Consequently, the impact upon geology and soils associated with the proposed development is considered less than significant.

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

Comments.

Assembly Bill 32 requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions to 1990 levels by 2020. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions..."

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). The Natural Resources Agency forwarded the adopted amendments and the entire rulemaking file to the Office of Administrative Law (OAL) on December 31, 2009. On February 16, 2010, OAL

approved the Amendments, which became effective on March 18, 2010 **(37)**. This initial study has incorporated these March 18, 2010 Amendments.

Lead agencies may use the environmental documentation of a previously adopted Plan to determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements of the Plan or mitigation program under specified circumstances. As part of the General Plan Update, the City adopted a Climate Action Plan (CAP)**(35)**. The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 28 percent below business as usual by 2020, consistent with AB 32 **(36)**.

Development of the proposed General Plan Amendment and Conditional Use Permit will not significantly increase greenhouse gas (GHG) emissions beyond that analyzed within the GPUEIR. The additional job creation from this development will also reduce the number of residents commuting to other communities for work, reducing vehicle miles traveled and resulting in additional GHG reductions. All buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations **(35)** will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. The building size is below the allowable floor area ratio.

Approval of the proposed project would result in an increase in vehicular trips. The proposed project is projected to generate a total of approximately 7,045 daily vehicle trips. However, many of the trips generated by the proposed land uses would not be new trips, but instead would be trips already traveling on the surrounding roadway network and pass-by the project before proceeding to their original destination **(77)**. This increase in traffic impact is analyzed further within Section XV. Transportation/Traffic.

Development of the proposed project will not significantly increase greenhouse gas (GHG) emissions beyond that analyzed within the GPUEIR. Additionally, the use will provide additional jobs to the area, creating a reduction in the number of commuters into the Inland Empire. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2 & 38) ?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (2 & 38) ?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (2) ?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (2) ?				X

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (39) ?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (39) ?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (40) ?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (41) ?				X

Comments.

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

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

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.

- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites
<http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The site is 1.75 miles from the nearest school (Krystal Elementary School) at 17160 Krystal Drive **(1)**. Any use which includes hazardous waste as part of its operations is prohibited within 500 feet of a school **(18)**. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. The project will not pose a significant health threat to any existing or proposed schools.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately 0.5 miles north of the Hesperia Airport, and is not within a restricted use zone associated with air operations **(39)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is located along Ranchero Road which is designated in the General Plan as an emergency evacuation route, however implementation of the project will not interfere with emergency operations. The site is not located on or near a potential emergency shelter **(40)** and will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest **(41 & 42)**. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the proposed project will not have any impact upon or be affected by hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY. Would the project:				
	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements (43 & 44) ?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (45 & 46) ?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (47) ?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (5 & 47) ?				X

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (48) ?				X
f) Otherwise substantially degrade water quality (48) ?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (2, 41, 49 & 50) ?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2, 41 & 50) ?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (2, 10 & 50) ?				X
j) Inundation by seiche, tsunami, or mudflow (41) ?				X

Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(52)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water **(52)**. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

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

The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be inundated by floodwater **(51)**. The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River. The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave **(53)**. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. The subject property exhibits a two percent slope. In addition, the water table is significantly more than 50 feet from the surface. The area north of Summit Valley contains steep slopes which have the potential to become unstable during storm events **(54)**. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al.

vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment “to secure supplemental water as necessary to fully implement the provisions of this Judgment.” Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City’s Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA’s legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(55)**.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere of Influence (SOI). The UWMP indicates that the City is currently using available water supply, which is projected to match demand beyond the year 2030 **(46)**. The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with the proposed project is considered less than significant.

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

Comments.

The project consists of a General Plan Amendment to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2). The proposed project is consistent with the proposed General Commercial (C2) zone **(6)** and complies with all development standards in the Development Code, including buffering the proposed uses from the existing adjacent residential uses with a 20’ setback, a 6’ high block wall, and 5’ landscape buffer. The project also complies with the maximum Floor Area Ratio (FAR) of 1.0 by proposing a FAR of 0.20 **(2)**.

The proposed General Commercial (C2) designation can be justified, as the site is adjacent to Ranchero Road which is described in the General Plan as a special arterial roadway and is designed to link local traffic with Interstate 15. Given the regional significance of Ranchero Road, commercial uses along this roadway are certain to occur and are considered appropriate land uses at various locations.

Approval of the proposed project would result in an increase in vehicular trips. The proposed project is projected to generate a total of approximately 7,045 daily vehicle trips. However, many of the trips generated by the proposed land uses would not be new trips, but instead would be trips already traveling

on the surrounding roadway network and pass-by the project before proceeding to their original destination **(77)**.

The project site is currently occupied by a single family residence and implementation of the proposed project will not physically divide an established community. The project is compatible with the adjacent land uses through the use of buffering techniques and though compliance with the Municipal Code and the development review process **(6)**. The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Tapestry Specific Plan and vicinity **(23)**. The project site is located approximately 3.5 miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project would have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (55) ?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (55) ?				X

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site **(55)**. Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. The project contain does not contain a wash and/or unique mineral resources. Consequently, the proposed project would not have an impact upon mineral resources.

XII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 2 & 56) ?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (56 & 57) ?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (55 & 59) ?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (59) ?			X	

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (10 & 60) ?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (10 & 60) ?				X

Comments.

Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site, but also including noise from the operation of the facility, in particular from roof top mechanical equipment associated with the three buildings, mechanical equipment within the carwash, and a self-service vacuum located adjacent to the eastern property line.

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

An Acoustical Analysis was prepared by P. A. Penardi & Associates to evaluate the noise impacts from the operation of the proposed facility **(55)**. The results of the study indicate that noise from the mechanical equipment would not exceed 55 dB(A) at the eastern boundary of the site **(55)**. The City's Development Code restricts noise impacting residentially designated property to a limit of 55 dB(A) at the property line during nighttime hours **(58)**. With regard to air conditioning compressors, 16 5-ton units on top of the proposed 19,000 square foot building were assumed to be operating simultaneously which would result in a combined noise impact at the east property line of 40 dB(A). This, again, is in conformance with the City's 55 dB(A) nighttime requirement.

With regard to the carwash, a noise impact of about 80 dB(A) can be expected at 10 feet from the exit of the carwash, primarily due to blowers used in water removal, and about 75 dB(A) can be expected at 15 feet from the vacuum. Compliance with the City's Noise Ordinance will be achieved by limiting the hours of operation from 7:00 a.m. to 10:00 p.m., ensuring that the carwash is not operational during morning and nighttime hours and by requiring noise suppression/mufflers in the blowers. The noise study prepared by P.A Penardi and Associates states that with incorporation of the noise suppression mufflers, the carwash will generate noise of 63 dBA at the project boundary. This would be in compliance with the City's Noise Ordinance which allows a maximum noise level of 65 dBA for a duration not exceeding 15 minutes out of any 1 hour period¹.

¹ The typical time for a "rollover" type of carwash is approximately 5 minutes/vehicle. Therefore the maximum number of cars possible during a 1-hour period would be 12 cars. For a typical blower on time of about one minute per vehicle, this calculates to a maximum blower on time of 12 minutes per hour.

With regard to the self-serve vacuum, the noise study recommends a 3-sided acoustical enclosure be constructed around the vacuum with the open side facing the proposed project. Incorporation of the enclosure is expected to reduce noise levels to less than 60 dBA at the project boundary. This would be in compliance with the City's maximum noise level of 60 dBA for the daytime hours of 7:00 a.m. to 10:00 p.m. The noise study states that with incorporation of the mitigation measures listed on page 27 requiring noise canceling equipment as well as restricting the hours of operation, the facility will comply with the City's Noise Ordinance **(55)**. In addition, as an ongoing condition of approval, the project is required to be in conformance with the City's Noise Ordinance at all times **(76)**. Therefore, the impact of this facility upon the adjacent residential properties is less than significant.

The project site is located approximately 0.5 miles north of the Hesperia Airport. However, the project is not impacted by any safety zones associated with this private airport **(60)**. The project site is much farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

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

Comments.

The project consists of a General Plan Amendment to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2) **(2)**. Residential development at a maximum density of one dwelling unit per gross acre was assessed as part of the General Plan Environmental Impact Report (EIR). Although this project would allow for commercial development, its impact potential as a growth-inducing factor is less than significant as the use will not generate a significant increase in traffic. Most customers will stop on their way to or from there residence. The proposed action will remove 3.5 acres (gross) of residential uses from the General Plan Land Use and Zoning Map **(2)**. Therefore, approval of the proposed project would eliminate one single family residence in this area with approval of this General Plan Amendment. The site is currently occupied by a single family residence that will be demolished as a part of the project, however this will not necessitate construction of a substantial amount of replacement housing elsewhere.

In regards to the project's growth inducing impacts, the site is currently served by water and other utility systems **(62)**. Therefore, development of the project would not require the extension of major improvements to existing public facilities. Consequently, the proposed project will not have a significant impact upon population and housing.

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

Comments.

The proposed project will create an increase in demand for public services however, that increase is not significantly greater than that analyzed by the GPUEIR. The development will be connected to an existing 16-inch water line in Ranchero Road within the City's water system **(62)**. The proposed project is allowed to use an approved on-site septic waste system. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the use **(2)**. Additionally, the project will be conditioned to improve the intersection at Seventh Avenue and Ranchero Road to install a traffic signal. In addition, the project is subject to the payment of required development impact fees. These fees will be collected at the time that building permits are issued, which will provide the City partial funding for the construction of other signal improvements along Ranchero Road to reduce the impacts of additional vehicular traffic. **(64)**. These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the proposed project upon public services is less than significant.

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

Comments.

Approval of the proposed project will not induce population growth, as commercial uses are proposed **(2)**. Therefore, the proposed project will not have an impact upon recreation.

XVI. TRANSPORTATION / TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (65 & 77) ?		X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (66 & 67 & 77) ?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (39 & 77) ?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (1, 2 66 & 77) ?				X
e) Result in inadequate emergency access (2) ?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (68) ?				X

Comments.

The project consists of a General Plan Amendment to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2). Approval of the proposed project would allow for construction of a gas station with 6 fuel islands, a 5,000 square foot convenience store with a drive-thru restaurant, a detached 1,560 square foot automated carwash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building located on approximately 3.5 gross acres **(2)**. A Traffic Impact Analysis (TIA) was prepared to assess the traffic impacts resulting from the proposed project **(77)**. Based on the TIA, the development would generate a total of 7,045 daily vehicle trips, 229 of which will occur during the morning peak hour and 331 of which will occur during the evening peak hour. This represents a significant increase from the General Plan Environmental Impact Report (EIR) which assumed residential development at a maximum density of one dwelling unit per 2.5 gross acres.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(67)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The following implementation policies from the General Plan Circulation Element establish the LOS standard in the City.

Implementation Policy CI-2.1: Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered

acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).

Therefore, any roadway segments and intersections operating at a LOS of E to F is considered deficient unless located on freeway interchanges and major corridors. Roadway segments and intersections located within freeway interchanges and major corridors operating at Level LOS of F are considered deficient. A TIA was prepared to assess the traffic impacts resulting from the proposed project. The information below is a summary of the TIA and provides the existing and future Average Daily Traffic (ADT) and LOS that will result from the proposed project:

Table 1- Summary of Roadway Segments- Existing Conditions

Roadway	Segment		Roadway Capacity Existing Conditions			Existing Level of Service		
	From	To	Classification	Lanes	Capacity	Average Daily Traffic	Volume to Capacity	Level of Service
Ranchero Rd	West of Maple Ave	Maple Ave	Special Street	2U	18,360	13,700	0.746	C
	Maple Ave	Cottonwood Ave	Special Street	2U	18,360	14,100	0.768	C
	Cottonwood Ave	Eleventh Ave	Special Street	2U	18,360	14,400	0.784	C
	Eleventh Ave	Seventh Ave	Special Street	2U	18,360	14,900	0.812	D
	Seventh Ave	Santa Fe Ave	Special Street	4D	32,200	13,500	0.419	A
	Santa Fe Ave	East of Santa Fe Ave	Special Street	4D	32,200	11,000	0.342	A
Seventh Ave	North of Third Ave	Third Ave	Arterial	2U	15,300	3,600	0.235	A
	Third Ave	Ranchero Rd	Arterial	2U	15,300	5,600	0.366	A
	Ranchero Rd	South of Ranchero Rd	Arterial	2U	15,300	2,100	0.137	A

Table 2-Summary of Roadway Segments- Future Conditions: Existing Plus Project

Roadway	Segment		Roadway Capacity Existing Conditions			Existing Level of Service		
	From	To	Classification	Lanes	Capacity	Average Daily Traffic	Volume to Capacity	Level of Service
Ranchero Rd	West of Maple Ave	Maple Ave	Special Street	2U	18,360	14,400	0.784	C
	Maple Ave	Cottonwood Ave	Special Street	2U	18,360	15,510	0.845	D
	Cottonwood Ave	Eleventh Ave	Special Street	2U	18,360	16,160	0.880	D
	Eleventh Ave	Seventh Ave	Special Street	2U	18,360	16,660	0.907	E
	Seventh Ave	Santa Fe Ave	Special Street	4D	32,200	16,320	0.507	A
	Santa Fe Ave	East of Santa Fe Ave	Special Street	4D	32,200	12,060	0.375	A
Seventh Ave	North of Third Ave	Third Ave	Arterial	2U	15,300	4,660	0.305	A
	Third Ave	Ranchero Rd	Arterial	2U	15,300	8,590	0.468	A
	Ranchero Rd	South of Ranchero Rd	Arterial	2U	15,300	2,800	0.183	A

