

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
FIRE PROTECTION DISTRICT
WATER DISTRICT
AGENDA**

Regular Joint Meetings
1st and 3rd Tuesday

Date: October 3, 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

❖ - ❖ - ❖ - ❖ - ❖ - ❖ - ❖ - ❖

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**

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 - Potential Litigation:
Government Code Section 54956.9(d)2

1. One (1) case

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.

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Negotiating Parties: Hesperia Housing Authority and Derek Fitch
Location: APN 0405-062-72 and 73
Under Negotiation: Price and Terms

Conference with Labor Negotiator
Government Code Section 54957.6

1. Negotiations between the City of Hesperia and the Teamster Local 1932 with the City's Negotiator. (Staff person: Brian D. Johnson, Assistant City Manager/Management Services)

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 of Employee of the Month for September to Stephanie McClure, Assistant City Clerk by Melinda Sayre, City Clerk
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.

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.

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

JOINT CONSENT CALENDAR

1. Page 9 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, September 19, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, September 19, 2017.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2017-09-19](#)

2. Page 15 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 10-3-2017](#)

[Attachment 1 - Warrant Runs](#)

3. Page 17 Purchase Piping and Material

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to approve a one-time purchase from Inland Water Works Supply Co. for piping and materials needed for the Pipeline Water Line Replacement program Construction Order #3406 in the not-to-exceed amount of \$102,897.

Staff Person: Public Works Manager Mark Faherty and Public Works Supervisor/Water Jeremy McDonald

Attachments: [SR Purchase Piping and Material 10-3-2017](#)

[Attachment 1 - Bid Comparison](#)

4. Page 19 Amend the FY 2017-18 Capital Improvement Program Budget

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-047 amending the FY 2017-18 Capital Improvement Program Budget to incorporate a list of projects funded by Senate Bill 1: The Road Repair and Accountability Act and to appropriate funds to potential projects.

Staff Person: Director of Development Services Michael Blay

Attachments: [SR Amend FY 2017-18 CIP Budget 10-3-2017](#)

[Resolution 2017-047](#)

5. Page 23 Award Contract for City Hall Minor Tenant Improvements, C.O. No. 3110-1701

Recommended Action:

It is recommended that the City Council award a contract to the lowest responsive and responsible bidder, Song N Sons General Construction, Inc. in the amount of \$67,884; approve an additional 10% contingency in the amount of \$6,800 for a total construction budget of \$74,684; 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 City Hall Tenant Improvements 10-3-2017](#)

6. Page 25 Vacant Land Purchase Agreement - APN 0406-111-29

Recommended Action:

It is recommended that the Commissioners of the Hesperia Housing Authority (HHA) adopt Resolution No. HHA 2017-08 approving the Vacant Land Purchase Agreement and Joint Escrow Instructions (Agreement) by and between the HHA (Seller) and Frank Chavez and Sherl Chavez (Buyers) and authorize the Executive Director and Economic Development Manager to execute all documents necessary to finalize the transaction.

Staff Person: Economic Development Manager Rod Yahnke

Attachments: [SR Vacant Land Purchase 10-3-2017](#)

[Resolution HHA 2017-08](#)

7. Page 29 United States Department of Transportation TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-048 approving and authorizing (1) the submittal of a grant application requesting \$9.7 million in funding from the United States Department of Transportation TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program for the construction of the Ranchero Road Widening Project; (2) authorize the City Manager to submit this grant application; and (3) direct the City Manager to negotiate cost sharing agreements with San Bernardino County and private partnerships.

Staff Person: City Engineer Mike Thornton and Management Analyst Julie Ryan

Attachments: [SR TIGER Grant Application 10-3-2017](#)

[Resolution 2017-048](#)

CONSENT ORDINANCES

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.

8. Page 33 Approval of Off-Sale Alcohol Establishments (Type 20 & 21 ABC Licenses)

Recommended Action:

Place on second reading and adopt by title waiving the the text of Ordinance 2017-08 denying Development Code Amendment DCA17-00006 to require all off-sale alcohol establishments to be forwarded to the City Council for final approval.

Staff Person: Principal Planner Dave Reno

Attachments: [SR Off-Sale Alcohol Establishments 9-19-2017](#)

[Attachment 1 - Census Tracts within Hesperia](#)

[Ordinance 2017-08](#)

[Attachment 3 - Exhibit A](#)

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

9. Page 41 Consideration of Specific Plan Amendment SPLA17-00002; Applicant: City of Hesperia; APNs: 3057-131-36 through 57

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-17 approving Specific Plan Amendment SPLA17-00002 from the Very Low Density Residential (VLR) to Medium Density Residential (MDR) on approximately 49.5 gross acres generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [SR SPLA17-00002 10-3-2017](#)
[Attachment 1 - Specific Paln Zone Map](#)
[Attachment 2 - Aerial photo](#)
[Attachment 3 - Planning Commission Draft Minutes](#)
[Attachment 4 - Site Plan 28 Unit Condo](#)
[Attachment 5 - Site Plan 21 Unit Condo](#)
[Attachment 6 - Negative Declaration and Initial Study](#)
[Ordinance 2017-17](#)
[Attachment 8 - Exhibit "A"](#)

10. Page 81 Consideration of Development Code Amendment DCA17-00007 reorganizing the animal regulations for ease of use by the public; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-18 approving Development Code Amendment DCA17-00007, reorganizing the animal regulations for ease of use by the public.

Staff Person: Senior Planner Daniel Alcayaga
Attachments: [SR Reorganizing Animal Regulations 10-3-2017](#)
[Ordinance 2017-18](#)
[Attachment 2 - Exhibit "A"](#)

11. Page 101 Development Code Amendment DCA17-00008 to amend Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-19 approving Development Code Amendment DCA17-00008, amending Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.

Staff Person: Senior Planner Daniel Alcayaga
Attachments: [SR Apiary Regulations 10-3-2017](#)
[Ordinance 2017-19](#)
[Attachment 2 - Exhibit "A"](#)

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, September 28, 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, September 19, 2017

6:30 PM

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

CLOSED SESSION - 6:00 PM

Roll Call

Present: 5 - Mayor Russ, Mayor Pro Tem Blewett, Council Member Bird, Council Member Holland
and Council Member 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.
2. Green Coast Hesperia v City of Hesperia Case No. CVIDS1716460

CALL TO ORDER - 6:30 PM

- A. Invocation Brian Graley of Church of the Nazarene
- 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 – A letter for item no. 9 was received after posting of the agenda and provided to the council and the public.
- E. Closed Session Reports by City Attorney - No reportable action taken.

ANNOUNCEMENTS/PRESENTATIONS

1. Community Events Calendar by Mayor Paul Russ – Community Document Shred event 10/7 9am – 12pm behind Eagle Plaza on Main Street at Ninth Avenue; 10/7 Free Electronic Waste Recycling Event between 9am – 4pm behind Eagle Plaza.

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

Bob Nelson commented on speech at public meetings.

Christopher Dustin commented on traffic safety.

William Ehnes commented on school bus stops.

Daniel Krist commented on Hesperia Days.

Randal Massaro commented on traffic safety.

Kim Isom commented on her daughter's car accident at the aqueduct in 2010.

Anthony Rhoades commented on traffic safety at aqueduct crossings.

Patti Linares commented on her daughter's car accident that occurred at the aqueduct crossing on 9/15/2017.

Lynette Linares commented on her sister's car accident that occurred at the aqueduct crossing on 9/15/2017.

JOINT CONSENT CALENDAR

Item 5 & 6 were pulled from the Consent Calendar by Mayor Russ.

The meeting recessed at 7:10 p.m. and reconvened at 7:15 p.m.

A motion was made by Blewett, seconded by Swanson, that Consent Calendar items 1-4 and 7 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, September 5, 2017 and the Special Meeting Workshop held Wednesday, August 30, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, September 5, 2017 and the Special Meeting Workshop held Wednesday, August 30, 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

3. Treasurer's Cash Report for the unaudited period ended July 31, 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.

Sponsors: Assistant City Manager/Management Services Brian Johnson

4. City of Hesperia Housing Authority Annual Report for Fiscal Year 2016-17

Recommended Action:

It is recommended that the Mayor and Council Members receive and file the Hesperia Housing Authority (HHA) Annual Report for Fiscal Year 2016-17.

Sponsors: Economic Development Manager Rod Yahnke

5. Fiscal Year 2017/18 - 2021/22 Five Year Measure I Capital Improvement Plan

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-044 approving the Measure I Five Year Capital Improvement Plan and Expense Strategy for Fiscal Years 2017/18 - 2021/22.

Sponsors: Director of Development Services Michael Blay

6. Adopt Measure I Five Year Capital Project Needs Analysis for Fiscal Years 2018/2019 through 2022/2023

Recommended Action:

It is recommended that the City Council Members adopt Resolution No. 2017-045 approving the Measure I Five-Year Capital Project Needs Analysis submittal to the San Bernardino County Transportation Authority (SBCTA) for Fiscal Years 2018/2019 through 2022/2023.

Sponsors: Director of Development Services Michael Blay

A motion was made by Swanson, seconded by Blewett, that items 5 and 6 be approved. The motion carried by the following vote:

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

Nay: 0

7. Real Property Purchase and Sale Agreement - APN 0412-182-26

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-46: (i) approving the "Agreement For The Purchase And Sale Of Real Property And Joint Escrow Instructions" (Agreement) by and between Affiliated Asset Funds, LLC (Seller) and the City of Hesperia (Buyer); and (ii) authorizing the City Manager to execute all documents necessary to consummate the transaction.

Sponsors: Director of Development Services Michael Blay

CONSENT ORDINANCES

8. Ordinances to Regulate Marijuana Related Activities

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2017-15 amending Title 16 of the Hesperia Municipal Code to regulate cannabis related development within the City of Hesperia, and adopt Ordinance No. 2017-16 amending Title 5 of the Hesperia Municipal Code to regulate cannabis related business activities within the City of Hesperia. (DCA17-00005).

Sponsors: Principal Planner Dave Reno

Freeman Hardin and Sam Humeid commented on item no. 8.

A motion was made by Russ, seconded by Swanson, to approve Ordinance 2017-16. The motion carried by the following vote:

Aye: 4 - Russ, Blewett, Holland and Swanson

Nay: 1 - Bird

A motion was made by Russ, seconded by Swanson, to amend Ordinance 2017-15 to include an expanded zoning area and refer the item back to the Planning Commission for review. The motion carried by the following vote:

Aye: 3 - Russ, Holland and Swanson

Nay: 2 - Bird, Blewett

PUBLIC HEARING

9. Approval of Off-Sale Alcohol Establishments (Type 20 & 21 ABC Licenses)

Recommended Action:

The Planning Commission recommends that the City Council deny Development Code Amendment DCA17-00006 to require all off-sale alcohol establishments to be forwarded to the City Council for final approval.

Sponsors: Principal Planner Dave Reno

The public hearing was opened. The following individuals commented on item no. 9:

Anthony Rhoades, Michael Guabhoun, Cody Leis

There being no more public comments, the public hearing was closed.