Table 3- Summary of Intersection Operations: Existing Conditions

Intersection	Traffic Control	Peak Hour			
		Morning		Evening	
		Delay	LOS	Delay	LOS
Maple Ave (NS) at: Ranchero Rd (EW)	AWS	107.8	F	48.7	E
Cottonwood Ave (NS) at: Ranchero Rd (EW)	AWS	29.3	D	71.9	F
Eleventh Ave (NS) at: Ranchero Rd (EW)	CSS	24.8	C	32.2	D
Seventh Ave(NS) at: Third Ave (EW) Ranchero Rd (EW)	CSS	13.1	B	13.0	B
	AWS	13.2	B	13.5	B
Santa Fe Ave at: Ranchero Rd (EW)	TS	37.0	D	33.5	C

AWS= All Way Stop, CSS=Cross Street Stop, TS=Traffic Signal

Table 4- Summary of Intersection Operations: Existing Plus Project Conditions

Intersection	Traffic Control	Peak Hour			
		Morning		Evening	
		Delay	LOS	Delay	LOS
Maple Ave (NS) at: Ranchero Rd (EW) Without Improvements With Improvements	AWS TS	120.0 24.5	F C	58.2 30.2	F C
Cottonwood Ave (NS) at: Ranchero Rd (EW) Without Improvements With Improvements	AWS TS	37.4 14.0	C B	88.5 12.1	F B
Eleventh Ave (NS) at: Ranchero Rd (EW) Without Improvements With Improvements	CSS CSS	28.1 15.8	D C	35.6 17.0	E C
Seventh Ave(NS) at: Third Ave (EW) Ranchero Rd (EW) Without Improvements With Improvements	CSS AWS TS	14.0 17.4 10.4	B C B	14.3 18.1 14.5	B C B
Santa Fe Ave at: Ranchero Rd (EW)	TS	38.9	D	35.8	D

AWS= All Way Stop, CSS=Cross Street Stop, TS=Traffic Signal

Table 5-Summary of Intersection Operations: Opening Year (2017) With and Without Project

Intersection	Traffic Control	Opening Year (2017) WITHOUT PROJECT				Opening Year (2017) WITH PROJECT			
		Peak Hour				Peak Hour			
		Morning		Evening		Morning		Evening	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Maple Ave (NS) at: Ranchero Rd (EW) Without Improvements With Improvements	AWS TS	272.2 25.2	F C	176.2 30.1	F C	287.7 26.8	F C	191.5 31.5	F C
Cottonwood Ave (NS) at: Ranchero Rd (EW) Without Improvements With Improvements	AWS TS	99.0 13.2	F B	191.7 11.5	F B	115.3 13.3	F B	218.5 11.7	F B
Eleventh Ave (NS) at: Ranchero Rd (EW) Without Improvements With Improvements	CSS CSS	31.0 18.6	D C	57.9 20.0	F C	33.7 19.2	D C	67.4 21.0	F C
Seventh Ave(NS) at: Third Ave (EW) Ranchero Rd (EW) Without Improvements With Improvements	CSS AWS TS	14.1 21.2 23.4	B C C	14.3 22.2 25.6	B C C	14.7 28.2 28.8	B D C	15.3 33.8 27.4	B D C
Santa Fe Ave at: Ranchero Rd (EW)	TS	40.3	D	34.8	C	42.1	D	35.2	D

AWS= All Way Stop, CSS=Cross Street Stop, TS=Traffic Signal

As shown in Tables 1 and 2 above, the study area roadways are projected to operate within capacity except for the following study area roadway without improvements **(77)**:

Ranchero Road:
Eleventh Avenue to Seventh Avenue.

The project is subject to the payment of required development impact fees. These fees will be collected at the time that building permits are issued, which will provide the City partial funding for the future widening of Ranchero Road from 2 to 4 lanes **(64)**. The widening of Ranchero Road is a planned capital improvement project identified by the City's General Plan Circulation Element and DIF program. With this improvement the roadway segment would operate acceptably and impacts would be reduced to less than significant.

As shown in Tables 3 and 4 above, for existing plus project traffic conditions the following three intersections are projected to operate at unacceptable levels of service during the peak hours without improvements **(77)**:

Maple Avenue (NS) at:
Ranchero Road (EW)

Cottonwood Avenue (NS) at:
Ranchero Road (EW)

Eleventh Avenue (NS) at:
Ranchero Road (EW)

For existing plus project conditions, the study area intersections are projected to operate within acceptable levels of service during the peak hours, with improvements. To mitigate project impacts the TIA recommends that the project pay its fair share contribution towards the installation of traffic signals at Maple Avenue (NS)/Ranchero Road (EW) and Cottonwood Avenue (NS)/ Ranchero Road (EW) intersections. With respect to the Eleventh Avenue (NS)/Ranchero Road (EW) intersection, the TIA recommends that the project pay DIF fees to construct two eastbound through lanes, one westbound through lane and one shared through right lane. The payment of fair share fees and DIF fees will be collected at the time that building permits are issued, which will provide funding for the construction of signal improvements to reduce the impacts of additional vehicular traffic **(64)**. With these improvements the intersections would operate acceptably.

As shown in Table 5 above, for opening year 2017 traffic conditions, the study area intersections are projected to operate within acceptable levels of service during the peak hours with the improvements discussed above. In addition, the TIA recommends a traffic signal installation and lane control modification at the Seventh Avenue and Ranchero Road intersection based on volume analysis. Dual southbound turn lanes are recommended at the intersection because the left turn volume in the southbound direction exceeds the recommended left turn maximum for a single left turn lane. With incorporation of the mitigation measures listed on page 27 which require installation of a traffic signal at the Seventh Avenue and Ranchero Road intersection, as well as dual left hand turn lanes, the intersection would operate safely and acceptably **(77)**.

The project will not conflict with City's General Plan Circulation Element or the Hesperia Municipal Code. As a condition of approval, 'Ranchero Road, Seventh Avenue and Third Avenue will be required to be

constructed to ultimate across the project frontage. The streets will include curb, gutter, and sidewalk across the project frontages and pavement tapers beyond the frontage. These improvements will not conflict with the Transportation Plan and are consistent with City ordinances or policies establishing measures of effectiveness for the performance of the circulation system.

The project site is located 0.5 miles north of the Hesperia Airport and is not within an airport safety zone **(63)**. Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (70) ?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (71) ?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (47 & 66) ?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (45 & 46) ?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (72) ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (73 & 75) ?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste (75) ?				X

Comments.

The proposed project will increase the amount of wastewater. However, the additional amount is slightly greater than that accounted for as part of the GPUEIR. The development will be connected to the existing 16-inch water line in Ranchero Road within the City's water system **(62)**. The proposed project is allowed to use an approved on-site septic waste system. Therefore, water and sewage capacity will be sufficient for the use. As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project **(76)**. A drainage system will be installed on the east side of the property to prevent impacting downstream properties. Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al.

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

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

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

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

Comments.

Based upon the analysis in this initial study, a Mitigated Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment. These impacts are only significant to the degree that mitigation measures are necessary.

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

a) **Earlier analyses used.** Earlier analyses are identified and stated where they are available for review.

b) **Impacts adequately addressed.** Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.

a) **Mitigation measures.** For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

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

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. To reduce noise impacts associated with the carwash, noise suppression/mufflers shall be incorporated in the blowers for use in the carwash and any noisy mechanical equipment like hydraulic pumps be contained in a noise attenuating enclosure or room.
3. To reduce noise impacts associated with the vacuums, the vacuums that are utilized shall incorporate factory installed noise suppression and the unit shall be surrounded on three sides with an enclosure that is constructed of masonry materials or stuccoed wood framing. The height of the enclosure shall extend at least two feet above the top of the vacuum.
4. The hours of operation of the carwash shall be limited to the daytime hours of 7:00 a.m to 10:00 p.m.
5. Applicant shall install a traffic signal at the Ranchero Road and Seventh Avenue intersection. The applicant shall also install dual southbound left turn lanes at the Seventh Avenue and Ranchero Road intersection because the left turn volume in the southbound direction exceeds the recommended left turn maximum for a single left turn lane.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken in Spring 2016 and on-site field investigations conducted in December 2016.
- (2) General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009 applications and related materials.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.

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- (4) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
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- (5) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
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- (6) Section 16.16.350 - Development standards of the Hesperia Municipal Code.
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- (7) Resolution No. 2010-057, making the environmental findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, certifying the final environmental impact report, and adopting a mitigation monitoring and reporting plan adopting the 2010 Hesperia General Plan Update (GPA10-10185).
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- (8) Residential Designations within the Hesperia General Plan Land Use Element, Pages LU-29 thru LU-40.
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- (9) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2.
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- (10) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
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- (11) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
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- (12) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Page 44.
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- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
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- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
-
- (15) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
-
- (16) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
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- (17) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
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- (18) California Health and Safety Code Section 25232 (b) (1) (A-E).
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- (19) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
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- (20) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34
-
- (21) Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
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- (22) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, Exhibit CN-7.
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- (23) Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
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- (24) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
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- (25) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5h.
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- (26) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
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- (27) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
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- (28) Native American Heritage Commission (NAHC) letter dated September 19, 2016 in response to SB-18 consultation and to provide a list of tribes for consultation.
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- (29) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
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- (30) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-4 thru 1-79.
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- (31) Section 1.3 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-12 thru 1-13.
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- (32) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (33) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
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- (34) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
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- (35) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
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- (36) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
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- (37) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (38) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (39) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
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- (40) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
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- (41) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
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- (42) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
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- (43) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (44) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
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- (45) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
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- (46) Mojave Water Agency letter dated March 27, 1996.
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- (47) Hydrology/Drainage Study for the site prepared January 2017 by Jerry L. Miles, P.E..
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- (48) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-8 thru 4-9.
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- (49) 1992 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
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- (50) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (51) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-1 thru 3.8-7.
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- (52) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
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- (53) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (54) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
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- (55) Preliminary Acoustical Analysis prepared for the site on March 28, 2017 and May 2, 2017 by P.A. Penardi & Associates..
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- (56) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10 and CN-20.
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- (57) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
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- (58) Section 16.20.125 of the Hesperia Municipal Code, pages 467 thru 468.
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- (59) Section 3.11 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.11-25 thru 3.11-51.
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- (60) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
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- (61) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-36.
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- (62) Current Hesperia water and sewer line maps.
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- (63) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
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- (64) 1991 City of Hesperia Ordinance 180 entitled “An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures” and Resolution No. 2007-110 on November 20, 2007, updated November 16, 2014.
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- (65) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 70.
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- (66) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (67) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
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- (68) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 thru 76.
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- (69) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, figure 6-1.
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- (70) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
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- (71) 2013 California Plumbing Code.
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- (72) Hesperia Water District’s Urban Water Management Plan (UWMP).
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- (73) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
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(74) 2014 California Department of Resources, Recycling and Recovery Annual AB939 Report.

(75) California Integrated Waste Management Act (AB 939).

(76) Conditions of Approval for GPA16-00002 and CUP16-00009

(77) Traffic Impact Analysis prepared for the site, prepared January 26, 2017 by Kunzman Associates, Inc.

RESOLUTION NO. 2017-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, TO AMEND THE OFFICIAL GENERAL PLAN LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) ON 3.5 GROSS ACRES LOCATED ON THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE (GPA16-00002)

WHEREAS, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

WHEREAS, Harp Verma filed an application requesting approval of GPA16-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 3.5 gross acres within the Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) designation located on the northwest corner of Ranchero Road and Seventh Avenue and consists of Assessor's Parcel Number 0412-172-01; and

WHEREAS, the Application, as contemplated, proposes to change the General Plan Land Use designation of the subject property and the expanded application from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2); and

WHEREAS, Harp Verma has also filed an application requesting approval of Conditional Use Permit CUP16-00009 to construct a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant, a detached 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building on 3.5 gross acres located at the northeast corner of Ranchero Road and Seventh Avenue (APN: 0412-172-01); and

WHEREAS, the subject site is currently occupied by a single family residence which will be demolished as a part of the project. Single-family residences exist to the north, east and west. The property to the south is also vacant; and

WHEREAS, the subject property is currently within the A1-2^{1/2} designation, which is proposed to be changed to C2. The properties to the north and east are also within the A1-2^{1/2} designation, the properties to the west are designated Limited Agricultural with a minimum lot size of 1 acre (A1), and the properties to the south are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 15, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00013 was subsequently prepared; and

WHEREAS, on June 27, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on August 15, 2017, the City Council of the City of Hesperia conducted a duly noticed 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 COUNCIL OF THE CITY OF HESPERIA AS FOLLOWS:

Section 1. The City Council 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 City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND16-00013 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The area of the proposed General Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. The proposed General Commercial (C2) designation is appropriate at this location as the site is located at a prominent intersection and fronts Ranchero Road, which is designed to link local traffic with Interstate 15. The proposed commercial uses will serve pass-by traffic along Seventh Avenue and Ranchero Road and are considered appropriate land uses.
- (d) The proposed General Plan Amendment is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (e) The proposed General Plan Amendment is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.
- (f) The development within the proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically Land Use Goal L.G.10 that promotes policies that will ensure maximum utilization of existing facilities and infrastructure within the City because the proposed development will utilize the streets and services available to existing development in the area.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves General Plan Amendment GPA16-00002, amending the General

Plan map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND16-00013, which is attached to the staff report for this item.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 15th day of August 2017.