A motion was made by Swanson to approve the Planning Commission's recommendation, seconded by Holland, that this item be approved. The motion failed by the following vote:

Aye: 2 - Holland and Swanson

Nay: 3 - Russ, Blewett and Bird

A motion was made by Blewett, seconded by Bird, that this item be approved as amended to include staff's alternatives one and three and exempt stores 12,000 square feet or more from Council approval and located within 500 feet of the intersection of two arterial or major arterial streets identified on the City's adopted Circulation plan. The motion carried by the following vote:

Aye: 3 - Russ, Blewett and Bird

Nay: 2 - Holland and Swanson

10. PY 2016-2017 Community Development Block Grant (CDBG), Consolidated Annual Performance and Evaluation Report (CAPER)

Recommended Action:

It is recommended that the City Council conduct a public hearing and upon accepting public testimony: 1) Approve the Program Year 2016-2017 CAPER; and 2) Authorize the City Manager or the Economic Development Manager or their designee to submit the Program Year 2016-2017 CAPER to HUD, along with any public testimony and changes thereto as directed by the City Council.

Sponsors: Economic Development Manager Rod Yahnke

The public hearing was opened, there being no public testimony the public hearing was closed.

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

NEW BUSINESS

11. Amend Professional Services Agreement with TKE for Capital Improvement Projects and General Engineering Services

Recommended Action:

It is recommended that the City Council approve an amendment in the amount of \$900,000 to Professional Services Agreement (PSA) 2016-17-039 with TKE for a total contract amount of \$1,500,000 and authorize the City Manager to execute said amendment.

Sponsors: Director of Development Services Michael Blay

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

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

Nay: 0

12. Water and Wastewater Rate Study

Recommended Action:

It is recommended that the Board of Directors for the Hesperia Water District provide direction to staff regarding the information that should be included in a Proposition 218 hearing notice that must be sent to rate payers 45 days in advance of a hearing to set rates.

Sponsors: Assistant City Manager/Management Services Brian Johnson

Anthony Rhoades and Al Vogler commented on item 12.

A motion was made by Holland, seconded by Blewett, to approve alternative 3 for the Prop 218 hearing notice. 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 on attendance at the League of California Cities conference, California propositions, and offered condolences to family members of Xanthe Linares.

Council Member Bird commented on the passing of the Xanthe Linares, attendance at the League of California Cities conference, thanked resident Anthony Rhoades for volunteering in Houston, staff efforts, VVTA meeting and safety app for smart phones, Hesperia Days Parade, and the 28 year anniversary of his first date with his wife Julie.

Council Member Swanson commented on California League of Cities Conference, ABC training, expressed desire to attend High Desert Community Coalition events, attendance at the Hesperia Days Parade, and water rates.

Mayor Pro Tem Blewett offered condolences to Linares family, requested demand letter to the state, attended ALDI opening,

and the Hesperia Day parade.

Mayor Russ offered condolences to Linares family, thanked Mayor Pro Tem Blewett for attending events in in his absence, and possible teleconference attendance at future meetings.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

City Manager Bentsen noted the efforts by City staff, COPS, deputies, and others involved in the Hesperia Day's Parade.

ADJOURNMENT

9:30 p.m.

Melinda Sayre,
City Clerk

City of Hesperia STAFF REPORT



DATE: October 3, 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 September 2, 2017 through September 15, 2017.

<u>Agency/District</u>	<u>Accounts Payable*</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$939,444.35	\$217,714.20	\$0.00	\$1,157,158.55
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	2,632.99	5,208.61	0.00	7,841.60
Community Development Commission	37,949.04	6,687.41	0.00	44,636.45
Fire	1,757,543.84	0.00	0.00	1,757,543.84
Water	338,726.47	100,649.14	0.00	439,375.61
Totals	\$3,076,296.69	\$330,259.36	\$0.00	\$3,406,556.05

* Includes debt service payments made via Automated Clearing House (ACH) electronic deposit of funds.

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
09/02/2017 - 09/15/2017

FUND #	FUND NAME	W/E 9/8/2017	W/E 9/15/2017	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable							
100	GENERAL	\$ 110,378.08	\$ 76,475.68	\$ 186,853.76	\$ -	\$ 5,151,934.26	\$ 6,059,851.12
204	MEASURE I - RENEWAL	\$ -	\$ 156.37	\$ 156.37	\$ -	\$ 64,527.97	\$ 58,625.00
205	GAS TAX	\$ -	\$ -	\$ -	\$ -	\$ 18,540.11	\$ 26.06
207	LOCAL TRANSPORT-SB 325	\$ -	\$ -	\$ -	\$ -	\$ 20,732.44	\$ 270,746.98
251	CDBG	\$ -	\$ 11,478.96	\$ 11,478.96	\$ -	\$ 88,473.92	\$ 304,878.44
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000.00
256	ENVIRONMENTAL PROGRAMS GRANT	\$ -	\$ 225.59	\$ 225.59	\$ -	\$ 5,310.98	\$ 3,250.14
257	NEIGHBORHOOD STABILIZATION PROG	\$ -	\$ 2,807.42	\$ 2,807.42	\$ -	\$ 4,453.94	\$ 3,408.39
260	DISASTER PREPARED GRANT	\$ -	\$ 114.03	\$ 114.03	\$ -	\$ 1,126.82	\$ 1,391.89
263	STREETS MAINTENANCE	\$ 4,937.63	\$ 7,644.25	\$ 12,581.88	\$ -	\$ 586,778.72	\$ 439,586.30
300	DEV. IMPACT FEES - STREET	\$ -	\$ -	\$ -	\$ -	\$ 40,677.27	\$ 13,723.90
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ 6,000.00	\$ 6,000.00	\$ -	\$ 6,000.00	\$ 2,253.10
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ 534,338.63	\$ 534,338.63	\$ -	\$ 534,338.63	\$ -
504	CITY WIDE STREETS - CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,617.25
800	EMPLOYEE BENEFITS	\$ 23,415.58	\$ 155,752.05	\$ 179,167.63	\$ -	\$ 1,515,660.61	\$ 1,505,460.96
801	TRUST/AGENCY	\$ 640.00	\$ (117.42)	\$ 522.58	\$ -	\$ 176,984.10	\$ 123,330.77
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 951.50	\$ 278.46
804	TRUST-INTEREST BEARING	\$ 5,197.50	\$ -	\$ 5,197.50	\$ -	\$ 16,432.92	\$ 20,814.09
807	CFD 2005-1	\$ -	\$ -	\$ -	\$ -	\$ 781,367.66	\$ 753,248.62
	CITY	\$ 144,568.79	\$ 794,875.56	\$ 939,444.35	\$ -	\$ 9,014,291.85	\$ 9,601,491.47
200	HESPERIA FIRE DISTRICT	\$ 1,755,843.84	\$ 1,700.00	\$ 1,757,543.84	\$ -	\$ 2,427,312.13	\$ 2,083,980.67
502	FIRE STATION BUILDING	\$ -	\$ -	\$ -	\$ -	\$ 39,964.40	\$ -
	FIRE	\$ 1,755,843.84	\$ 1,700.00	\$ 1,757,543.84	\$ -	\$ 2,467,276.53	\$ 2,083,980.67
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	\$ -	\$ -	\$ -	\$ 5,249,416.73	\$ 5,205,394.50
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	\$ -	\$ -	\$ -	\$ 424,785.13	\$ 397,694.81
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	\$ -	\$ -	\$ -	\$ 2,455,736.53	\$ 2,422,502.50
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,226.42
	SUCCESSOR AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 8,129,938.39	\$ 8,026,818.23
370	HOUSING AUTHORITY	\$ 470.50	\$ 2,162.49	\$ 2,632.99	\$ -	\$ 34,864.17	\$ 3,883,935.42
	HOUSING AUTHORITY	\$ 470.50	\$ 2,162.49	\$ 2,632.99	\$ -	\$ 34,864.17	\$ 3,883,935.42
170	COMMUNITY DEVELOPMENT COMMISSION	\$ 235.62	\$ 37,713.42	\$ 37,949.04	\$ -	\$ 141,826.96	\$ 92,218.98
	COMMUNITY DEVELOPMENT COMMISSION	\$ 235.62	\$ 37,713.42	\$ 37,949.04	\$ -	\$ 141,826.96	\$ 92,218.98
700	WATER OPERATING	\$ 80,080.82	\$ 242,507.96	\$ 322,588.78	\$ -	\$ 2,319,643.27	\$ 1,807,506.70
701	WATER CAPITAL	\$ 9,263.00	\$ -	\$ 9,263.00	\$ -	\$ 84,812.94	\$ 10,025.54
710	SEWER OPERATING	\$ 4,286.30	\$ 2,588.39	\$ 6,874.69	\$ -	\$ 118,040.37	\$ 500,574.34
	WATER	\$ 93,630.12	\$ 245,096.35	\$ 338,726.47	\$ -	\$ 2,522,496.58	\$ 2,318,106.58
	ACCOUNTS PAYABLE TOTAL	\$ 1,994,748.87	\$ 1,081,547.82	\$ 3,076,296.69	\$ -	\$ 22,310,694.48	\$ 26,006,551.35
REG. PAYROLL							
	City	\$ 217,714.20	\$ -	\$ 217,714.20	\$ -	\$ 1,095,598.76	\$ 1,030,916.75
	Housing Authority	\$ 5,208.61	\$ -	\$ 5,208.61	\$ -	\$ 20,570.11	\$ 20,704.82
	Community Development Commission	\$ 6,687.41	\$ -	\$ 6,687.41	\$ -	\$ 34,370.10	\$ 29,293.55
	Water	\$ 100,649.14	\$ -	\$ 100,649.14	\$ -	\$ 474,587.27	\$ 455,334.70
	PAYROLL TOTAL	\$ 330,259.36	\$ -	\$ 330,259.36	\$ -	\$ 1,625,126.24	\$ 1,536,249.82

* 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: October 3, 2017
TO: Chair and Board Members, Hesperia Water District
FROM: Nils Bentsen, City Manager
BY: Mark Faherty, Public Works Manager
Jeremy McDonald, Public Works Supervisor/Water
SUBJECT: Purchase Piping and Material

RECOMMENDED ACTION

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to approve a one-time purchase from Inland Water Works Supply Co. for piping and materials needed for the Pipeline Water Line Replacement program Construction Order #3406 in the not-to-exceed amount of \$102,897.

BACKGROUND

The Hesperia Water District's Pipeline division is tasked with the replacement of aging infrastructure which includes water mains, service lines, and fire hydrants. This purchase of piping and material is necessary to supply the division with materials to continue with Construction Order #3406 located in the northwest quadrant of the City.

ISSUES/ANALYSIS

The intention of this program is to obtain optimum water material pricing by using the formal bidding process and awarding a one-time purchase agreement to the lowest responsible material service provider. The Purchasing Department solicited bids both locally and out of the area in order to maximize the bid response which resulted in five (5) bids being received. Inland Water Works Supply Co. was deemed the lowest responsive/responsible bidder.

FISCAL IMPACT

Funding for the program is budgeted in account 700-29-400-4035-7400 and will be serviced out of the Warehouse for Pipeline division.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Bid Comparison.