Paul Russ, Mayor

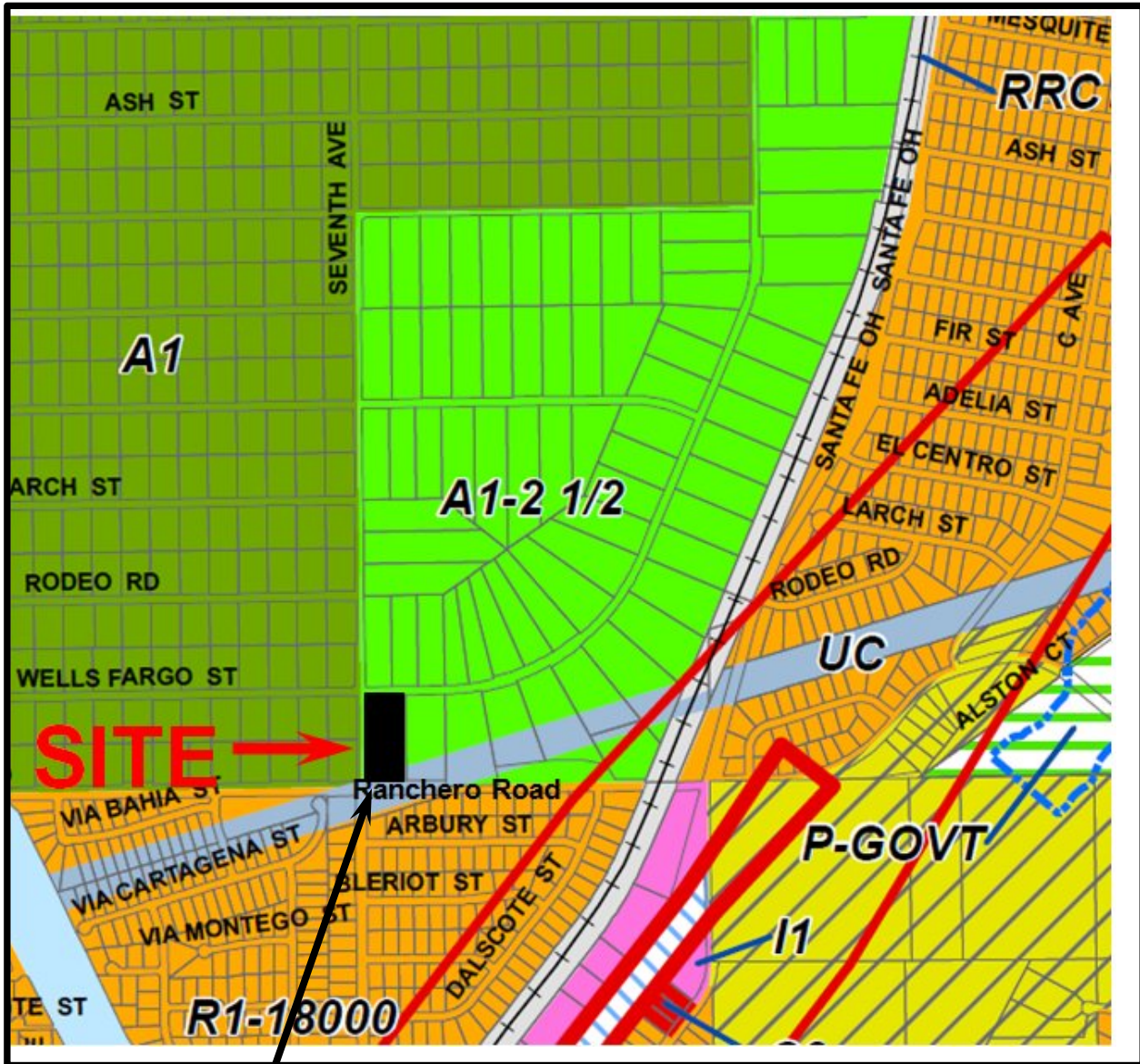
ATTEST:

Melinda Sayre
City Clerk

EXHIBIT “A”

GPA16-00002

Applicants: Harp Verma



PROPERTY PROPOSED
TO BE CHANGED FROM
A1-2^{1/2} TO C2

RESOLUTION NO. 2017-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, TO APPROVE A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 6 FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE WITH A SECOND STORY OFFICE AND A DRIVE-THRU RESTAURANT, A DETACHED 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING ON 3.5 GROSS ACRES LOCATED ON THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE (CUP16-00009)

WHEREAS, Harp Verma has filed an application requesting approval of CUP16-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 3.5 gross acres within the Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) designation located on the northeast corner of Ranchero Road and Seventh Avenue and consists of Assessor's Parcel Number 0412-172-01; and

WHEREAS, the Application, as contemplated, proposes to construct a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant, a detached 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building on 3.5 gross acres located at the northeast corner of Ranchero Road and Seventh Avenue (APN: 0412-172-01; Applicant: Harp Verma); and

WHEREAS, Harp Verma has also filed an application requesting approval of a General Plan Amendment GPA16-00002 to change the General Plan land use designation from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2); and

WHEREAS, the subject site is currently occupied by a single family residence which will be demolished as a part of the project. Single-family residences exist to the north, east and west. The property to the south is also vacant; and

WHEREAS, the subject property is currently within the A1-2^{1/2} designation, which is proposed to be changed to C2. The properties to the north and east are also within the A1-2^{1/2} designation, the properties to the west are designated Limited Agricultural with a minimum lot size of 1 acre (A1), and the properties to the south are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 15, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00013 was subsequently prepared; and

WHEREAS, on June 27, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on August 15, 2017, the City Council of the City of Hesperia conducted a duly noticed 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 COUNCIL OF THE CITY OF HESPERIA AS FOLLOWS:

Section 1. The City Council 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 City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND16-00013 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the Development Code.
- (d) The proposed sale of beer, 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 General Commercial (C2) designation with approval of a conditional use permit.
- (e) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the General Commercial (C2) zone of the Development Code, with approval of this Conditional Use Permit. The proposed use would not create noise exceeding that allowed by the municipal code, or result in traffic exceeding the design capacity of Ranchero Road or Seventh Avenue, or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. Further, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (f) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning and Development

Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the General Commercial (C2) zone of the Development Code. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

- (g) The site for the proposed use will have adequate access based upon its frontage along Rancho Road and Seventh 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 proposed project is consistent with the adopted General Plan of the City of Hesperia. A gas station, convenience store, drive-thru restaurant, multi-tenant commercial building and the sale of alcoholic beverages are allowable uses with approval of the General Plan Amendment and Conditional Use Permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves Conditional Use Permit CUP16-0009, subject to the conditions of approval as shown in Attachment "A" and Negative Declaration ND16-00013, which is attached to the staff report for this item.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED on this 15th day of August 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

ATTACHMENT 12

ATTACHMENT "A"
List of Conditions for CUP16-00009

Approval Date: August 15, 2017
Effective Date: August 15, 2017
Expiration Date: August 15, 2020

This list of conditions applies to: Consideration of General Plan Amendment GPA16-00002 to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2 ½) to General Commercial (C2) in conjunction with Conditional Use Permit CUP16-00009 to construct a gas station with six fuel islands, a 5,784 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building located on 3.46 acres at the northeast corner of Ranchero Road and Seventh Avenue (Applicant: Verma, Harp; APN: 0412-172-01)

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.

C. Demolition permits shall be obtained from the Building Division prior to demolition of above or below ground structures. Prior to issuance a certificate that the structure is asbestos free shall be obtained from a licensed environmental engineer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

Maintenance Agreement and must be signed and certified by the owner and preparer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GENERAL PLAN AMENDMENT. These conditions are concurrent with General Plan Amendment GPA16-00002 becoming effective.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PHOTOMETRIC PLANS. The Developer shall submit two sets of photometric plans to the Building Division demonstrating that parking lot lighting will not exceed 0.5 foot-candles at the property lines.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the Citys improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an

NOT IN COMPLIANCE

Irrevocable Offer of Dedication for Ranchero Road and Seventh Avenue. The right of way half width for Ranchero Road shall be seventy (70') feet. The right of way half width for Seventh Avenue shall be fifty (50') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City standards is required at all intersections, including interior roadways. (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. 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 Developer's responsibility. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE RETENTION (FUELING STATIONS). The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. It is the Developers responsibility to remove existing

on site storm drain facilities per the City Inspector. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. The Developer shall provide an E.P.A. approved oil and gasoline stop valve for the proposed on site retention system. The documentation shall be provided to the City for their review. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC SIGNAL(S). The Developer shall design and construct traffic signal at the intersection of Ranchero Road and Seventh Avenue. Traffic signal preemption device for emergency vehicle operation shall be included. The Developer shall also pay their fair contribution of traffic signal construction for a.) Ranchero Road and Maple Avenue and b.) Ranchero Road and Cottonwood Avenue in the amount of \$140,399 as indicated in the TIA, page 78. (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

SEVENTH AVENUE. Saw-cut (2-foot min.) and match-up asphalt pavement on Seventh Avenue across the project frontage, based on City's 100-foot Arterial Roadway with Bike Lane Standard. The curb face is to be located at 32' from the approved centerline to match the existing curb return. These improvements shall consist of:

- 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 driveway approaches 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 as required. The Developer shall coordinate with affected utility companies.
- L. Provide signage and striping for a Class 2 bike trail, per City's adopted non-motorized transportation plan.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

THIRD AVENUE. Saw-cut (2-foot min.) and match-up asphalt pavement on Third Avenue across the project frontage, based on City's 60-foot Suburban Collector Roadway Standard. The curb face is to be located at 20' 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:

- 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 driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
- B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 16" ACP water line in Seventh Avenue per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 3,750 GPM for a 3hour duration at 20 psi residual operating pressure. Fire Flow is based on a 19,000 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,266.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

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

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

A. The exterior staircase shall incorporate decorative materials such as wrought iron railing and the metal poles underneath the staircase shall be replaced with stucco columns or some other combination of materials as approved by staff.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NOISE SUPPRESSION. To reduce noise impacts associated with the carwash, noise suppression/mufflers shall be incorporated in the blowers for use in the carwash and any

noisy mechanical equipment like hydraulic pumps be contained in a noise attenuating enclosure or room. In addition, the vacuums that are utilized shall incorporate factory installed noise suppression and the unit shall be surrounded on three sides with an enclosure that is constructed of masonry materials or stuccoed wood framing. The height of the enclosure shall extend at least two feet above the top of the vacuum.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES REPORT. A Phase 1 Cultural Resources Report shall be prepared by a qualified archeologist and submitted to the Planning Division for review and approval prior to ground disturbance.

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 City 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.

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPE AND IRRIGATION 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 with the required application fees. 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 RPD)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. An approved six foot high wall with decorative cap shall be installed along the eastern property line in accordance with the development code. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

- A. Development Impact Fees (B)
- B. Fair share traffic fees (B)
- C. 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) fully executed and recorded with the San Bernardino County Assessor-Recorder-County Clerk's office. A copy of the recorded WQMP Maintenance Agreement must be received before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

NOISE LEVELS. Noise levels shall be maintained at or below the general performance standards in the City's Noise Ordinance at all times. In addition the hours of operation of the carwash shall be limited to 7:00 a.m to 8:00 p.m.

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

Ryan Leonard - Associate Planner

From: Tara Hamilton <tara@coronainline.com>
Sent: Thursday, March 30, 2017 2:23 PM
To: Ryan Leonard - Associate Planner
Subject: General Plan amendment 16-00002 Applicant Harp Verma

Mr. Leonard,

I am writing to ask the planning commission to please not allow the property at the northeast corner of Ranchero and Seventh st to be rezoned. This is our neighborhood and we ask to please not allow a gas station to be built.

I purchased my home, just three lots away from this property, 13 years ago. I purchased my home because of the rural area and the quiet neighborhood. I own 5 acres, run a non profit rescue dog kennel and own horses. Our neighborhood has not been affected by high crime and is quiet most of the time. We enjoy our little area. Everyone on our block with the exception of that house and one other has been in their homes for 15+ years. Please do not ruin our neighborhood by allowing a rezoning. These are our homes, not a retail strip.

With the recent robbery and shooting at the gas station just three miles down the road, I am concerned for this to be my next door neighbor. We have school children who walk this corner to their bus stop. And it would not be safe for them to be walking with the increased traffic. Also the corner of 7th and Ranchero is already a dangerous intersection since the completion of the Ranchero underpass. Daily people run the stop signs and there are multiple accidents. There also has been a fatality from someone running the stop sign. It is already a scary intersection to cross, let alone adding a gas station at the corner.

Please please do not allow our neighborhood to be changed, we are rural residential and hope it stays this way for a long time.

Thank you!

Tara Hamilton

Operations Coordinator

Corona Inline

951-279-7465

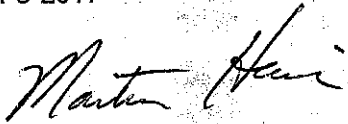
Dear Ryan Leonard

My name is Martin Hair I am a home owner at 7420 3rd Ave. I am concerned about the proposed construction of a gas station , Liquor store, Fast food restaurant, car wash etc. In a quiet neighborhood like this . I strongly disapprove of this construction. First we are located in a Agricultural Zone I moved here for the quiet, away from commercial (C2) Zoning. Why would the city of Hesperia Even consider granting building permits for such a structure. All this will increase the amount of traffic, Trash, noise.

Please Do not Let this happen

Thank You

Martin Hair
4-3-2017



I have lived at 7420 3rd Ave for 17yrs

City of Hesperia
STAFF REPORT



DATE: August 15, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Director of Development Services
Dave Reno, Principal Planner
Daniel S. Alcayaga, Senior Planner

SUBJECT: Specific Plan Amendment SPLA16-00004 & Site Plan Review SPR16-00006 to Construct a Multiple Family Residential Development; Applicant: FH II, LLC (Frontier Communities); APN: 0405-072-59

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-14 approving Specific Plan Amendment SPLA16-00004 from Regional Commercial (RC) to High Density Residential (HDR) and adopt Resolution No. 2017-040 approving Site Plan Review SPR16-00006, to construct a two-story, 160-unit multiple family residential development located 1,650 feet east of Mariposa Road on the north side of Live Oak Street (Applicant: FH II, LLC; APN: 0405-072-59).

BACKGROUND

Proposal: A Specific Plan Amendment from Regional Commercial (RC) to High Density Residential (HDR) on 9 gross acres, and a Site Plan Review to construct a 160-unit residential development (Attachment 1).

Location: 1,650 feet east of Mariposa Road on the north side of Live Oak Street.

Current General Plan, Zoning and Land Uses: The property is within the Regional Commercial (RC) Zone as part of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 2. The project is bounded by Live Oak Street to the south, and the land on the opposite side of the street is vacant. The properties to the north and west are vacant. A single-family residential neighborhood exists to the east (Attachment 3).

On July 13, 2017, the Planning Commission unanimously forwarded this item to the City Council with a recommendation for approval by a 5-0 vote (Attachment 4). Staff updated the Commission as to the compromise pertaining to the porch/staircase design. Staff was concerned originally about the privacy, security and functionality of an open porch and shared staircase design proposed by the Applicant. Prior to the meeting, the Applicant submitted an updated design that satisfied staff's concerns. The porches were separated from the entrance to serve as more traditional patios and balconies. In addition the buildings were moved about 10 feet away to provide extra privacy, and each building will have its own staircase.

The Commission discussed the need for a Specific Plan Amendment since the existing density allows this project and could already be considered mixed use being that it is adjacent to a commercial zone. Commissioner Murphy asked if mixed use needed to be on the same parcel. Staff explained that mixed use does not have to be on the same parcel, but to be considered mixed use the residential must be unified and integrated with commercial uses. The project is a standalone project, and the design lacks direct connections between future commercial and residential developments. The project reflects a design that should be in the High Density Residential Zone. Commissioner Heywood questioned if the project would be considered an already approved use if it were integrated. Staff responded that a project meeting the intent of the mixed use zone would only require an administrative approval, and not require Commission or Council approval. Commissioner Hahn questioned the developer if they owned the rest of the property. The developer does not own the commercial portions of the property.

Commission Leis questioned when the developer would start construction, and if local contractors would be used. The Developer said they would start construction immediately, and will use local contractors. Commissioner Caldwell questioned availability of student estimates and if impact on schools was considered. The Developer indicated that enrollment generations are hard to pin down, but that they would work with the school district to provide estimates. Staff mentioned that school impact fees will be assessed at building permit issuance and the District has discretion on how to use those funds to accommodate future enrollment. Only one resident spoke citing concerns about traffic speeds on Live Oak Street, crime generated by the development, Section 8 housing as well as noise from future construction and new residents.

ISSUES/ANALYSIS

The Applicant is requesting a Specific Plan Amendment from Regional Commercial (RC) to High Density Residential (HDR). The HDR Zone allows residential densities between 15 and 20 dwelling units per gross acre (du/ac). In conjunction with this Amendment, the Applicant is requesting approval of a Site Plan Review to construct a 160-unit multi-family residential development. This development will yield a density of 17 du/ac. This density is consistent with what the General Plan Housing Element envisioned, as the RC Zone allows for mixed use residential developments with densities between 15 and 25 du/ac. An Amendment is needed because the type of development resembles a standalone multi-family development, appropriate in the HDR Zone, rather than an integrated and united commercial/residential development envisioned in the mixed use component of the RC Zone. The Housing Element calls out for a total of 684 residential units, which the 160 units fall within the expected number residential units planned on the project property, as well as adjacent properties. In 2006, 170 units were approved at this site in conjunction with a 23 acre retail/ office center. This approval has since expired.

The former Hesperia Community Redevelopment Agency (CRA) purchased the 11.4 acres on which the 170 units were approved. The CRA entered into a land exchange agreement with Frontier Communities, by which the City obtained 20 acres in proximity to Maple Avenue and Eucalyptus Street needed for A-01 Master Plan of Drainage Improvements; Frontier Communities received 9 gross acres to build a project; and 2.4 gross acres of the 11.4 acres were set aside for the City to build a reclaimed water reservoir facility. The parcel map and improvement plans for the reservoir site are in the plan checking stage.

The Applicant worked with staff to improve the proposal's overall site plan design, layout of buildings, and building architecture. The revisions place a strong emphasis on recreational amenities by arranging apartment buildings to surround open space areas and recreational

amenities making areas more accessible to tenants. Drive aisles are placed along the perimeter to help with fire access requirements. The development is bounded by a block wall with an enhanced gated entrance, which has decorative concrete pavement. A total of 33,442 square feet of common open space is provided, which includes a pool and spa, a recreation building, a tot lot, and a BBQ area. These features improve the overall quality of the project, and comply with the Main Street and Freeway Corridor Specific Plan (Specific Plan).

The site plan shows a total of 363 parking spaces, including 160 carports and 11 accessible (handicap) parking spaces. All drive aisles exceed 26 feet for a two-way access way. An emergency only access point is provided along Live Oak Street on the west side of the property. The development, which is designed in an eight-plex fashion, includes 160 units, all of which are two-story. There are a total of 20 apartment buildings and a one-story, recreation building. The complex offers three floor plans. The 852-square foot floor plan contains two bedrooms and one bath. Two different 951-square foot floor plans contain two bedrooms and two baths (Attachment 5).

The building elevations have a Spanish style architectural theme (Attachments 6 & 7). Three elevations are provided, all of which include concrete tile roofs, window shutters, arches over windows, recessed windows, and windows with multiple panels. Building articulation includes decorative false clay vents or wrought iron scroll work. One building option uses stacked stone veneer along the base of the building. The recreation building incorporates an attractive Spanish style porch with arches and a prominent roof feature; uses stacked stone veneer; and includes a trellis patio to the rear (Attachment 7). Attachment 8 shows the updated patio and balcony design for the apartment buildings.

Drainage: An infiltration/retention basin with an above ground and underground volume capacity of 29,668 cubic feet will be located on the northeast corner of the property. The flows will be conveyed through the site then discharged northeasterly as it historically flows.

Water and Sewer: The Developer is required to connect to the existing 12-inch water line and 8-inch sewer line in Live Oak Street.

Traffic/Street Improvements: Based on 160 residential units, approximately 1,054 daily vehicle trips would be created, based upon the Institute of Transportation Engineer's Trip Generation Manual. For reference, the General Plan Circulation Element shows that Mariposa Road between Main Street and Eucalyptus Street experiences between 3,432 to 4,112 average trips daily. As part of developing the site, the developer is required to construct street improvements, including curb, gutter, and sidewalk along the project frontages of Live Oak Street. The developer is required to pay all applicable City development impact fees to offset the project's impact on local traffic.

Schools and Parks: Topaz Elementary is located $\frac{3}{4}$ mile to the east and Hesperia High School is located one mile to the east. The project is approximately $\frac{1}{2}$ mile from Hesperia Community Park.

Environmental: Approval of this development requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 9) prepared for the development conclude that there are no significant adverse impacts resulting from the project. A biological assessment and a protected plant plan were required. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of

a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance.

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

FISCAL IMPACT

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

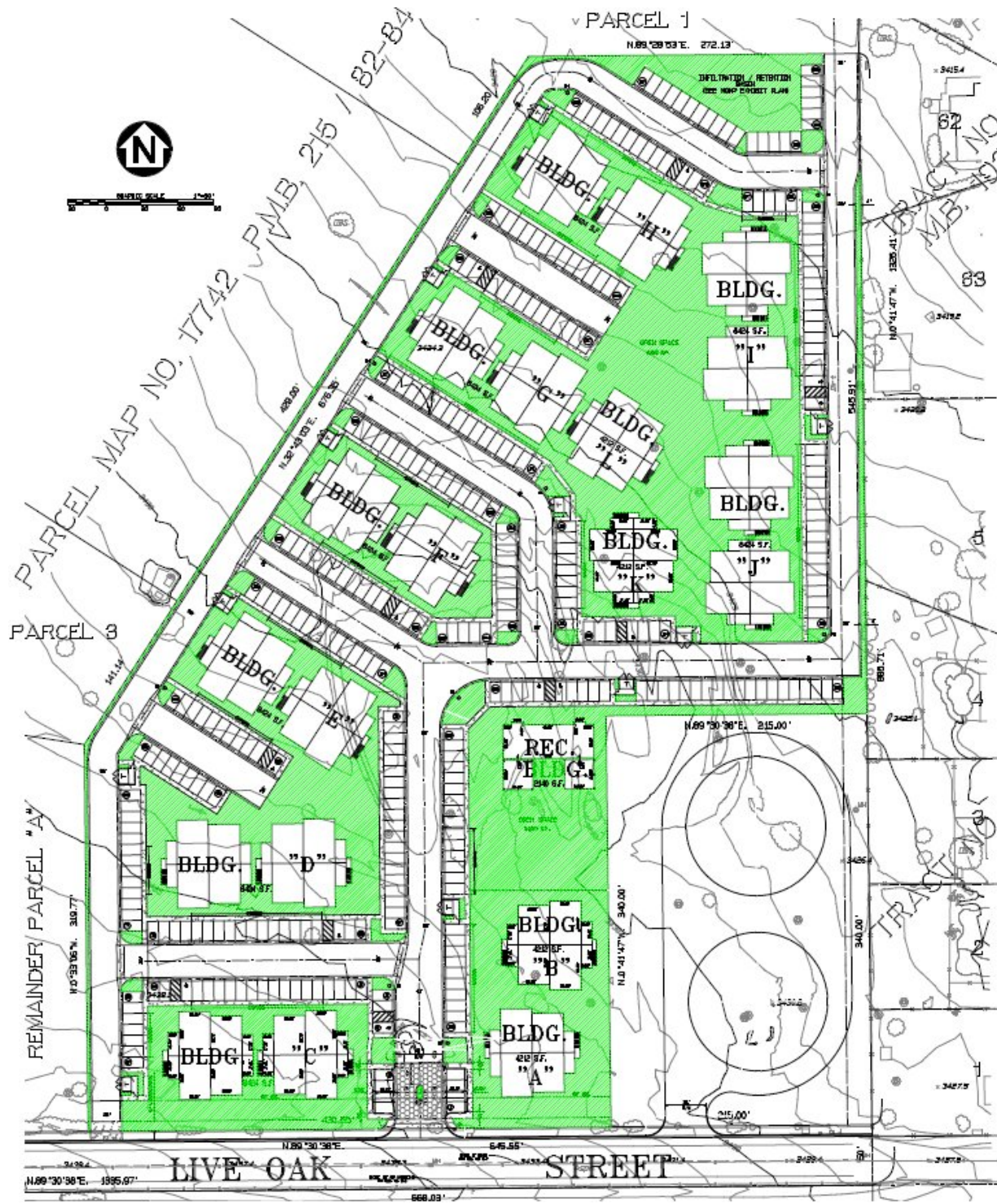
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. Main Street and Freeway Corridor Specific Plan Zone Map
3. Aerial Photo
4. Draft minutes from the July 13, 2017 Planning Commission meeting
5. Floor Plans
6. Building Elevations
7. Building Elevations (Recreation Building)
8. Proposed Porch/Staircase Design
9. Negative Declaration ND-2017-02 with Initial Study
10. Ordinance No. 2017-14
11. Exhibit "A"
12. Resolution No. 2017-040
13. List of conditions

ATTACHMENT 1



APPLICANT(S):

FH II, LLC

FILE NO(S):

SPLA16-00004 & SPR16-00006

LOCATION:

1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET

APN(S):