**RFB 2016-17-013 Piping Materials
Bid Comparison**

Attachment 1

Bid Comparison Type: Taxable
 Bid Comparison Completed By: R. WORBY
 Date: 5/25/2017

Item No.	UOM	Qty	Description	Inland Water Works Supply Co. Patton, CA			HD Supply Waterworks Lancaster, CA			Ferguson Waterworks Riverside, CA			Imperial Sprinkler Supply Hesperia, CA			S & J Supply Company Inc. Santa Fe Springs, CA		
				Bidder Part #	Unit Cost	Extended Amount	Bidder Part #	Unit Cost	Extended Amount	Bidder Part #	Unit Cost	Extended Amount	Bidder Part #	Unit Cost	Extended Amount	Bidder Part #	Unit Cost	Extended Amount
1	FT	12,000	45308 - 8" DR 18 - C900 Pipe / Shall be delivered in 200' lifts*	PVCDR1808B	\$6.969	\$83,628.00	000051	\$6.97	\$83,640.00	DR18BPX	\$7.37	\$88,440.00	JM8900DR18	\$7.07614	\$84,913.68	NOT GIVEN	\$8.24	\$98,880.00
2	FT	500	45106 - 6" DR14 - C900 Pipe*	PVCDR1406B	\$5.050	\$2,525.00	000048	\$6.07	\$3,035.00	DR14BPU	\$6.14	\$3,070.00	JM6900DR14	\$6.04061	\$3,020.31	NOT GIVEN	\$5.97	\$2,985.00
3	FT	300	49106 - 6"SDR 35 Sewer Pipe*	PVCDR3506G	\$1.810	\$543.00	000083	\$2.19	\$657.00	SDR35PU20	\$2.22	\$666.00	JM6SDRSEW	\$2.20305	\$660.92	NOT GIVEN	\$2.15	\$645.00
4	FT	2,400	12217 - 1" PE Pipe, IPS Size / Will only accept 'ADS' brand, 300' rolls only, shall be blue in color	ADSX3-1250300 BLU	\$0.430	\$1,032.00	086377	\$0.40	\$960.00	A31200300BLU	\$0.47	\$1,128.00	ADS1CTS	\$0.45161	\$1,083.86	NOT GIVEN	\$0.45	\$1,080.00
5	FT	4,800	12219 - 1" Municipex Pipe, CTS / 300' rolls only	MUN261076-300	\$1.360	\$6,528.00	433068	\$1.45	\$6,960.00	R261076300	\$1.35	\$6,480.00	MUN1CTS	\$2.36842	\$11,368.42	NOT GIVEN	\$1.36	\$6,528.00
6	FT	20,000	49514 - 14 Gauge Locating Wire Coated Solid / 500' rolls only, black or blue in color	14GAUFWBlack	\$0.062	\$1,240.00	593916	\$0.06768	\$1,353.60	TW14SLDUFBK500	\$0.079	\$1,580.00	14BLA500	\$0.07057	\$1,411.40	NOT GIVEN	\$0.09	\$1,800.00
All items domestic (U.S. Made) products only.				Subtotal		\$95,496.00	Subtotal		\$96,605.60	Subtotal		\$101,364.00	Subtotal		\$102,458.59	Subtotal		\$111,918.00
Freight included within item unit price.				Sales Tax (7.75%)		\$7,400.94	Sales Tax (7.75%)		\$7,486.93	Sales Tax (7.75%)		\$7,855.71	Sales Tax (7.75%)		\$7,940.54	Sales Tax (7.75%)		\$8,673.65
				Total Bid		\$102,896.94	Total Bid		\$104,092.53	Total Bid		\$109,219.71	Total Bid		\$110,399.13	Total Bid		\$120,591.65
													*Less: 1% Local Preference		\$1,103.99			
													Total Bid with Local Preference		\$109,295.14			
				Submitted Bid Amount		\$102,896.94	Submitted Bid Amount		\$104,092.54	Submitted Bid Amount		\$109,219.72	Submitted Bid Amount		\$110,399.13	Submitted Bid Amount		\$120,701.55
				Difference		\$0.00	Difference		(\$0.01)	Difference		(\$0.01)	Difference		(\$1,103.99)	Difference		(\$109.90)

*Per Hesperia Ordinance 2014-09, Section 3.08.080, Sub-section E, "For purposes of determining the lowest responsible, responsive bidder, there shall be deducted from the bid(s) submitted by a local bidder all sales taxes which will be apportioned to and received by the City" (1%).

NOTE: HD Supply Is Not Lowest Bidder But Incorrectly Calculated Sales Tax By .01 Cents

NOTE: Ferguson Waterworks Is Not Lowest Bidder But Incorrectly Calculated Sales Tax By .01 Cents

NOTE: Imperial Sprinkler Supply Is Not Lowest Bidder But Did Not Include 1% Local Preference Reduction In Bid

NOTE: S & J Supply Is Not Lowest Bidder But Incorrectly Calculated Item 12217

City of Hesperia STAFF REPORT



DATE: October 3, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

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

SUBJECT: Amend the FY 2017-18 Capital Improvement Program Budget

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2017-047 amending the FY 2017-18 Capital Improvement Program Budget to incorporate a list of projects funded by Senate Bill 1: The Road Repair and Accountability Act and to appropriate funds to potential projects.

BACKGROUND

On Wednesday, March 29, 2017, Governor Jerry Brown announced a transportation funding agreement. The agreement was passed by the State Legislature and signed into law in April of 2017 as Senate Bill 1 (SB-1) or the Road Repair and Accountability Act of 2017. SB-1 will be funded by various mechanisms including a 12 cent gas excise tax increase, a reset price-based excise tax at 17.3 cents, a 20 cent diesel excise tax, a 4% diesel sales tax increase, a \$25-\$175 annual transportation improvement fee based on vehicle value, and a \$100 annual zero emissions vehicle fee. From these sources, SB-1 is expected to provide \$5.2 billion annually and \$15 billion for local streets and roads over the next ten years. Specifically, local agencies will be funded through the Road Maintenance and Rehabilitation Account (RMRA) which consists of the new gas tax, the transportation improvement fee, and part of the diesel excise tax. The local share will be split evenly between cities and counties with city revenues being allocated per capita. The City of Hesperia will receive an estimated \$536,000 for FY 2017-18.

ISSUES/ANALYSIS

SB-1 will provide funding to make significant improvements to the State's highway system as well as local transportation facilities in disrepair. Cities and Counties will use SB-1 funds for complete streets projects, railroad grade separations, traffic control devices, increasing mobility options for residents, and increasing access to multi-modal transportation options by expanding transit, bicycle, and pedestrian friendly opportunities. However, the main focus of RMRA is to improve deteriorating roads throughout the state through maintenance and rehabilitation projects as well as critical safety projects. Therefore, SB-1 provides guidelines for local agencies prioritize basic maintenance and safety projects to the extent possible. SB-1 includes accountability and transparency measures to ensure the residents of the City are aware of the projects proposed for funding in our community. Cities and counties will adopt a project lists by resolution at the beginning of each fiscal year and provide year end reporting on completed projects including necessary ammendments if applicable. Prior to receiving funds, cities are required to annually include a list of all projects proposed to receive funding from the RMRA in the City budget which must include a description and the location of each proposed project as well as the estimated useful life of the improvement. The budget must include the project list as

well as the estimated allocations of RMRA funds for each project. This can be accomplished at the time the Capital Improvement Program (CIP) Budget is adopted or through an adopted budget amendment.

City Staff will submit a list of projects to the California Transportation Commission that includes projects already adopted by Council in the FY 2017-18 CIP Budget. The FY 2017-18 CIP Budget already lists CO 7145, the FY 2017-18 Annual Street Improvement Project, as receiving funding from RMRA, and therefore this project does not need to be added as a part of the budget amendment; this project will however be submitted on the project list in the format required by SB-1. The proposed budget amendment will allocate an additional \$19,500, respectively, in RMRA funds to two additional projects including CO 7094 Ranchero Road Improvements and CO 7133 Main Street Traffic Signal Synchronization.

FISCAL IMPACT

Adoption of Resolution 2017-047 to amend the FY 2017-18 CIP Program Budget will apportion an additional \$38,000 of RMRA funds to CO 7133 Traffic Signal Synchronization Project and CO 7094 Ranchero Road Improvements with \$19,500 apportioned to each project. The original estimated RMRA fund in the amount of \$498,000 was previously apportioned to CO 7145 FY 2017-18 Annual Street Improvement Project in the FY 2017-18 CIP Budget, and therefore does not need to be included in the budget amendment.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2017-047

RESOLUTION NO. 2017-047

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING THE FY 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET TO INCORPORATE A LIST OF PROJECTS FUNDED BY SB-1: THE ROAD REPAIR AND ACCOUNTABILITY ACT AND TO APPROPRIATE FUNDS TO POTENTIAL PROJECTS.

WHEREAS, Senate Bill (SB-1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB-1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB-1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will submit a project list that includes projects already adopted in the FY 2017-18 Capital Improvement Program Budget which will allocate an additional \$19,500 in RMRA funds to two projects including CO 7094 Ranchero Road Improvements, and CO 7133 Main Street Traffic Signal Synchronization; and

WHEREAS, the FY 2017-18 Capital Improvement Program Budget already lists CO 7145, the FY 2017-18 Annual Street Improvement Project, as receiving funding from RMRA, and therefore this project does not need to be added as a part of the budget amendment; and

WHEREAS, the City will receive an estimated \$536,000 in RMRA funding in Fiscal Year 2017-18 from SB-1; and

WHEREAS, the funding from SB-1 will help the City maintain and rehabilitate streets, bridges, and add active transportation infrastructure throughout the City; and

WHEREAS, without revenue from SB-1, the City would have otherwise been delaying, reprioritizing, or omitting projects throughout the community; and

WHEREAS, police, fire, and emergency medical services all need safe, reliable roads to react quickly to emergency calls; and

WHEREAS, maintaining and preserving the local street and road system in good condition, as well as the installation of traffic control devices, will reduce traffic drive times and traffic congestion, which leads to a reduction on vehicle emissions helping the State achieve its air quality and greenhouse gas emission reduction goals, and will improve bicycle, pedestrian, and vehicular safety; and

WHEREAS, restoring roads before they fail also reduces construction time which results in less air pollution from heavy equipment and less water pollution from site run-off; and

WHEREAS, the SB-1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using modern technology, materials and practices, will have significant positive benefits statewide; and

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Capital Improvement Program budget for fiscal year 2017-18 is amended to incorporate the following list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues: CO 7145 FY 2017-18 Annual Street Improvement Project on Main Street from Hickory Road to Third Avenue. This project has an estimated useful life of 15 years and an anticipated completion date of June 2018; CO 7094 Ranchero Road Improvements on Ranchero Road from Mariposa Road to Seventh Avenue. This project has an estimated useful life of 25 years and an anticipated completion date of September 2022; and CO 7133 Main Street Traffic Signal Synchronization on Main Street from Cataba Road to Escondido Avenue. This project has a useful life of 10 years and an anticipated completion date of December 2018.

Section 3. The Capital Improvement Program budget for fiscal year 2017-18 is amended as follows:

CO 7094 will receive \$19,500 in RMRA funding
CO 7133 will receive \$19,500 in RMRA funding

ADOPTED AND APPROVED this 3rd day of October, 2017.

Paul Russ
Mayor

ATTEST:

Melinda Sayre
City Clerk

City of Hesperia STAFF REPORT



DATE: October 3, 2017
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Michael Blay, Director of Development Services
David Burkett, Project Construction Manager
SUBJECT: Award Contract for City Hall Minor Tenant Improvements, C.O. No. 3110-1701

RECOMMENDED ACTION

It is recommended that the City Council award a contract to the lowest responsive and responsible bidder, Song N Sons General Construction, Inc. in the amount of \$67,884; approve an additional 10% contingency in the amount of \$6,800 for a total construction budget of \$74,684; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract.

BACKGROUND

The City has a need for additional office space to accommodate personnel who will need to interact with the public on a daily basis. In order to meet this need, the City is proposing to construct new office spaces on the second floor of City Hall in the existing open expansion area. The offices will be located at the south end of the expansion area immediately as you enter the current card-controlled doorway located at the top of the stairway and across from the elevators. The card-controlled doorway will be relocated, which will provide convenient public access to the proposed new office spaces.