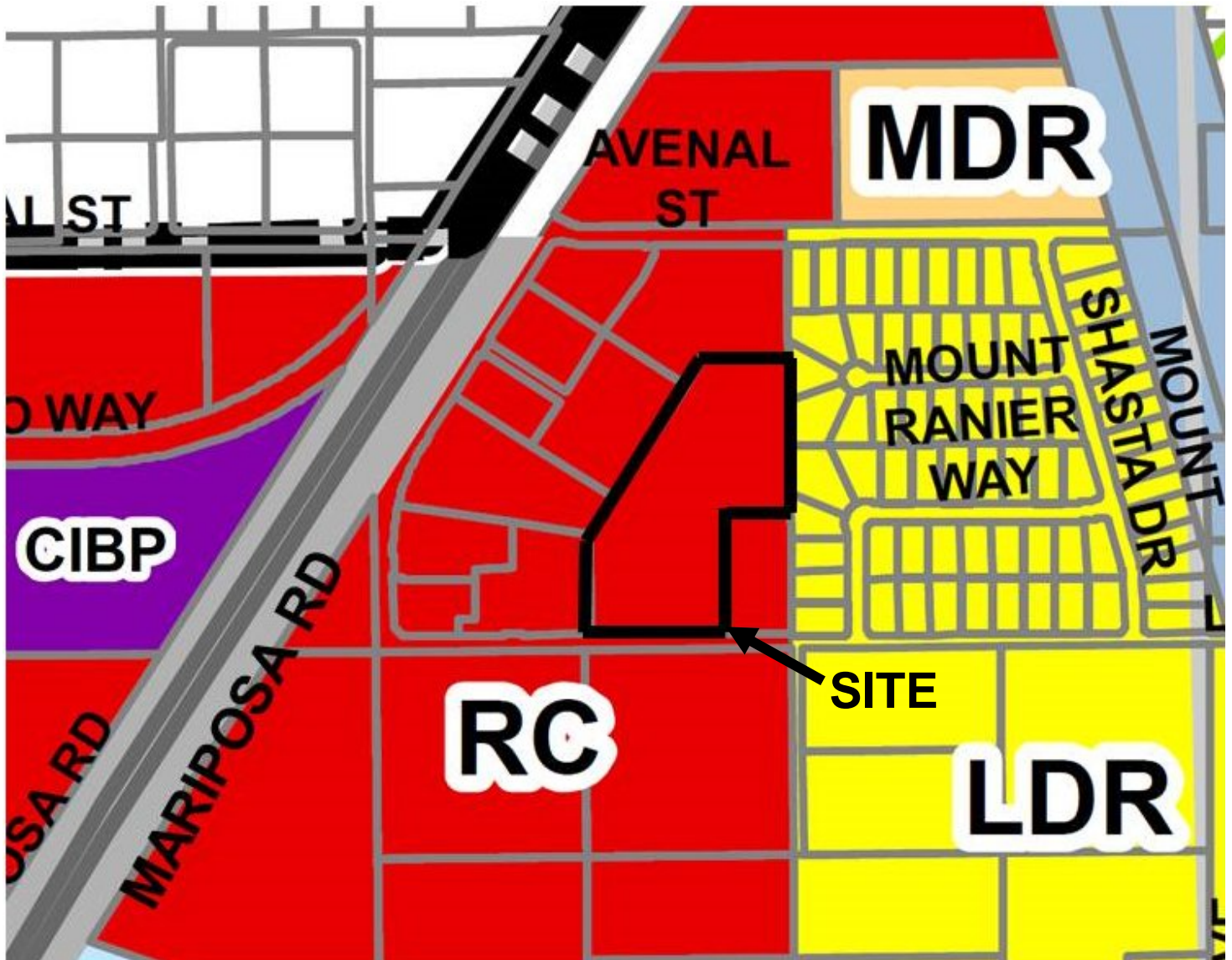
0405-072-59

PROPOSAL:

A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



ATTACHMENT 2



APPLICANT(S):
FH II, LLC

FILE NO(S): SPLA16-00004 &
SPR16-00006

LOCATION:

1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET

APN(S):

0405-072-59

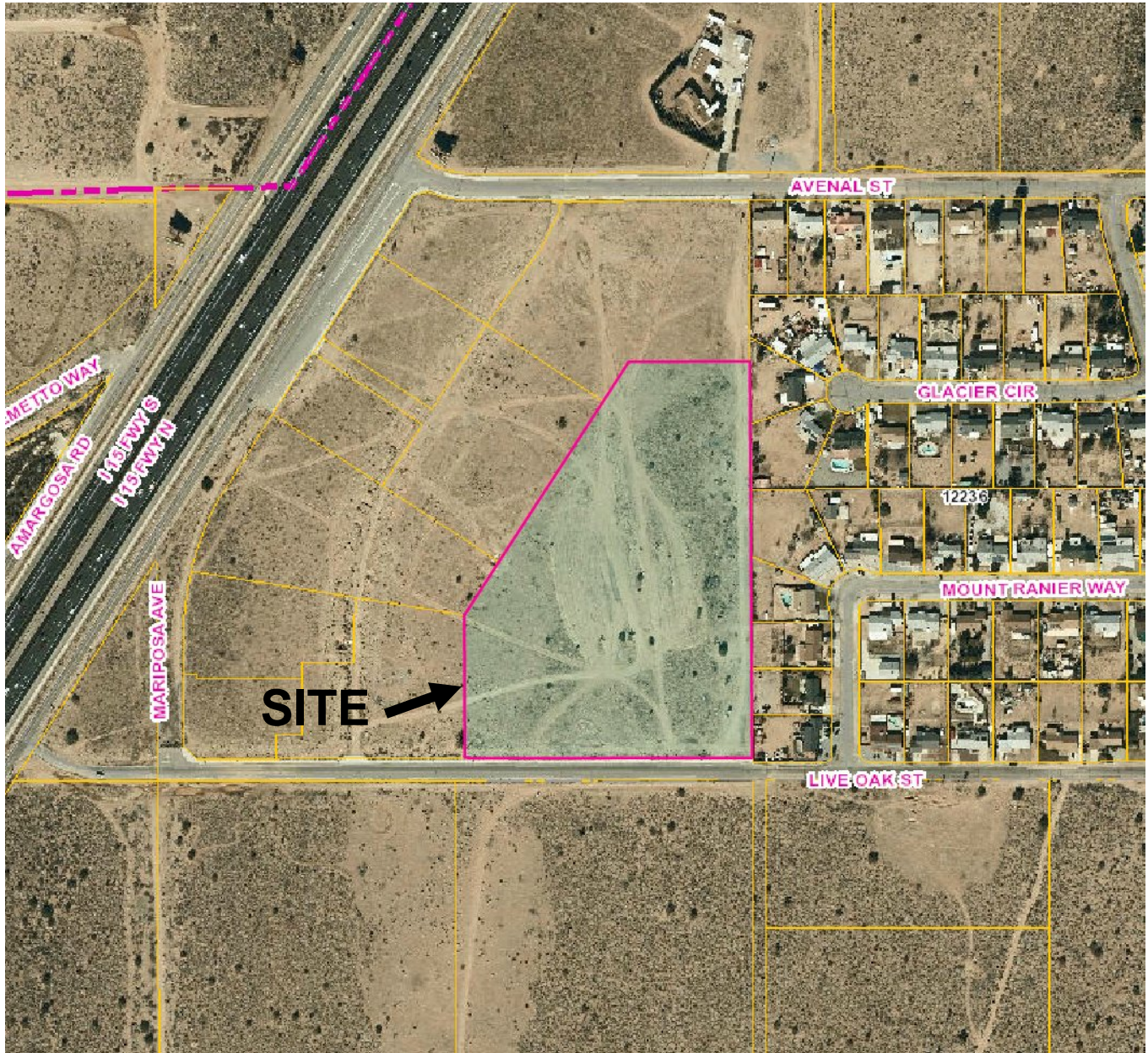
PROPOSAL:

A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

ATTACHMENT 3



APPLICANT(S):
FH II, LLC

FILE NO(S): SPLA16-00004 &
SPR16-00006

LOCATION:

1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET

APN(S):

0405-072-59

PROPOSAL:

A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



ATTACHMENT 4

HESPERIA PLANNING COMMISSION MEETING REGULAR MEETING JULY 13, 2017 MINUTES EXCERPTS

3. **Consideration of Specific Plan Amendment SPLA16-00004 from Regional Commercial (RC) to High Density Residential (HDR) on 9 gross acres and Site Plan Review SPR16-00006 to construct a two-story, 160-unit multiple family residential development located 1,650 feet east of Mariposa Road on the north side of Live Oak Street (Applicant: FH II, LLC; APN: ~~MCQRJMTQJVF~~**

Recommended action:

It is recommended that the Planning Commission adopt Resolution No. PC-2017-20 recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA16-00004 and adopt Resolution No. 2017-21 approving Site Plan Review SPR16-00006.

Sponsor: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga gave a presentation on Specific Plan Amendment SPLA16-00004 and Site Plan Review SPR16-00006.

The Commission asked questions of staff with discussions ensuing.

Chair Tom Murphy opened the Public Hearing at 7:00 pm.

Applicant Naseem Farooqi of Frontier Communities spoke on the project.

The Commission asked a question of Mr. Farooqi with Mr. Farooqi answering.

Resident Farlan Clutters spoke in opposition of the project.

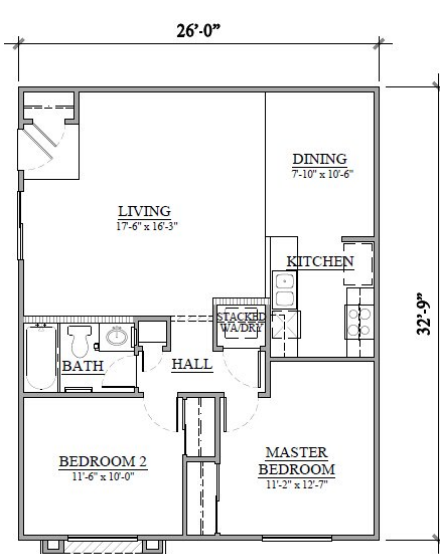
Chair Tom Murphy closed the Public Hearing at 7:10 pm.

The Commission asked questions of staff with discussions ensuing.

Motion by Commissioner Jim Heywood to adopt Resolution No. PC-2017-20 recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA16-00004 and adopt Resolution No. 2017-21 approving Site Plan Review SPR16-00006, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

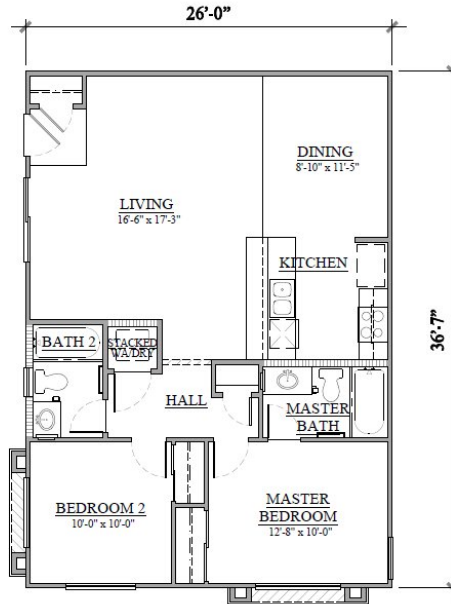
AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Joline Hahn
Commissioner Jim Heywood
Commissioner Rusty Caldwell

ATTACHMENT 5



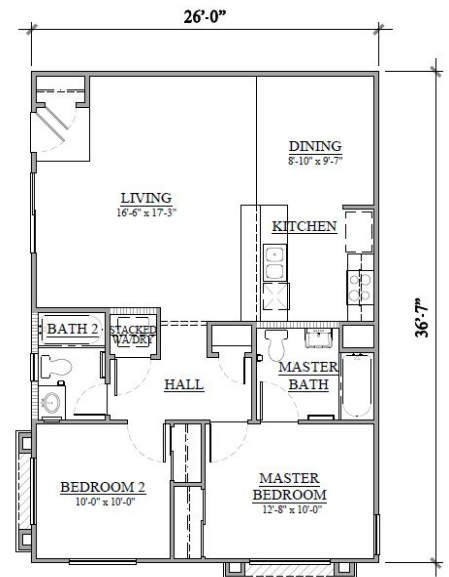
UNIT A

UNIT A
FIRST FLOOR 852 S.F.
TOTAL 852 S.F.



UNIT B

UNIT B
FIRST FLOOR 951 S.F.
TOTAL 951 S.F.



UNIT B-ALT

UNIT B-ALT
FIRST FLOOR 951 S.F.
TOTAL 951 S.F.

FLOOR PLANS

APPLICANT(S):
FH II, LLC

FILE NO(S): SPLA16-00004 &
SPR16-00006

LOCATION:

1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET

APN(S):

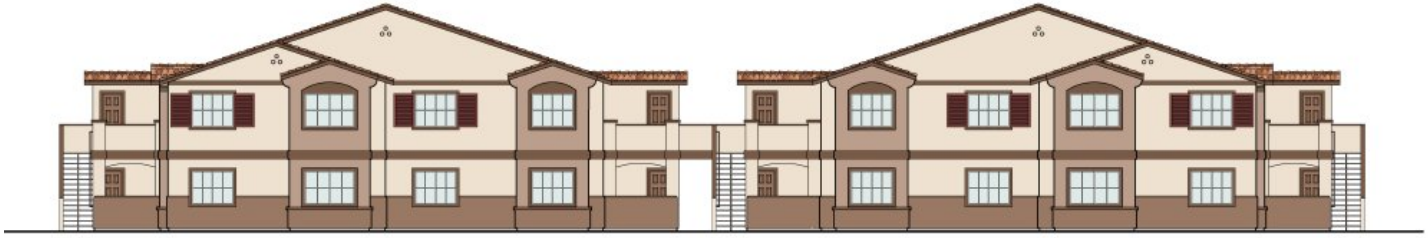
0405-072-59

PROPOSAL:

A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



ATTACHMENT 6



FRONT ELEVATION



RIGHT ELEVATION

Building A



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION

Building B



LEFT ELEVATION

APPLICANT(S):
FH II, LLC

FILE NO(S): SPLA16-00004 &
SPR16-00006

LOCATION:

1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET

APN(S):

0405-072-59

PROPOSAL:

A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



ARCHITECTURAL ELEVATIONS

ATTACHMENT 7



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

Building C



FRONT ELEVATION

CORONADO STONE
EASTERN MTN. LEDGE
COLOR: CARMEL MTN.