ISSUES/ANALYSIS

The project was advertised for bids beginning on August 31, 2017 and was placed on the City's new online bidding platform (PUBLIC|PURCHASE) where more than 100 contractors were notified about the project. Bids were received, opened online, and publicly read on September 20, 2017 from the following bidders:

Song N Sons General Construction, Inc.	Arcadia, CA	\$67,884
Conco Const. Engineer, Design & Build, Inc.	Apple Valley, CA	\$121,000

Staff has determined that Song N Sons General Construction, Inc. (SNS) is the lowest responsive/responsible bidder and recommends the award of this contract to SNS pursuant to the budget amendment outlined below. The bids were thoroughly reviewed and staff conducted due diligence, including reference checks. SNS has successfully completed several capital improvement projects of a similar nature and has been able to do so at very competitive prices.

This project was developed after the FY 2017-18 Budget was prepared and therefore funds are not currently appropriated for this project. Staff is recommending Council award this contract with SNS with the understanding that funding will be allocated during the first quarter budget amendment process from the General Fund Reserves as follows:

Construction Contract	\$67,884
Construction Contingency	6,800
Administrative Costs*	5,316
<hr/>	
Total Estimated Project Costs =	\$80,000

*Administrative costs include the costs for legal advertising, printing of plans and specifications, postage costs for mailing out plans and specifications, permit fees to regulatory agencies, etc.

FISCAL IMPACT

Funding for this project was not included in the adopted FY 2017-18 Budget. The total project budget for this work is estimated to be \$80,000. Staff will include this project for funding in the first quarter budget amendment to provide the necessary funding to complete construction. A total appropriation of \$80,000 from the General Fund Reserves to the City Hall Minor Tenant Improvements, C.O. No. 3110-1701 (Acct. No. 100-29-310-3110-7500) will be required.

ALTERNATIVE(S)

1. Do not award the contract.
2. Provide alternative direction to staff.

City of Hesperia STAFF REPORT



DATE: October 3, 2017
TO: Chair and Commissioners, Hesperia Housing Authority
FROM: Nils Bentsen, Executive Director
BY: Rod Yahnke, Economic Development Manager
Juli L. Rull, Senior Management Analyst
SUBJECT: Vacant Land Purchase Agreement – APN 0406-111-29

RECOMMENDED ACTION

It is recommended that the Commissioners of the Hesperia Housing Authority (HHA) adopt Resolution No. HHA 2017-08 approving the Vacant Land Purchase Agreement and Joint Escrow Instructions (Agreement) by and between the HHA (Seller) and Frank Chavez and Sherl Chavez (Buyers) and authorize the Executive Director and Economic Development Manager to execute all documents necessary to finalize the transaction.

BACKGROUND

On August 15, 2016, the HHA and the Hesperia Fire Protection District (HFPD) exchanged vacant parcels. The HHA received parcels APN 0406-111-29 & 30. In return, the HFPD received parcel APN 0409-032-25. All parcels are zoned residential. The HFPD needed the additional HHA parcel, which was situated next to the existing fire station 301, so that a new fire station could be constructed.

ISSUES/ANALYSIS

On August 9, 2017, Mary Duncan, Realtor with Performance Realty, submitted an Agreement for the purchase of parcel 0406-111-29 in the amount of \$55,000 on behalf of her Buyers. An appraisal was completed by Smother's Appraisal and showed a Simple Fee Market Value of \$60,700. A new Agreement was submitted by Ms. Duncan on behalf of the Buyers agreeing to the appraised value. The parcel is located on the West side of Arroyo Avenue, North of Eucalyptus Street. The parcel is zoned RR-1 and is 44,998 sf or 1.03 acres.

FISCAL IMPACT

The HHA will receive \$60,700 for the sale of the parcel less the cost for the natural hazard zone disclosure report, fifty percent of Escrow and Title costs, transfer tax fees, and fifty percent of the commission in an amount not to exceed \$1,517.50.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. HHA 2017-08

RESOLUTION NO. HHA 2017-08

A RESOLUTION OF COMMISSIONERS OF THE HESPERIA HOUSING AUTHORITY (HHA) APPROVING THE VACANT LAND PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BY AND BETWEEN THE HHA (SELLER) AND FRANK CHAVEZ AND SHERL CHAVEZ (BUYERS) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND ECONOMIC DEVELOPMENT MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO FINALIZE THE TRANSACTION

WHEREAS, the City of Hesperia (City), is a municipal corporation duly organized under the laws and Constitution of the State of California; and

WHEREAS, the City Council after making certain findings adopted Resolution No. 2011-022 established a housing authority to transact business and exercise powers in the City of Hesperia pursuant to California Housing Authorities Law hereinafter "Hesperia Housing Authority" or "HHA;"

WHEREAS, on April 5, 2011 & January 17, 2012 the City Council of the City of Hesperia adopted Resolution No. 2011-021 electing to serve as the successor agency of the HCRA and its low and moderate income housing functions; and

WHEREAS, the HHA was designated the successor housing entity of the former housing activities and programs of the former HCRA and the Oversight Board adopted Resolution No. OB 2012-003 memorializing the transfer of all rights, powers, duties, and obligations to the HHA pursuant to H&SC §34181(c); and

WHEREAS, On August 15, 2016, the HHA and the Hesperia Fire Protection District (HFPD) exchanged vacant parcels; the HHA received parcels APN 0406-111-29 & 30 and the HFPD received parcel APN 0409-032-25; and

WHEREAS, Parcel 0406-111-29 is located on the West side of Arroyo Avenue, North of Eucalyptus Street; zoning RR-1 and the parcel is 44,998 sf or 1.03 acres; and

WHEREAS, On August 9, 2017, Performance Realty submitted an Agreement for the purchase of parcel 0406-111-29 in the amount of \$55,000 on behalf of their Buyers; and

WHEREAS, An appraisal was completed on behalf of the City showing a Simple Fee Market Value of \$60,700; and

WHEREAS, A new Agreement was submitted by Performance Realty on behalf of the Buyers agreeing to the appraised value of \$60,700; and

WHEREAS, the HHA has the power to sell, lease, exchange, transfer or dispose of real property pursuant to Health & Safety Code §34315; and

WHEREAS, proceeds obtained from disposition of property sold by the HHA are to be used directly to assist housing projects for persons of low income pursuant to H&SC §34312.3(b).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA IN ITS ROLE AS COMMISSIONERS OF THE HESPERIA HOUSING AUTHORITY (HHA) AS FOLLOWS:

- Section 1. That all of the facts set forth in this Resolution are true and correct and are incorporated herein by reference.
- Section 2. The HHA has the power to sell, lease, exchange, transfer or dispose of real property pursuant to Health & Safety Code §34315.
- Section 3. The Vacant Land Purchase Agreement and Joint Escrow Instructions (Agreement) is hereby approved according to the terms and conditions set forth therein.
- Section 4. That the Seller and Buyers accept and will dutifully discharge their obligations as set forth in the Agreement.
- Section 5. The Executive Director, Economic Development Manager, or their designees, consistent with City policies shall execute the Agreement and all appropriate and necessary documentation consistent with the intent of this Resolution; and are hereby authorized to make minor non-substantive or non-material modifications to the Resolution or Agreement.
- Section 6. This activity is not a “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines §15060(c)(3).
- Section 7. If any section, sentence, clause or phrase of this Resolution is determined to be invalid, void or unconstitutional by a decision or order of a court of competent jurisdiction, such decision or order shall not affect the validity or enforceability of the remaining portions of this Resolution, and the parties hereto declare that they would have passed the remainder of this Resolution if such invalid portion thereof had been declared invalid or unconstitutional.
- Section 8. This Resolution shall go into effect immediately upon its adoption.
- Section 9. The Secretary of the Board shall certify to the passage and adoption hereof and enter it into the book of original resolutions of the HHA.

[SIGNATURES ON FOLLOWING PAGE]

ADOPTED AND APPROVED this 3rd day of October, 2017.

Paul Russ, Mayor

Nils Bentsen, Executive Director

ATTEST:

Melinda Sayre, Secretary of the Board

City of Hesperia STAFF REPORT



DATE: October 3, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Rachel Molina, Assistant to the City Manager
Mike Thornton, City Engineer
Julie Ryan, Management Analyst

SUBJECT: United States Department of Transportation TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2017-048 approving and authorizing (1) the submittal of a grant application requesting \$9.7 million in funding from the United States Department of Transportation TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program for the construction of the Ranchero Road Widening Project; (2) authorize the City Manager to submit this grant application; and (3) direct the City Manager to negotiate cost sharing agreements with San Bernardino County and private partnerships.

BACKGROUND

On September 7, the Office of the Secretary of Transportation, United States Department of Transportation issued a Notice of Funding Opportunity for capital investment funding in surface transportation infrastructure and requests proposals for the Department of Transportation's National Infrastructure Investments. The Consolidated Appropriations Act, 2017 (Pub. L. 115-31, May 5, 2017) ("FY 2017 Appropriations Act") appropriated \$500 million to be awarded by the Department of Transportation ("DOT" or the "Department") for National Infrastructure Investments. This appropriation stems from the program funded and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the "Recovery Act") known as the Transportation Investment Generating Economic Recovery ("TIGER") Discretionary Grants program. Funds for the FY 2017 TIGER Program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region.

For this round of TIGER Discretionary Grants, funding requests may not be less than \$5 million and no greater than \$25 million. Applications are due through Grants.gov by October 16, 2017, at 8:00 p.m. EDT.

ISSUES/ANALYSIS

The TIGER program funds capital projects that implement safety improvements to reduce fatalities and serious injuries, including improving grade crossings and providing shorter or more direct access to critical health services; and projects that connect communities to centers of employment, education, and services that hold promise to anchor economic revitalization and stimulate long-term job growth.

The Ranchero Road Widening Project is the final phase of three phases of the Ranchero Road Corridor Project that will improve east-west traffic circulation in the High Desert, facilitate freight

movement, improve air quality and improve safety response times for emergency vehicles. The Ranchero Road Widening Project is the final phase of access improvements that were accomplished through the building of an Interchange at Ranchero Road and Interstate 15 and the Underpass at Ranchero Road and the BNSF Railway tracks and is a key project in the San Bernardino County Transportation Sales Tax Measure I 2010-2040 Strategic Plan and 10-Year Delivery Plan.

The estimated cost for all three phases of the Ranchero Road Corridor Project is \$124 million. Phase III, the Ranchero Road Widening Project, is a joint project with San Bernardino County, and consists of widening the five-mile segment of Ranchero Road from two to four lanes between the Undercrossing at the BNSF Railway (Phase I) and I-15/Ranchero Road Interchange (Phase II) at a cost of \$37 million, which includes construction of a new bridge over the California Aqueduct and widening of an at-grade railroad crossing.

The Ranchero Road Widening Project will be constructed in two phases:

- Phase A, California Aqueduct Bridge Crossing, is in the design and permitting stage and completion is anticipated by fall 2018 (\$15 million).
- Phase B the remaining portions of the Ranchero Road Widening Project (\$22 million), received environmental clearance in 2013 and design was completed in 2016. Minor right-of-way acquisitions will be completed by end of 2017 at which time the project will be "Shovel Ready".

The total cost of the project components is estimated at \$37 million, with the non-Federal match totaling \$27.3 million. The amount requested in TIGER Discretionary Grant funding is \$9.7 million. TIGER Discretionary Grants may be used for up to 80 percent of a project. Research of DOT TIGER award history indicates that projects with at least 33% or more in match funding compete more effectively.

Per TIGER requirements, non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The Ranchero Road Widening Project is being completed in cooperation with San Bernardino County.

FISCAL IMPACT

The total proposed project cost estimate is \$37 million as follows:

- TIGER - \$9.7 million
- City of Hesperia - \$16.3 million
- County of San Bernardino - \$11 million

The City of Hesperia match fund requirement will be satisfied by use of DIF/Development Contributions (\$9.6 million) and San Bernardino County Transportation Authority Major Local Highway Project funds (\$6.7 million).

ALTERNATIVES

1. Provide alternative direction to staff

ATTACHMENT(s)

1. Resolution No. 2017-048

RESOLUTION NO. 2017-048

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA,
CALIFORNIA, APPROVING THE APPLICATION FOR FUNDING FROM THE
UNITED STATES DEPARTMENT OF TRANSPORTATION TIGER
(TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY)
DISCRETIONARY GRANT PROGRAM FOR THE RANCHERO ROAD
WIDENING PROJECT**

WHEREAS, the Office of the Secretary of Transportation, United States Department of Transportation has issued a Notice of Funding Opportunity for funding and requests proposals for the Department of Transportation's National Infrastructure Investments; and

WHEREAS, this notice is addressed to organizations that are interested in applying and provides guidance on selection criteria and application requirements for the National Infrastructure Investments; and

WHEREAS, the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, May 5, 2017) ("FY 2017 Appropriations Act") appropriated \$500 million to be awarded by the Department of Transportation ("DOT" or the "Department") for National Infrastructure Investments; and

WHEREAS, this appropriation stems from the program funded and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the "Recovery Act") known as the Transportation Investment Generating Economic Recovery ("TIGER") Discretionary Grants program; and

WHEREAS, throughout the TIGER program, TIGER Discretionary Grants support projects that have a significant impact on the Nation, a metropolitan area, or a region; and

WHEREAS, the Department is dedicated to enhancing opportunity for all Americans by investing in transportation projects that implement safety improvements to reduce fatalities and serious injuries, including improving grade crossings and providing shorter or more direct access to critical health services; and

WHEREAS, the Department will also invest in transportation projects that connect communities to centers of employment, education, and services that hold promise to anchor economic revitalization and stimulate long-term job growth; and

WHEREAS, additional consideration will be given to proposals that demonstrate significant non-Federal contributions from State, local, and private sector funding sources; and

WHEREAS, while the Department will award funds to a variety of project types, priority consideration will be given to applications that address these objectives; and

WHEREAS, the City of Hesperia has determined that a project entitled, "Ranchero Road Widening Project" meets the objective criteria necessary for an application; and

WHEREAS, the Ranchero Road Widening Project is a joint project between the City of Hesperia, San Bernardino County, San Bernardino County Transportation Authority (SBCTA) and private developers.

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

- Section 1. Approves the filing of an application for the Ranchero Road Widening Project; and
- Section 2. Certifies that Applicant understands the requirements in the Notice of Funding Opportunity; and
- Section 3. Authorizes the use of \$16.3 million (\$6.7 million in San Bernardino County Transportation Authority (SBCTA) Major Local Highway Project (MLHP) funds, and \$9.6 million in Private Partnership) as funds to be applied as the City of Hesperia's portion of the matching funds requirement; and
- Section 4. Certifies that the City of Hesperia has made available the required matching funds to meet its funding obligation criteria; and
- Section 5. That the City Manager of the City of Hesperia or his/her designee is hereby authorized and empowered to conduct all negotiations with the City of Hesperia and the U.S. Department of Transportation and execute and submit all documents, including but not limited to, applications, contracts, amendments, and payment requests etc.; and
- Section 6. 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 3rd day of October 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

City of Hesperia STAFF REPORT



DATE: September 19, 2017
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**
BY: Dave Reno, Principal Planner
SUBJECT: Approval of Off-Sale Alcohol Establishments (Type 20 & 21 ABC Licenses)

RECOMMENDED ACTION

The Planning Commission recommends that the City Council deny Development Code Amendment DCA17-00006 to require all off-sale alcohol establishments to be forwarded to the City Council for final approval.

At the September 19 meeting the council voted 3-2, with Council Member's Holland and Swanson voting no, to approve the item as amended to include staff's alternatives one and three and exempt stores 12,000 square feet or more from Council approval and located within 500 feet of the intersection of two arterial or major arterial streets identified on the City's adopted Circulation plan.

BACKGROUND

On May 2, 2017, Councilmember Blewett requested that staff prepare a revision to the Development Code to require that all "package liquor stores" be forwarded to the City Council for approval.

Currently, all new development applications including the sale of alcoholic beverages that are proposed within the Main Street and Freeway Corridor Specific Plan are required to obtain a conditional use permit approved by the Planning Commission. In addition, new bars, lounges and taverns are required to obtain a CUP if located outside the specific plan area. Finally, state law requires that the City make a finding of public convenience and necessity to approve any bar, tavern or off-sale alcohol establishment if it is proposed within a census tract that is considered over concentrated under the California Department of Alcoholic Beverage Control (ABC) standards.

On August 13, 2017, the Planning Commission reviewed the proposed ordinance and voted 4-0 (Chair Murphy absent) to recommend denial of the Development Code amendment. The Commission expressed reservations about the new procedure and felt that their role in the process would be compromised should they become only a recommending body for these proposals.

ISSUES/ANALYSIS

The Planning Commission is the final approving body for new alcohol establishments within the Specific Plan area. The proposed Development Code amendment will require that any off-sale establishment be forwarded to the City Council for approval. In essence, the Commission would

become a recommending body for these uses. All other approvals by the PC would be final, unless appealed to the Council. This ordinance would also require Commission approval for all alcohol uses proposed outside the Specific Plan area and require Council approval for off-sale establishments as well. This will make the approval procedures for all alcohol uses uniform throughout the City.

FISCAL IMPACT

There is no fiscal impact associated with approval of the recommended action.

ALTERNATIVE(S)

As part of this proposal, staff has generated alternatives for consideration. These may not be mutually exclusive to the proposal described above.

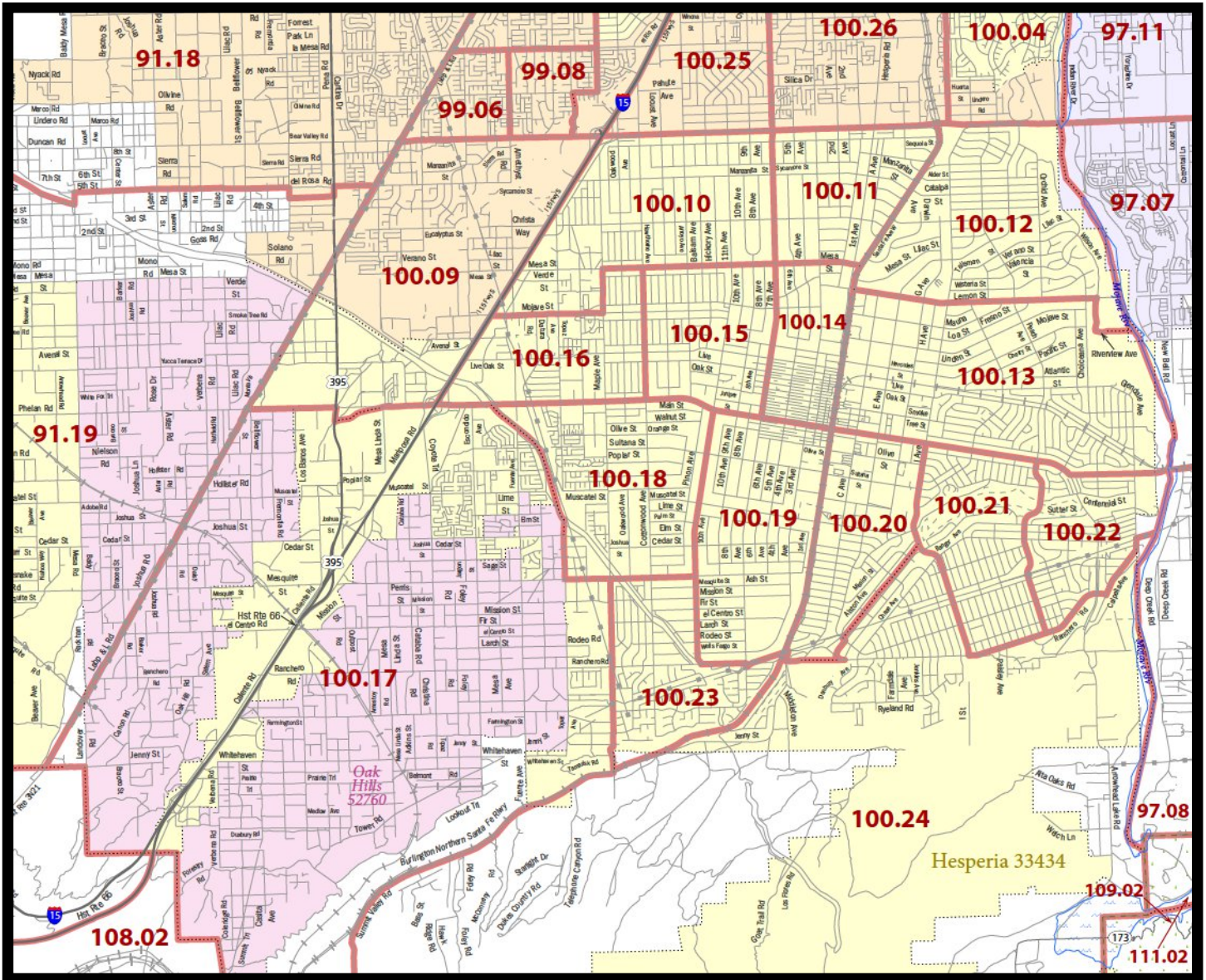
1. The City may exempt any establishment above 8,000 square feet from this requirement. This would not require larger retailers such as Stater Brothers, Walgreens and Rite-Aid to go to the Council for approval. These stores stock a much broader product line and market to customers seeking more than convenience goods.
2. Restrict any new alcohol licenses within census tracts that are over concentrated under ABC standards. Since 1995, the City is required to make a finding of public convenience and necessity for any new license (except bona fide restaurants) to permit a new establishment within an over-concentrated census tract. Currently, there are five census tracts that are over-concentrated by ABC standards. This option could be implemented by ordinance or policy direction from the Council. As staff already monitors the number of licenses within every census tract, staff can advise potential applicants as to whether a proposed location would be eligible for a new alcohol establishment.
3. Require that any new package alcohol establishment be located within a certain distance from the intersection of two arterial or major arterial streets within a commercial zone or land use district. This would effectively group new establishments along Bear Valley Road, Ranchero Road and Main Street where they intersect with north-south arterials such as Seventh, Cottonwood and Santa Fe Avenues. While this option may result in an overconcentration of licenses within certain census tracts, this would permit competition (particularly between gas stations) and limit new alcohol outlets from locating along the majority of the City's commercial corridors.
4. Provide alternative direction to staff.