REAR ELEVATION

Recreation Building

APPLICANT(S):
FH II, LLC

FILE NO(S): SPLA16-00004 &
SPR16-00006

LOCATION:

1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET

APN(S):

0405-072-59

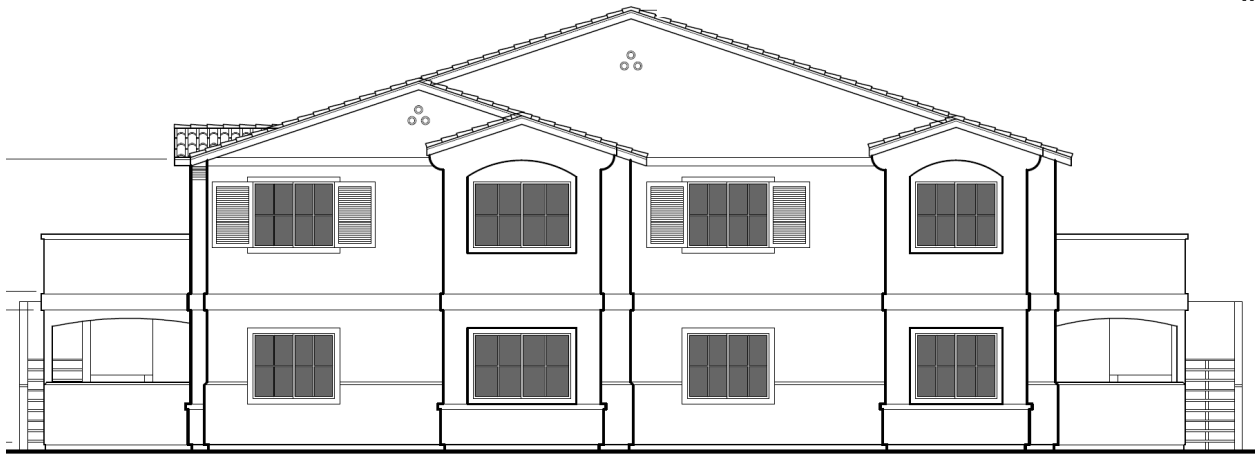
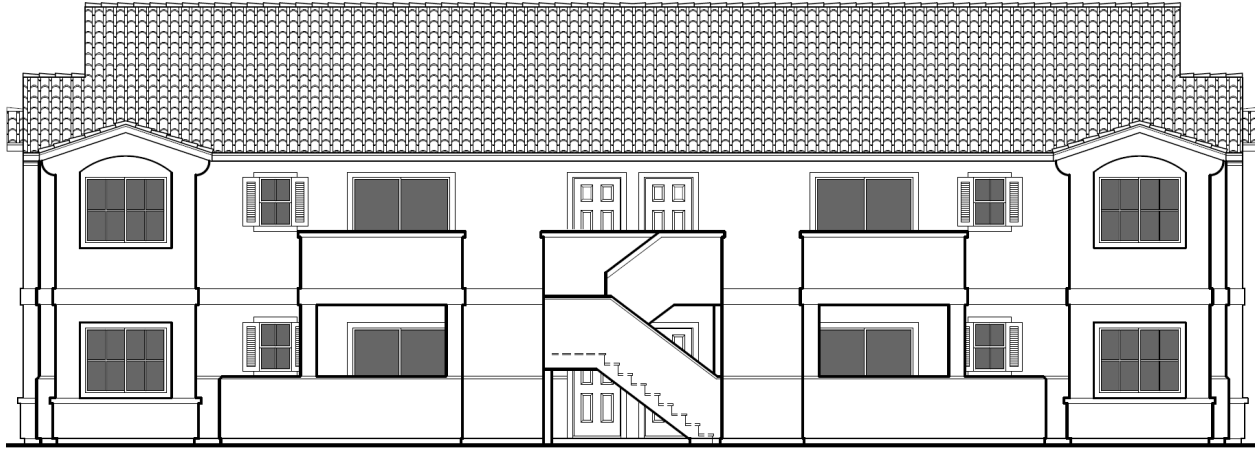
PROPOSAL:

A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



ARCHITECTURAL ELEVATIONS

ATTACHMENT 8



APPLICANT(S):
FH II, LLC

FILE NO(S): SPLA16-00004 &
SPR16-00006

LOCATION:
1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK
STREET

APN(S):
0405-072-59

PROPOSAL:
A SPECIFIC PLAN AMENDMENT FROM RC TO HDR ON 9 ACRES, AND A SITE PLAN REVIEW
TO CONSTRUCT A 160-UNIT RESIDENTIAL DEVELOPMENT



UPDATED PATIO AND BALCONY DESIGNS

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO HIGH DENSITY RESIDENTIAL (HDR) ON APPROXIMATELY 9 GROSS ACRES LOCATED 1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET (SPLA16-00004)

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, FH II, LLC has filed an application requesting approval of SPLA16-00004 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 9 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located 1,650 feet east of Mariposa Road on the north side of Live Oak Street and consists of Assessor's Parcel Numbers 0405-072-59; and

WHEREAS, the Application, as contemplated, proposes to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Regional Commercial (RC) Zone to High Density Residential (HDR) Zone; and

WHEREAS, FH II, LLC has also filed an application requesting approval of Site Plan Review SPLA16-00004 to construct a 160-unit residential development; and

WHEREAS, the subject site is vacant. The land on the opposite side of Live Oak Street to the south is vacant. The properties to the north and west are vacant. A single-family residential neighborhood exists to the east; and

WHEREAS, the subject property is currently within the Regional Commercial (RC) Zone of the Specific Plan. The land to the north, south, and west are within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan. The land to the east is within the Low Density Residential (LDR) Zone; and

WHEREAS, an environmental Initial Study for the proposed project was completed on June 8, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2017-02 was subsequently prepared; and

WHEREAS, on July 13, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on August 15, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND-2017-02 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Specific Plan Amendment will have a significant effect on the environment;
- (b) The City Council had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the City Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed Zone District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.
- (d) Although the current RC Zone within the Specific Plan supports residential densities between 15 and 25 dwelling units per acre (du/ac), the HDR Zone, which allows a density between 15 and 20 du/ac is more appropriate for the proposed standalone multi-family residential development. The two-story units will be approximately 30 feet tall and the HDR Zone allows buildings up to 35 feet in height. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (e) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design and the mitigation measures for ND-2017-02.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA16-00004, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A." and Negative Declaration ND-2017-02 which is attached to the staff report for this item.

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

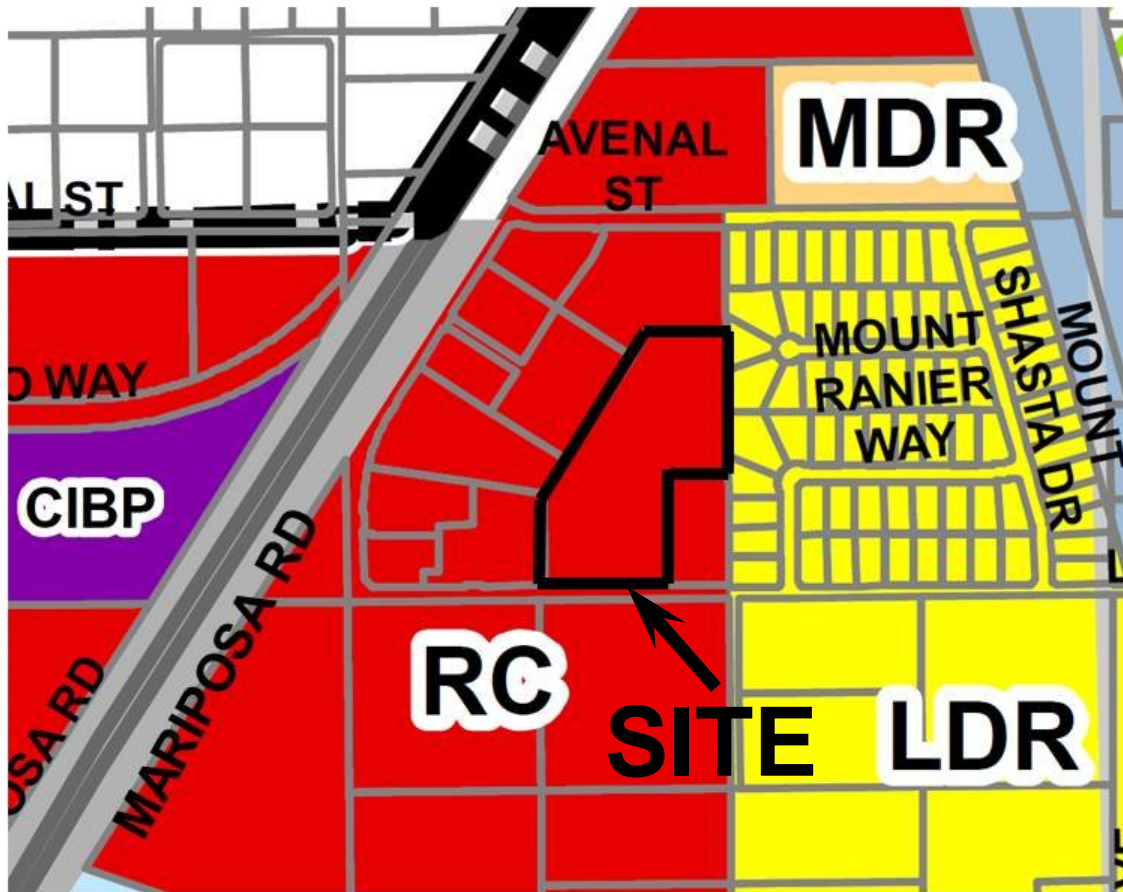
ADOPTED AND APPROVED on this 15th day of August 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

Exhibit "A"



SPLA16-00004

A SPECIFIC PLAN AMENDMENT FROM REGIONAL COMMERCIAL (RC) TO HIGH DENSITY RESIDENTIAL (HDR) ON APPROXIMATELY 9 GROSS ACRES

RESOLUTION NO. 2017-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 160 UNIT RESIDENTIAL DEVELOPMENT ON 9 GROSS ACRES LOCATED 1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET (SPR16-00006).

WHEREAS, FH II, LLC has filed an application requesting consideration of Site Plan Review SPR16-00006, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 9 gross acres within the High Density Residential (HDR) Zone of the Main Street and Freeway Corridor Specific Plan located 1,650 feet east of Mariposa Road on the north side of Live Oak Street and consists of Assessor's Parcel Numbers 0405-072-59; and

WHEREAS, the Application, as contemplated, proposes a site plan review to construct a 160-unit residential development on 9 gross acres; and

WHEREAS, the Application, has also filed to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Regional Commercial (RC) Zone to High Density Residential (HDR) Zone; and

WHEREAS, the subject site is vacant. The land on the opposite side of Live Oak Street to the south is vacant. The properties to the north and west are vacant. A single-family residential neighborhood exists to the east; and

WHEREAS, the subject property is currently within the Regional Commercial (RC) of the Specific Plan. The land to the north, south, and west are within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan. The land to the east is within the Low Density Residential (LDR) Zone; and

WHEREAS, an environmental Initial Study for the proposed project was completed on June 8, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2017-02 was subsequently prepared; and

WHEREAS, on July 13, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on August 15, 2017, the City Council of the City of Hesperia conducted a duly noticed 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 CITY COUNCIL AS FOLLOWS:

Section 1. The City Council 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 City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2017-02 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Site Plan Review will have a significant effect on the environment;
- (b) The City Council had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the City Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on requirements. The site is approximately 9 gross acres and can accommodate the 160 unit multi-family development. On-site improvements required by the Hesperia Development Code can be constructed on the property including 363 parking spaces (160 spaces within carports and 203 open guest parking spaces), minimum 26-foot wide drive aisles, and landscaping. The complex also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The development is designed with an on-site underground retention/detention system to accommodate the required capacity of a 100-year storm. The development will preserve Joshua trees that will be transplanted within the development's landscaping.
- (d) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed development is consistent with the City's High Density Residential (HDR) Zone District as part of the Main Street and Freeway Corridor Specific Plan. The development is designed with an on-site retention/detention system to accommodate the required capacity of a 100-year storm. The City has established a Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.
- (e) The proposed development is consistent with the goals, policies, standards and maps of the adopted Specific Plan, Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed development is permitted in the High Density Residential (HDR)

Zone District. The development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, and loading areas. The development complies with Americans with Disabilities Act (ADA) by providing 11 accessible parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and recreational structures. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the development's conditions of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.

- (f) Granting approval of the development will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disabilities Act (ADA) by providing four accessible parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings.
- (g) The site for the proposed use will have adequate access based upon the site's current accessibility to Live Oak Street. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The developer is required to pay all applicable City development impact fees towards these improvements.
- (h) The proposed development is consistent with and promotes the goals and policies of the General Plan. The development will help bring the City into compliance with state housing mandates and the City's Housing Element.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves SPR16-00006 subject to the conditions of approval as shown in Attachment "A," and Mitigated Negative Declaration ND-2017-02 which is attached to the staff report for this item.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED on this 15th day of August 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

ATTACHMENT 13

ATTACHMENT "A"

List of Conditions for SPR16-00006

Approval Date: August 15, 2017
Effective Date: October 05, 2017
Expiration Date: October 05, 2020

This list of conditions applies to: Consideration of a Site Plan Review in conjunction with a Specific Plan Amendment from Regional Commercial (RC) to High Density Residential (HDR) to construct a two-story, 160-unit multiple family residential development and a Specific Plan Amendment on 10.7 gross acres located 1,650 feet east of Mariposa Road on the north side of Live Oak Street (Applicant: Frontier Communities; APN: 0405-072-59)

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

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 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

DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the Citys hydrology study outline

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EROSION CONTROL. The Project shall implement all requirements of the approved Erosion and Sediment Control Plan (or SWPPP if applicable) prior to the Citys 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

NPDES. The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice Of Intent Receipt Letter and the project WDID No. to the City.

Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the projects Erosivity Waiver Certification and Waiver ID to the City. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

REAPPORTIONMENT. The project lies within Assessment District 2. The developer shall be required to fill out the Citys application for reapportionment and pay associated fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

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

SWIMMING POOL PLANS. Submit two (2) sets of engineered plans for the proposed swimming pool to the Building Division for review and construction permits with the required application fees. The plans shall have prior review and approval by the San Bernardino County Department of Environmental Health Services.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SPECIFIC PLAN AMENDMENT. These conditions are concurrent with Specific Plan Amendment SPLA16-00004 becoming effective. (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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RECREATIONAL FACILITIES. The Developer shall submit two sets of plans to develop the recreational facilities to the Building Division with the required application fees. The recreational facilities shall include passive recreational areas of turf, picnic tables, tot-lots, barbeques, concrete benches, and concrete trash receptacles. Active recreational facilities shall include the recreation building and a tot-lot with permanent playground equipment. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the Citys improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LIVE OAK STREET. Saw-cut (2-foot min.) and match-up asphalt pavement on Live Oak Street across proposed City of Hesperia commercial drive approach per City standard.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approach that encroaches onto private property. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing

12" ACP water line in Live Oak Street per City Standards.
 C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 8" PVC sewer main in Live Oak Street per City standards.
 D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required.

<u>COMPLETED</u>	<u>COMPLIED BY</u>
NOT IN COMPLIANCE	MYEAGER

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.
 A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.
 B. Drywells shall be constructed by a contractor qualified in the construction of drywells.
 C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.
 D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.
 E. Drywells that cease to drain a basin or underground system within 72 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.
 F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.
 G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site. The Drywell Maintenance Plan shall include the following:
 i. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.
 ii. Settling chambers and interceptors to be inspected annually;
 iii. Removal of sediment and debris when:
 a. Sediment or debris level fills = 25% of the capacity;
 b. Drywell ownership or maintenance responsibility changes;
 c. Material not resulting from stormwater or urban runoff enters the settling chamber or interceptor.
 H. Submit inspection and or maintenance reports to the City within 10 days of inspection/maintenance.

<u>COMPLETED</u>	<u>COMPLIED BY</u>
NOT IN COMPLIANCE	MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

OVERFLOW-OUTFALL. Each project shall be designed such that the outfall(s) for discharges from the project site in excess of design capacity and or in excess of the 100-year, 24-hr design storm is are routed to a public street, storm drain, drainage channel, or natural watercourse.

If such an outfall does not exist, the Project shall provide an outfall.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

1. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
2. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
3. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:
<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board. Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
<https://www.casqa.org/resources/bmp-handbooks>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 2,500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 8,424 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,266.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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 City shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-MULTI STORY ROAD ACCESS. Multi Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F 41]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. School Fees (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SOLID MASONRY WALL/FENCING. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A combination solid three-foot high split-face masonry wall or other approved decorative wall with a three-foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on-site would negatively affect adjacent residentially designated properties. An approved six-foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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) fully executed and recorded with the San Bernardino County Assessor-Recorder-County Clerk's office. A copy of the recorded WQMP Maintenance Agreement must be received before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

NPDES-PERMIT TERMINATION. Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT)

with the Lahontan Regional Water Board as required by the
NPDES General Permit for Storm Water Discharges
Associated with Construction and Land Disturbance Activities,
and provide to the City a copy of the approved NOT. (E)

**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



**Green sheet item no. 11 information provided
after posting of the agenda**

Biological & Environmental Consultants
15555 Main Street, #D4-235, Hesperia, CA 92345
(760) 596-0017, fax (760) 244-0791, rca123@aol.com
www.rcaassociatesinc.com

August 4, 2017

DHR Verma Inc.
16815 Main Street
Hesperia, CA 92345

Re: Cultural survey for commercial development (APN 0412-172-01) in Hesperia, California.
#2017-72

Dear Sirs:

RCA Associates, LLC conducted a pedestrian survey on the project site referenced above which is located at the northeast corner of Ranchero Road and Seventh Avenue in Hesperia, California (Township 4 North, Range 4 West, Section 32) (Figures 1, 2, 3 & 4). The proposed project will include a convenience store with office above, gas station, drive-thru restaurant, and retail building. This pedestrian survey was performed on the 3.46-acre parcel pursuant to the California Environmental Quality Act (CEQA), and was conducted to determine if there were any cultural resources present on the property. The cultural survey was performed by RCA Associates, LLC staff archaeologist Ms. Alina Landa (BS, Archaeology, Cal Poly, Pomona, CA).

The property has been significantly disturbed by past development activities and a single-family residential dwelling is located in the northwestern portion of the property (Figure 4). Numerous vehicle tracks were noted throughout the property and several debris piles were scattered throughout the site. The vegetation consisted primarily of California juniper (*Juniperus californica*), ephedra (*Ephedra nevadensis*), Russian thistle (*Salsola tragus*), California buckwheat (*Eriogonum fasciculatum*), brome grass (*Bromus sp.*), and yellow-green matchweed (*Gutierrezia sarothrae*).

The cultural setting of the surrounding region is summarized below:

Prehistory: California's prehistory is marked by its environmental shifts, which caused influence in subsistence and settlement patterns for the Native Americans of the high desert region. Cool and moist temperatures caused glaciation, which led to the creation of pluvial lakes during the late Pleistocene (Antevs, 1953). Various culturally-defined periods represent the regional changes in subsistence and settlement patterns during this time of rapid environmental change. They are: Lake Mojave, Pinto, Gypsum, Saratoga Springs, and Protohistoric Periods (Warren 1984).

Ethnography: The project site is located in the City of Hesperia, which was occupied by the Serrano cultural groups. Those groups include the Alliklik, the Vanyume, the Kitanemuk, and the Serrano (Kroeber, 1925). The name "Serrano" describes the tribes who lived in the general region of the San Bernardino Mountains (Kroeber, 1925). The Serrano people, being hunter-gatherers, would create tools that allowed them to process acorns, pinon nuts, mesquite, and cacti fruits. Evidence of occupation of this area shows that the Serrano used points, scrapers, knives, cores, and some milling stones to process foods (Moratto, 1984). The Serrano manufactured goods such as baskets, pottery, rabbit-skin blankets, arrows and arrow straighteners, sinew-backed bows, stone pipes, and musical instruments. (Bean and Smith, 1978:571).

History: The Historic era of California is divided into the Mission or Spanish Period (1769 to 1831), the Mexican or Rancho Period (1821 to 1848), and the American Period (1848 to present).

Spanish Period: The first explorers to come into this region were led by a Spanish priest named Francisco Garces, who guided Juan Bautista de Anza. In 1771, De Anza led a group from Arizona to create a headquarters at the Mission San Gabriel near the area known today as Pasadena (Beck and Haase, 1974). In 1776, the Mojave Trail was established as a route across the Mojave Desert to the San Gabriel Mission. Another, more utilized trail known as the Old Spanish Trail was established by 1831.

Mexican Period: Spanish rule was overthrown by Mexico in 1891. The missions lost their land holdings as the Mexican government passed the Secularization Act in 1833 (Beattie and Beattie, 1974).

American Period: After the Mexican-American War in 1848 and the discovery of gold in California, the Old Spanish Road was founded as a widely-used trade route for the shipment of goods and Mexican mules and horses. This allowed travelers from Salt Lake City to Las Vegas through the Cajon Pass to reach the San Bernardino and Los Angeles areas (Bean and Vane, Young et al, 1981). In the 1870s and afterward, small towns in the high desert region and near the Calico Mountains were established as railway stops along the Santa Fe Railroad (Kyle, 1990). A silver strike in the Calico Mountains brought upon a great mining boom in 1881 (Schuiling, 1984:95).

RESULTS

During the field survey conducted on August 3, 2017, Ms. Landa carefully inspected the property for the presence of any cultural resources, including prehistoric or historic buildings. The survey was conducted by walking parallel transects in a north-south direction. The transects were spaced approximately 10 meters apart in order to provide total coverage (i.e. 100 percent) of the site. Meandering transects were also conducted in areas where ground coverage was blocked by trees and/or structures (i.e., house, outbuildings, etc.). Shovel test pits were also excavated at a depth of approximately 30 cm at the following coordinates and Figure 4 depicts the location of the two pits:

Test Pit #1: N34° 23.039' W117° 19.147'

Test Pit #2: N34° 23.068' W117° 19.158'

During the survey, no cultural resources, including prehistoric or historic archaeological sites or historic buildings, were observed within the boundaries of the project site or within the two shovel test pits. Therefore, based on the results of the August 3rd survey, it is the opinion of

DHR Verma Inc.

Page 4

RCA Associates, LLC that no additional cultural resources surveys are necessary. However, if previously undocumented cultural resources are identified during development activities, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting or halting construction activities if necessary, to avoid impacting the cultural resource. If human remains are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of 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 Native American Heritage Commission (NAHC), which will determine and notify a "Most Likely Descendant" (MLD). With permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of the notification by the NAHC.

If you have any questions or would like to discuss the results of the cultural investigation, please contact our office at (760) 596-0017 or (760) 956-9212. We can also be reached at rca123@aol.com.

Sincerely,



Randy Arnold

President

RCA Associates, LLC

REFERENCES

Antevs, E.

- 1953 On Division of the Last 20,000 Years. *University of California Archaeological Survey Reports* 22: 5-8. Berkeley.

Bean, L. J., and C.R. Smith

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- 1981 The Ivanpah Generating Station Project: Ethnographic (Native American) Resources. On file at San Bernardino Archaeological Information Center SBCM, Redlands, CA.

Beattie, George W., and Helen P. Beattie

- 1974 *Heritage of the Valley: San Bernardino's First Century*. Biobooks: Oakland.

Beck, Warren A., and Ynez D. Haase

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Kroeber, Alfred L.

- 1925 *Handbook of the Indians of California*. Washington: Bureau of American Ethnology Bulletin 78. Washington D.C.: Smithsonian Institution. Reprinted in 1976, New York: Dover.

Kyle, D.E.

- 1990 *Historic Spots in California*. Palo Alto: Stanford University Press.

Moratto, M.J.

- 1984 *California Archaeology*. Orlando: Academic Press.

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- 1984 *San Bernardino County: Land of Contrasts*. Windsor Publications, Woodland Hills, California.

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- 1984 The Desert Region. In *California Archaeology*, by M. Moratto, contributions by D.A. Frederickson, C. Raven, and C.N. Warren, pp. 339-430. Academic Press, Orlando, Florida.