ATTACHMENT(S)

1. Census Tracts within Hesperia
2. Ordinance No. 2017-08
3. Exhibit "A"

ATTACHMENT 1

Census Tracts within Hesperia



ORDINANCE NO. 2017-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HESPERIA, AMENDING REGULATIONS REGARDING
APPROVAL OF OFF-SALE ALCOHOL ESTABLISHMENTS
(DCA17-00006)**

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted its Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, Chapter 16.16 of the Hesperia Development Code establishes permitted uses and permit requirements for a variety of land uses, including establishments that sell or serve alcohol. Similar regulations are established within the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, The City of Hesperia Development Code regulations pertaining to approval of alcohol uses requires modification to create uniformity of approval requirements and procedures within the City; and

WHEREAS, The approval of this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), where it is certain that revisions to approval procedures cannot, by themselves, have an adverse impact on the environment; and

WHEREAS, On August 10, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to permitted uses and permit requirements and concluded said hearing on that date; and

WHEREAS, On September 19, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to permitted uses and permit requirements 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 DOES ORDAIN AS FOLLOWS:

1. All of the facts set forth in the Recitals, Part A of this Ordinance, are true, correct and are adopted as findings.
2. Based upon substantial evidence presented to the Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.
3. Based upon substantial evidence presented to this Council during the above-referenced September 19, 2017 hearing, including public testimony and written and oral staff reports, this Council has determined that the amendment will establish uniform procedures within the City for approval of establishments selling or serving alcohol.

4. The approval of this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), where it is certain that revisions to permitted uses and permit requirements cannot, by themselves, have an adverse impact on the environment.

5. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Council hereby adopts Development Code Amendment DCA17-00006, amending Title 16, Chapter 16. (Permitted Uses and Permit Requirements) as shown on Exhibit "A."

6. This Ordinance shall take effect 30 days from the date of adoption.

7. The City Clerk shall certify to the adoption of the 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 93-78.

ADOPTED AND APPROVED this 3rd day of October 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

Exhibit “A”

Sections 16.16.315 and 16.16.320 are hereby amended as follows. Text shown in red is added

16.16.315 - Permitted uses and permit requirements.

The permitted uses and permit requirements in this article are provided in a table format. Land uses are provided in the first (vertical) column of the table and commercial/industrial land use designation in the top (horizontal) row. In order to determine which permit process is applicable or if the land use is allowed, the use must be matched up with the corresponding land use designation. Once the land use and land use designation are matched, the symbol in the box represents the applicable process. The following key legend demonstrates which symbol corresponds with the applicable permit process. Footnotes are also provided and considered part of this development code.

Key to Permit Requirements

Symbol	Applicable Process
A	Accessory Use
CUP	Requires a Conditional Use Permit
NP	Not Permitted
P	Permitted Use
R	Requires a Site Plan Review

	Land Uses	Land Use Designations				
		C1	C2	C3	I1	I2
A	Art studio/gallery (including photo)	R	R	R	R	
B.	Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.) ¹		R	R	R	R
C.	Auction service, exchange or barter			R	R	R
D.	Automotive parking	R	R			
E.	Bank and financial institution/service	R	R			
F.	Bar, saloon, cocktail lounge and tavern		CUP			
G.	Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.)		R	R	R	R
H.	Catering establishment		R	R	R	R
I.	Cemetery	R	R	R	R	R
J.	Club or lodge (non-profit), fraternal or religious association	CUP	R			
K.	Composting plant	NP	NP	NP	NP	CUP
L.	Contractors and building trades	R	R	R	R	R
M.	Equipment sales and rental — Indoors		R	R	R	
N.	Grocery store (not including off-sale alcohol ⁷)	R	R	R	NP	NP
O.	Health and fitness club	R	R	R	R	R
P.	Heavy equipment sales and rental				R	R
Q.	Helicopter landing and take-off pad		CUP		CUP	CUP

R.	Historical and monument site	R	R	R	R	R
S.	Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores)	R	R	R		
T.	Hospital		CUP	CUP	CUP	CUP
U.	Hotel/motel		R			
V.	Impound/towing ²	NP	NP	NP	CUP	CUP
W.	Industrial uses (includes outdoor storage ³)	NP	NP	NP	P	P
X.	Institutional uses	R	R	R	R	R
Y.	Kennel — Boarding of domestic animals		CUP	CUP	R	R
Z.	Laboratory — Research		CUP		R	R
AA.	Machine shop/repair				R	R
BB.	Manufactured housing (sales)				R	R
CC.	Manufacturing/warehouse (includes outdoor storage ³)				R	R
DD.	Medical services (not including hospitals)		R	R	NP	NP
EE.	Microwave and radio communication towers and facilities			R	R	R
FF.	Mini-storage ²	NP	NP	R	R	R
GG.	Mortuary, not include crematory		R			
HH.	Museum, library and reading room	R	R	R		
II.	Off-sale alcohol establishment (ABC type 20 & 21 licenses) ⁷	CUP	CUP			
JJ.	Office/professional buildings	R	R	R	R ⁵	R ⁵
KK.	Parking/storage of recreational vehicles			R	R	R
LL.	Personal services (e.g., spas, salons, and massage facilities)	R	R	R		
MM.	Planetarium, aquarium, botanical garden and zoo		R			
NN.	Publishing and printing		R	R	R	
OO.	Processing (recycling) facility ⁴	NP	NP	NP	CUP	CUP
PP.	Recreational facility — Commercial		R	R	R	
QQ.	Recycling center — Large collection facility ⁴	NP	NP	NP	NP	CUP
RR.	Repair shop — Small items	R	R	R	R	R
SS.	Restaurant (sit down and takeout), including outdoor dining ^{1,2}	R	R	R		
TT.	Retail sales (not including off-sale alcohol ⁷)	R	R	R	R ⁶	R ⁶
UU.	School — Trade, community college, university		R	R	R	R
VV.	School — Specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
WW.	Semi-truck repair and storage				CUP	CUP
XX.	Shopping center (not including off-sale alcohol ⁷)	R	R	R		
YY.	Terminal (bus and truck)		CUP		CUP	CUP
ZZ.	Theater	NP	NP	NP	NP	NP
AAA.	Upholstery and furniture repair/refinishing		R	R	R	R
BBB.	Vehicle fuel station ^{1, 2}	R	R	R		

CCC.	Vehicle parts and accessories sales		R	R		
DDD.	Vehicle repair facility — Major		R	R	R	R
EEE.	Vehicle repair facility — Minor		R	R	R	R
FFF.	Vehicle sales/rentals and leasing — new and used ²		R			
GGG.	Vehicle wash facility ²		R	R	R	
HHH.	Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		
III.	Warehousing and wholesale distribution center				R	R
JJJ.	Wrecking yard ²	NP	NP	NP	NP	CUP

16.16.320 - Commercial and industrial uses.

Notes:

1. Shall not include a motion picture theater. Establishments serving alcohol shall require a CUP.
2. Shall correspond with standards in [Section 16.16.365](#) (Specific land use standards).
3. Shall be subject to [Section 16.16.360\(A\)\(4\)](#).
4. Shall be subject to [Section 16.16.070](#) (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to [Section 16.16.360\(A\)\(3\)](#).
7. Applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the City Council for final action. Such establishments shall be located within 500 feet of the intersection of two arterial or major arterial streets identified on the City's adopted Circulation plan.

The Main Street and Freeway Corridor Specific Plan shall be amended as follows:

The sub-section titled "Review Process" within the following zone districts shall add the following sentence to read: "All retail uses and other establishments offering off-sale alcohol sales (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the City Council for final approval. Such establishments shall be located within 500 feet of the intersection of two arterial or major arterial streets identified on the City's adopted Circulation plan."

1. Regional Commercial (4.15)
2. Auto Sales Commercial (4.16)
3. Office Professional (4.16)
4. Office Commercial (4.15)
5. Pedestrian Commercial (4.13)
6. Neighborhood Commercial (4.17)

City of Hesperia STAFF REPORT



DATE: October 3, 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 SPLA17-00002; Applicant: City of Hesperia; APNs: 3057-131-36 through 57

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-17 approving Specific Plan Amendment SPLA17-00002 from the Very Low Density Residential (VLR) to Medium Density Residential (MDR) on approximately 49.5 gross acres generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north.

BACKGROUND

Proposal: A Specific Plan Amendment from the Very Low Density Residential (VLR) to Medium Density Residential (MDR) on approximately 49.5 gross acres.

Location: Generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north.

Current General Plan, Zoning and Land Uses: The affected area is within the Very Low Density Residential (VLR) Zone as part of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on Attachment 1. The affected area includes vacant land, as well as single-family residences on one and two-and-one-half acre parcels. The land to the north includes vacant land and an existing apartment complex. A church exists to the south. A neighborhood of single-family residences exist on half-acre, one acre, and two-and-one-half acre lots on the opposite side of Maple Avenue to the east. A mobile home park and single-family subdivisions with lot sizes below 7,200 square feet exist to the west (Attachment 2).

On August 10, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval by a 3-1 vote (Attachment 3). Commissioner Heywood questioned how long the Medium High (MH) designation was in place prior to 2006. Staff stated that for many years the City had two land use maps – a Zone Map and a General Plan Map. The Limited Agricultural (A1) Zone was in place since prior to incorporation and continued until 2008. The General Plan MH designation was adopted in 1991. The 2010 General Plan Update eliminated the two map system. Commissioner Caldwell questioned if the City had been approached by anyone about changing the zone. Staff indicated that different land owners have asked for the changes throughout the years.

Three persons spoke in favor of the Specific Plan Amendment stating that the projects would bring value to the area; merchants on Main Street would benefit from the growth; and projects would make improvements to local roads that would make roads safer. Three local residents spoke against the Specific Plan Amendment citing that higher density developments would affect quality of life and generate more traffic. Residents expressed an appreciation for their privacy, peace and quiet, and large lots.

In 2006, the City Council denied a Zone Change for two condominium projects in the area in question (Attachments 4 and 5). One project was 28 units and another was 21 units, both of which were two-story developments. These projects were consistent with the General Plan at the time, which designated the properties Medium High (MH) supporting densities between 5 and 10 dwelling units per acre. The developers applied for a Zone Change from Limited Agricultural with a minimum lot size of 2 ½ acres (A1-2 1/2) to Multi-family Residence (R-3) and was intended to bring the Zoning Map in compliance with the General Plan Land Use Map. The study area was expanded to encompass 61 acres, in order to determine the zoning that best fit this area and to avoid spot zoning. The study area included 22 lots, 13 (59%) of which were developed and 9 (41%) were vacant.

In 2006, the Council believed the zone change was not appropriate at that time and not in keeping with the land use patterns in the area. The Council's decision was based on the fact that the majority of the lots were developed with single-family residences, and several residents cited concerns with noise, traffic, and crime if the condominium developments were constructed. It was assumed that the area would continue to develop with single-family homes and this reflected the desired land use pattern of the neighborhood.

The Council's 2006 decision rezoned the area in question to Limited Agricultural with a minimum lot size of one acre (A1), and the General Plan was rezoned to Very Low (VL). Table 1 provides a chronology of the various zones and designations the affected area has undergone. During the 2006 discussions, the Planning Commission adopted a recommendation to change the General Plan to Low (L) and the zoning to R1-20000, but this option was turned down by the Council. The Council kept four lots along Yucca designated MH and zoned R3. The four lots are currently zoned Medium Density Residential (MDR) and are not part of this Specific Plan Amendment.

In 2008, the Main Street and Freeway Corridor Specific Plan (MSFCSP) was adopted, making the area Very Low Density Residential (VLR), which allowed lot sizes between half acre and one acre. Today, a subdivision of 18,000 square foot lots could be approved. The proposed Specific Plan Amendment would allow multi-family developments to be permitted within the affected area.

Table 1
Chronology of Zoning/General Plan Land Use Designations

	Zone Map	General Plan Map	Density
Prior to 2006 decision	A1 2 ½	MH	5-10 du/ac
After 2006 decision	A1	VL	0.25-1 du/ac
MSFCSP (2008)		VLR	0.5-2 du/ac
Proposed SPLA17-00002		MDR	8-15 du/ac

ISSUES/ANALYSIS

The property owners of lots within the affected area have requested that the City reconsider a zone change. Staff would like to revisit the zoning issue, as the decision to deny the zone changes for condominium projects in 2006 was largely based on inconsistencies in the General Plan and Zoning, and the projects may have not been appropriate at that time. Since then, the City weathered the Great Recession in which the local economy experienced almost no residential development. Recently, the City has approved zone changes in other areas to construct multiple developments to spur development of apartment and duplex projects.

In the last decade, the nine properties in the proposed area have remained vacant with little interest in building additional single-family residences or half acre lot subdivisions. The area to the west has developed with residential subdivisions with densities approximately 5 du/ac. In 2015, a 40 unit apartment project was approved on the southwest corner of Primrose Avenue and Yucca Street. Due to higher densities approved in the surrounding area, approval of this Specific Plan Amendment is consistent with the land use patterns generally located west of Maple Avenue.

Traffic/Street Improvements: The project is located within the VLR Zone, which allows a density of 0.5 – 2 units per gross acre. A total of 45% of the lots are already developed, as 13 of 22 lots are developed with single-family residences. Based upon 20.25 undeveloped gross acres, the maximum allowable number of units possible under the VLR zone is 41. The Institute of Transportation Engineers' (ITE) Trip Generation Manual estimates that 41 new single family residences would generate approximately 386 daily vehicle trips. This is based upon 9.52 vehicle trips per day for each unit.

In comparison, the MDR Zone allows a density of 8 – 15 units per gross acre. Based upon development of multi-family developments to the maximum allowable density on the 20.25 gross acres zoned MDR, a maximum of 304 units are allowed. The ITE Trip Generation Manual estimates that 304 new multi-family residences would generate approximately 2,020 daily vehicle trips. This is based upon 6.64 vehicle trips per day for each unit. The Amendment would result in 1,634 new daily vehicle trips.

At build-out, Maple Avenue will be constructed as an arterial. A traffic analysis will be completed at the time of the land use application process to evaluate the specific impacts of a project associated with the affected area. The project would be conditioned to provide on-/off-site improvements to mitigate any traffic impacts generated by the project. Upon development of the parcels fronting Maple Avenue, such developments will be constructed with full half width street improvements. The existing Average Daily Traffic (ADT) along Maple Avenue is 5,599 and currently has a roadway capacity of 24,480 before being considered deficient. At build out, Maple Avenue will have an ADT capacity of 30,600. The future ADT of Maple Avenue is expected to be 28,600 and has the capacity to accommodate additional traffic as a result of this Specific Plan Amendment.

The GPUEIR acknowledged that at build-out of the General Plan, traffic throughout the City would substantially increase. In the long term, the City will have to construct capital improvements consistent with the Circulation Element, including widening arterials and collectors to ultimate capacity, redesigning intersections to operate more efficiently, and synchronize signals along major roadways. New developments in the City will continue to construct street improvements necessary to make their projects work, as well as pay traffic impact fees. Traffic impact fees will be collected as development occurs, which will help fund the Capital Improvement Program.

Environmental: Approval of this development requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 6) prepared for the development conclude that there are no significant adverse impacts resulting from the project.

Conclusion: The project conforms to the goals and policies of the City's General Plan.

FISCAL IMPACT

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

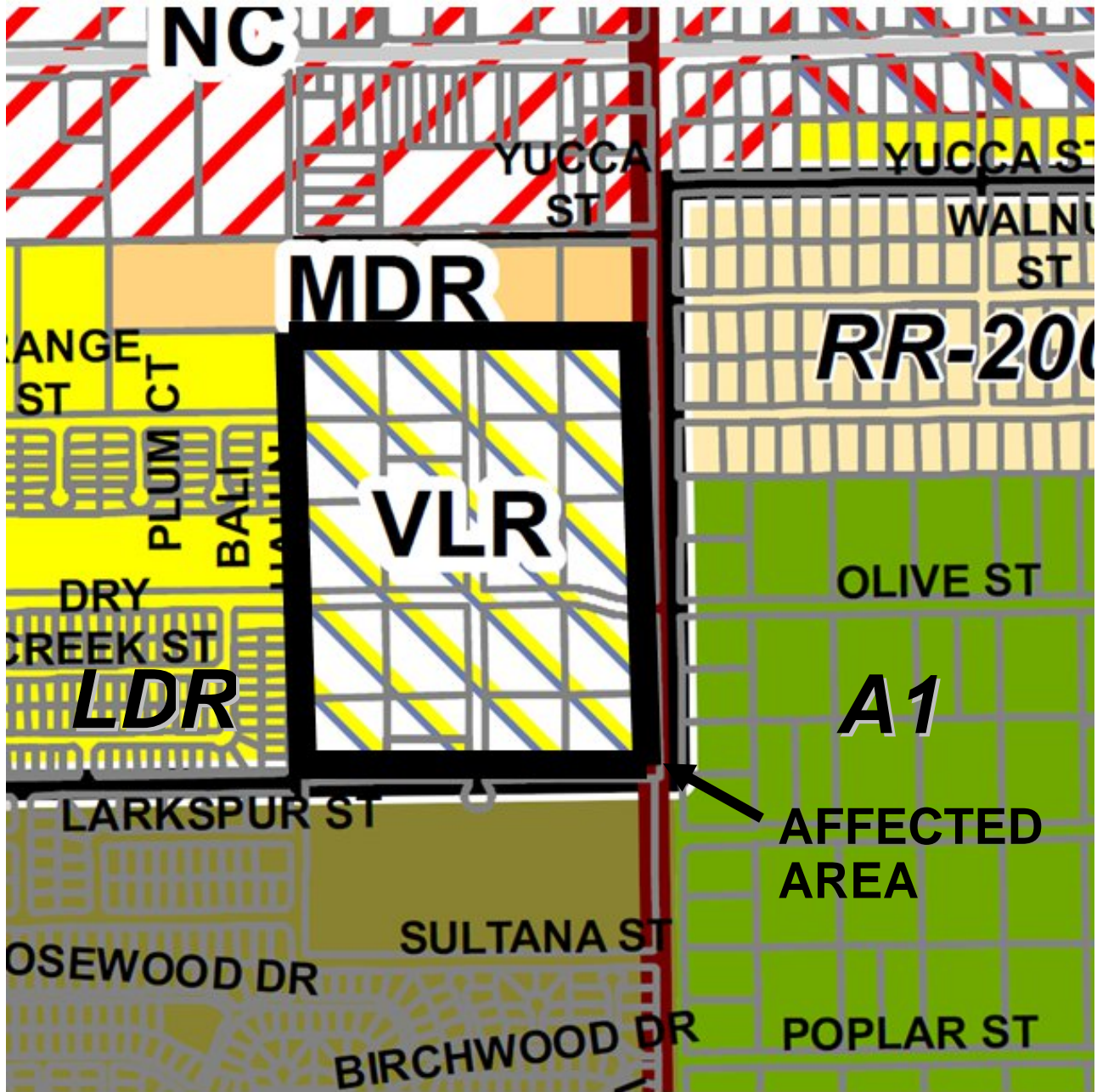
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Main Street and Freeway Corridor Specific Plan Zone Map
2. Aerial Photo
3. Draft minutes from the August 10, 2017 Planning Commission meeting
4. Site Plan (28 condo units)
5. Site Plan (21 condo units)
6. Negative Declaration ND-2017-03 with Initial Study
7. Ordinance No. 2017-17
8. Exhibit "A"

ATTACHMENT 1



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S): SPLA17-00002

LOCATION:
GENERALLY BOUNDED BY MAPLE AVENUE TO THE EAST, TAMARISK AVENUE TO THE WEST, AND YUCCA STREET TO THE NORTH

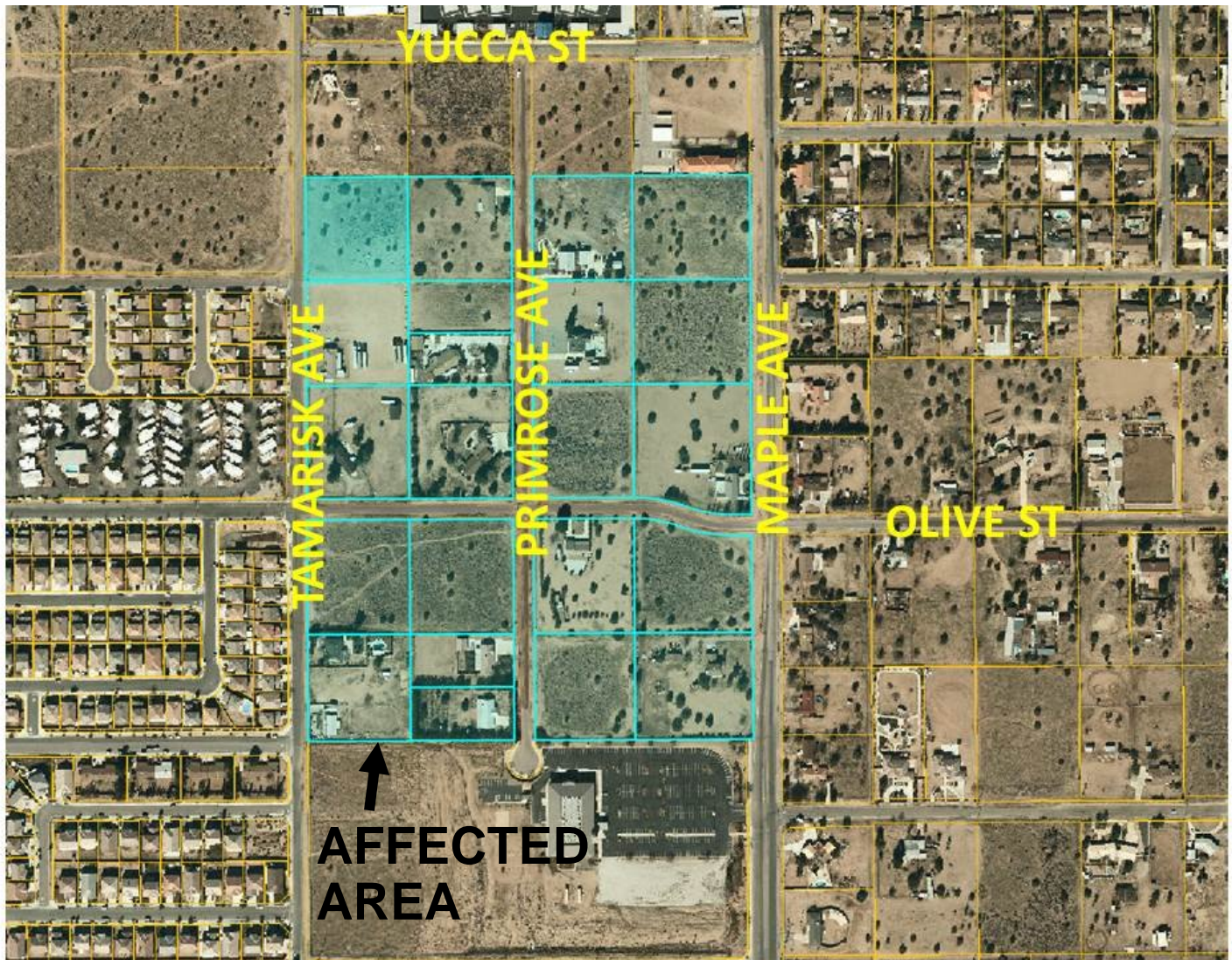
APN(S):
3057-131-36
THROUGH 57

PROPOSAL:
A SPECIFIC PLAN AMENDMENT FROM THE VERY LOW DENSITY RESIDENTIAL (VLR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON 49.5 GROSS ACRES



MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

ATTACHMENT 2



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S): SPLA17-00002

LOCATION:
GENERALLY BOUNDED BY MAPLE AVENUE TO THE EAST, TAMARISK AVENUE
TO THE WEST, AND YUCCA STREET TO THE NORTH

APN(S):
3057-131-36
THROUGH 57

PROPOSAL:
A SPECIFIC PLAN AMENDMENT FROM THE VERY LOW DENSITY RESIDENTIAL (VLR) TO
MEDIUM DENSITY RESIDENTIAL (MDR) ON 49.5 GROSS ACRES



AERIAL PHOTO

ATTACHMENT 3

HESPERIA PLANNING COMMISSION MEETING REGULAR MEETING AUGUST 10, 2017 MINUTES EXCERPTS

5. **Consideration of Specific Plan Amendment SPLA17-00002 from the Very Low Density Residential (VLR) to Medium Density Residential (MDR) on approximately 49.5 gross acres generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north (Applicant: City of Hesperia; APNs: 3057-131-36 through 57)**

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2017-23 recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA17-00002.