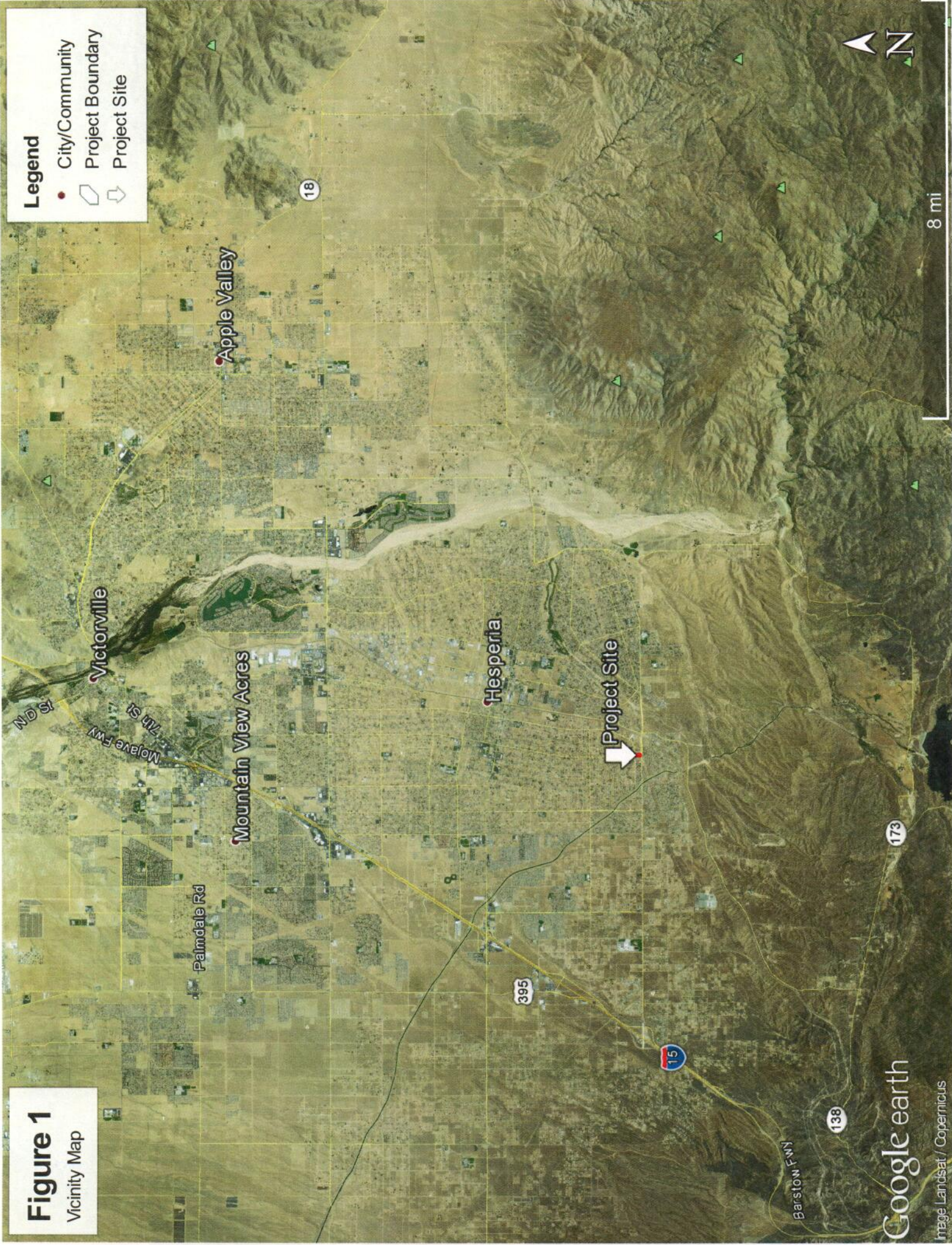
FIGURES

Figure 1

Vicinity Map

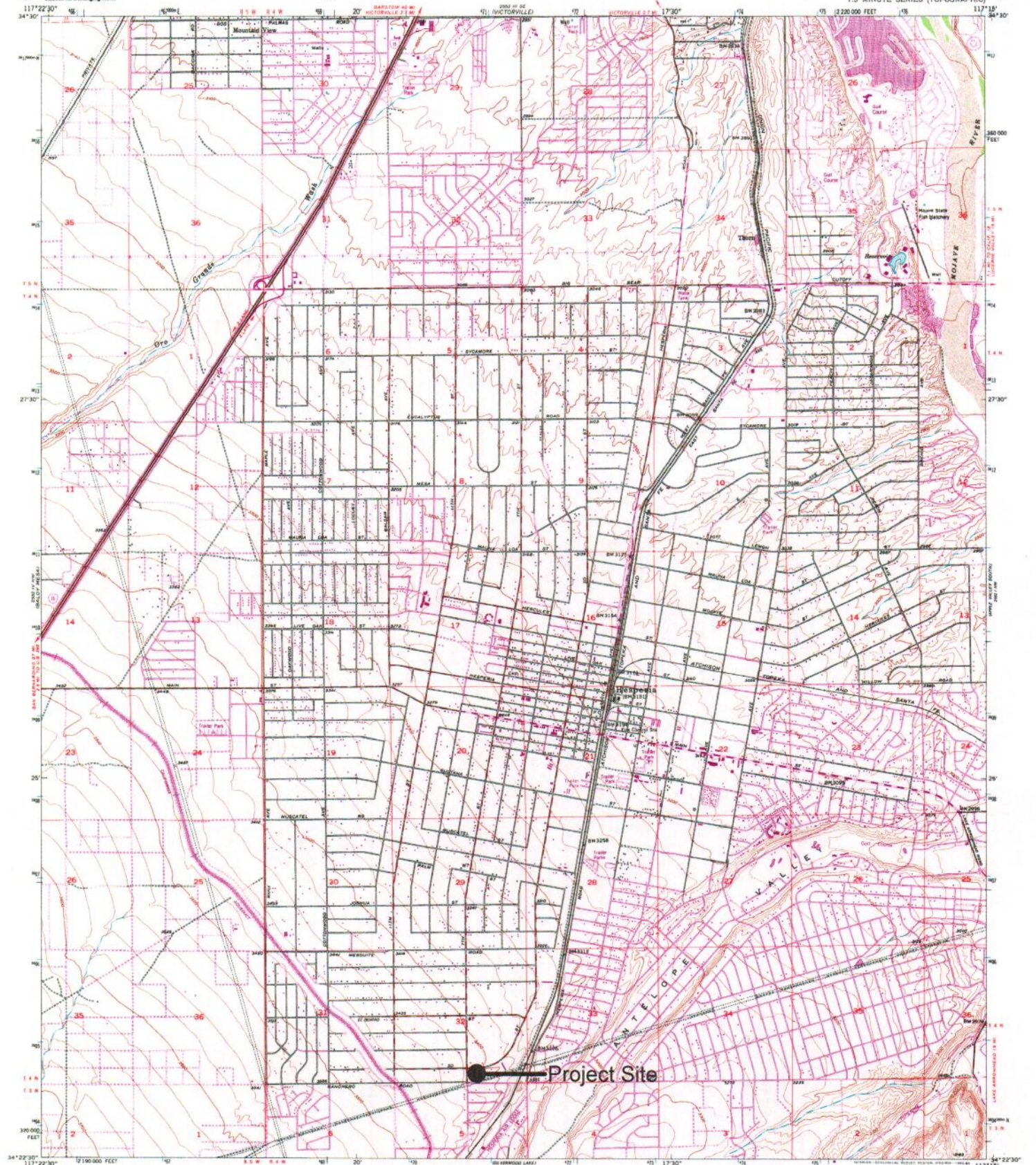
Legend

- City/Community
- Project Boundary
- Project Site

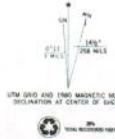


Google earth

Image Landsat / Copernicus



Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by Kelsh plotter
Aerial photographs taken 1962 Fair check 1965
Polyconic projection
10,000-foot grid based on California coordinate system, zone 5
1000-meter Universal Transverse Mercator grid tools,
zone 11, shown in blue 1927 North American Datum
To place on the predicted North American Datum 1983
move the projection lines 3 meters north and
8.2 meters east as shown by dashed corner ticks
Revisions shown in purple and woodland compiled from
aerial photographs taken 1978 and other source data
This information not field checked. Map dated 1980



THIS MAP COMPLEYS WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



ROAD CLASSIFICATION
Heavy-duty Light-duty
Medium-duty Unimproved dirt
Interstate Route U.S. Route

HESPERIA, CALIF.
N3422.5-W11715.7.5
1986
PHOTOREVISED 1980
DMA 2503 IV ME-SERIES 1985



CENTER LOOKING NORTH



CENTER LOOKING EAST



FIGURE 3
SITE PHOTOS

CENTER LOOKING SOUTH



CENTER LOOKING WEST



FIGURE 3 Cont.
SITE PHOTOS

Figure 4

Aerial Map

Legend

- Property Boundary
- Shovel Test Pit



Green sheet item no. 11 information received after posting of the agenda.

From: Tara Hamilton
To: [Ryan Leonard - Associate Planner](#)
Subject: RE: General Plan amendment 16-00002 Applicant Harp Verma
Date: Monday, August 14, 2017 9:39:21 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Mr. Leonard,

I am writing again to ask the planning commission to please not allow the property at the northeast corner of Ranchero and Seventh street to be rezoned from agriculture to commercial. This is our neighborhood and we ask to please not allow a gas station to be built.

I purchased my home, just three lots away from this property, 13 years ago. I purchased my home because of the rural area and the quiet neighborhood. I own 5 acres, run a non profit rescue dog kennel and own horses. Our neighborhood has not been affected by high crime, gang activity that most of Hesperia has been affected by. Our small area is quiet most of the time. We enjoy our little area. Everyone on our block with the exception of that house and one other has been in their homes for 15+ years. Please do not ruin our neighborhood by allowing a rezoning. These are our homes, not a retail strip. These are homes we purchased with the hopes of staying in and not selling. Now if we have to sell our property values are affected. Rezoning this parcel is not fair to your current citizens that reside in the area. South Hesperia used to be all agriculture, with North Hesperia being residential. That has drastically changed, but changing from agriculture to commercial should not be allowed.

With the recent robbery and shooting at the gas station just three miles down the road, I am concerned for this to be my next door neighbor. We have school children who walk this corner to their bus stop. And it would not be safe for them to be walking with the increased traffic. Also the corner of 7th and Ranchero is already a dangerous intersection since the completion of the Ranchero underpass. Daily people run the stop signs and there are multiple accidents. There also has been a fatality from someone running the stop sign. It is already a scary intersection to cross, let alone adding a gas station at the corner.

The noise from the added traffic alone will ruin our neighborhood, but the car wash running all hours is completely ridiculous. Since the completion of Ranchero, the noise from constant sirens is out of control, but now add in a gas station and carwash, it is unfair and unsafe to make us accommodate and adapt to this change. Had I been told that at some point the zoning could change, I would have never purchased my property. I would have stayed in the city. I moved back to Hesperia for the quiet and less crime. Now the city wants to take that away from me.

Some points of why the lot should not be rezoned:

- **Lower our property values**
- Increased traffic on already dangerous corner
- We purchased our home because the neighborhood was agriculture
- **Noise**
- Crime
- Loitering
- School bus stops and children having to walk on already busy street

- This is our home, not a commercial area
- Noise, noise and noise!!

Please please do not allow our neighborhood to be changed, we are rural residential and hope it stays this way for a long time.

Thank you!

Tara Hamilton

Operations Coordinator

Corona Inline

951-279-7465

From: Tara Hamilton [mailto:tara@coronainline.com]
Sent: Tuesday, April 4, 2017 4:36 PM
To: 'Ryan Leonard - Associate Planner' <rleonard@cityofhesperia.us>
Subject: RE: General Plan amendment 16-00002 Applicant Harp Verma

Thank you!

From: Ryan Leonard - Associate Planner [mailto:rleonard@cityofhesperia.us]
Sent: Thursday, March 30, 2017 2:49 PM
To: 'Tara Hamilton' <tara@coronainline.com>
Cc: Dave Reno - Principal Planner <dreno@cityofhesperia.us>
Subject: RE: General Plan amendment 16-00002 Applicant Harp Verma

Tara,

Thank you for your letter. I will include your comments with the staff report that is presented to the Planning Commission.

Ryan Leonard, AICP
Associate Planner

City of Hesperia
760-947-1651
760-947-1221 (FAX)



From: Tara Hamilton [<mailto:tara@coronainline.com>]
Sent: Thursday, March 30, 2017 2:23 PM
To: Ryan Leonard - Associate Planner
Subject: General Plan amendment 16-00002 Applicant Harp Verma

Mr. Leonard,

I am writing to ask the planning commission to please not allow the property at the northeast corner of Ranchero and Seventh st to be rezoned. This is our neighborhood and we ask to please not allow a gas station to be built.

I purchased my home, just three lots away from this property, 13 years ago. I purchased my home because of the rural area and the quiet neighborhood. I own 5 acres, run a non profit rescue dog kennel and own horses. Our neighborhood has not been affected by high crime and is quiet most of the time. We enjoy our little area. Everyone on our block with the exception of that house and one other has been in their homes for 15+ years. Please do not ruin our neighborhood by allowing a rezoning. These are our homes, not a retail strip.

With the recent robbery and shooting at the gas station just three miles down the road, I am concerned for this to be my next door neighbor. We have school children who walk this corner to their bus stop. And it would not be safe for them to be walking with the increased traffic.

Also the corner of 7th and Ranchero is already a dangerous intersection since the completion of the Ranchero underpass. Daily people run the stop signs and there are multiple accidents. There also has been a fatality from someone running the stop sign. It is already a scary intersection to cross, let alone adding a gas station at the corner.

Please please do not allow our neighborhood to be changed, we are rural residential and hope it stays this way for a long time.

Thank you!

Tara Hamilton

Operations Coordinator

Corona Inline

951-279-7465



COLORADO RIVER INDIAN TRIBES

Tribal Historic Preservation Office

26600 Mohave Road

Parker, Arizona 85344

Telephone: (928)-669-5822 Fax: (928) 669-5843

August 14, 2017

City of Hesperia
9700 Seventy Avenue
Hesperia, CA 92345

RE: GPA16-00002 AND CUP16-00009

Dear Mr. Ryan Leonard:

The Colorado River Indian Tribes' Tribal Historic Preservation Office ("CRIT THPO") has received your letter dated July 10, 2017, regarding the *proposed General Plan Amendment GPA16-00002 and CUP16-00009 for the construction of a fueling station, convenience store, car wash and a drive-thru restaurant in Hesperia, California.*

As a preliminary matter, the Colorado River Indian Tribes are a federally recognized Indian tribe comprised of over 4,200 members belonging to the Mohave, Chemehuevi, Hopi and Navajo Tribes. The almost 300,000 acre Colorado River Indian Reservation sits astride the Colorado River between Blythe, California and Parker, Arizona. The ancestral homelands of the Tribe's members, however, extend far beyond the Reservation boundaries. Significant portions of public and private lands in California, Arizona and Nevada were occupied by the ancestors of the Colorado River Indian Tribes' Mohave and Chemehuevi members since time immemorial. These landscapes remain imbued with substantial cultural, spiritual and religious significance for the Tribes' current members and future generations. For this reason, we have a strong interest in ensuring that potential cultural resource impacts are adequately considered and mitigated.

In particular, the Colorado River Indian Tribes are concerned about the removal of artifacts from this area and corresponding destruction of the Tribes' footprint on this landscape. As such, the Tribes request that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. If avoidance of the site is infeasible, then the Tribes request that the resources be left in-situ or reburied in a nearby area, after consultation. This language should be incorporated into enforceable mitigation measures.

In addition, we respond as follows:

- ✓ Given the potential impact of the project on important cultural resources, the Colorado River Indian Tribes request in-person government-to-government consultation. Please contact the CRIT THPO to discuss our concerns and schedule a meeting with Tribal Council.

CRIT THPO

Project Name: Ranchero Road – Seventh Street Project

Date: August 14, 2017

Page 2

____√ In the event any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, artifacts are identified during ground disturbance, please contact the CRIT THPO within 48 hours.

_____ The Colorado River Indian Tribes request tribal monitoring of any ground disturbing activity as a condition of project approval. The Tribes request notification of any opportunities to provide tribal monitoring for the project.

_____ The Colorado River Indian Tribes do not have any specific comment on the proposed project and instead defer to the comments of other affiliated tribes.

Thank you for your consideration. Please contact the undersigned if you have any questions or concerns.

Please be informed that David Harper is no longer with this Department. Mr. Bryan Etsitty has been appointed the Acting-Director, thus all correspondence should be addressed to him.

Sincerely,

**COLORADO RIVER INDIAN TRIBES
TRIBAL HISTORIC PRESERVATION OFFICE**

/s/Bryan Etsitty
26600 Mohave Road
Parker, AZ 85344
Phone: (928) 669-5822
E-mail: bryan.etsitty@crit-nsn.gov