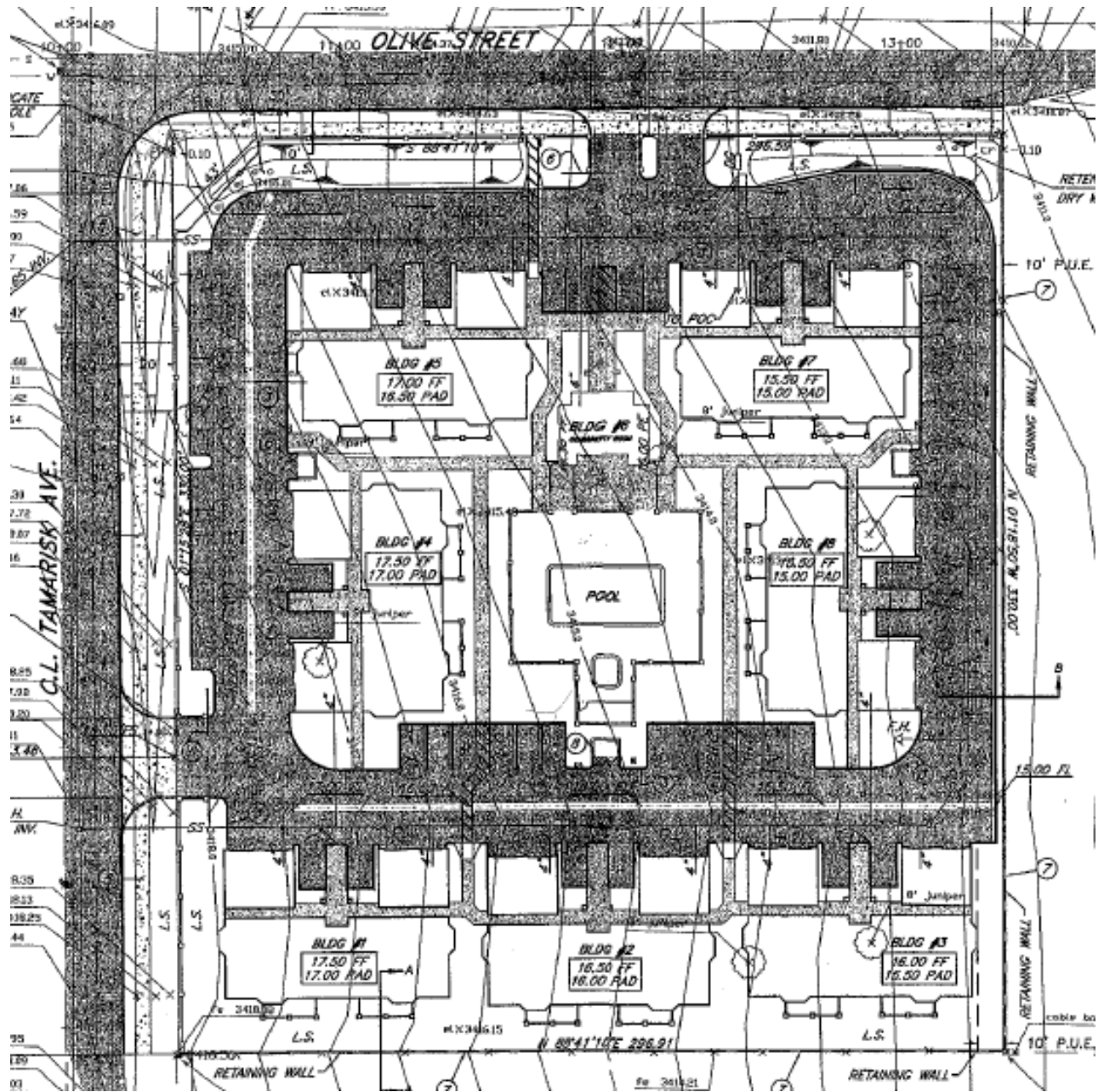
Sponsor: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga presented SPLA17-00002.
The Commission asked questions of staff with discussions ensuing.
Vice Chair Cody Leis opened the Public Hearing at 7:14 pm.
Developer Dino DeFazio spoke on the project.
Resident Robert Woolcock spoke in opposition of the project.
Resident Rhonda Goodwin spoke in opposition of the project.
Resident Donna Paul spoke in opposition of the project.
Resident Sami Merhi spoke in favor of the project.
Applicant Agnes Yen Sinclair spoke on the project.
Vice Chair Cody Leis closed the Public Hearing at 7:28 pm.
The Commission asked questions of staff with discussions ensuing.

Motion by Commissioner Jim Heywood to adopt Resolution No. PC-2017-23 recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA17-00002, Seconded by Commissioner Joline Hahn, passed with the following roll call vote:

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

ATTACHMENT 4



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S): SPLA17-00002

LOCATION:
GENERALLY BOUNDED BY MAPLE AVENUE TO THE EAST, TAMARISK AVENUE TO THE WEST, AND YUCCA STREET TO THE NORTH

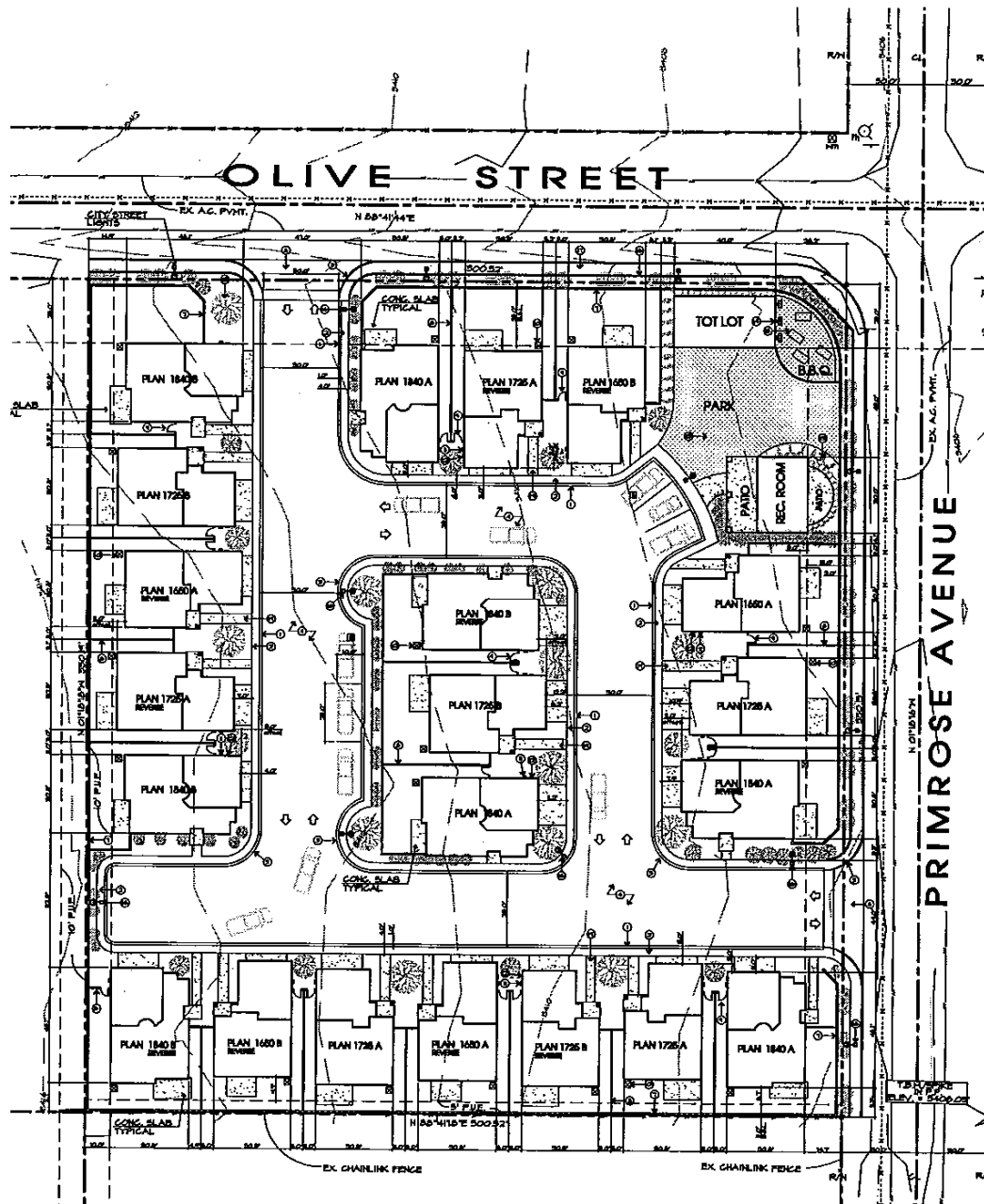
APN(S):
3057-131-36
THROUGH 57

PROPOSAL:
A SPECIFIC PLAN AMENDMENT FROM THE VERY LOW DENSITY RESIDENTIAL (VLR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON 49.5 GROSS ACRES



SITE PLAN (28 CONDO UNITS)

ATTACHMENT 5



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S): SPLA17-00002

LOCATION:
GENERALLY BOUNDED BY MAPLE AVENUE TO THE EAST, TAMARISK AVENUE TO THE WEST, AND YUCCA STREET TO THE NORTH

APN(S):
3057-131-36
THROUGH 57

PROPOSAL:
A SPECIFIC PLAN AMENDMENT FROM THE VERY LOW DENSITY RESIDENTIAL (VLR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON 49.5 GROSS ACRES



SITE PLAN (21 CONDO UNITS)

ATTACHMENT 6

PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1304

NEGATIVE DECLARATION ND-2017-03
Preparation Date: July 11, 2017

Name or Title of Project: Specific Plan Amendment SPLA17-00002

Location: Generally bounded by Maple Avenue to the east, Tamarisk Avenue to the east, and Yucca Street to the north (APNs: 3057-131-36 through 57)

Entity or Person Undertaking Project: City of Hesperia

Description of Project: Consideration of a Specific Plan Amendment from Very Low Density Residential (VLR) to Medium Density Residential (MDR) on 49.5 gross acres.

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 measure and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

Mitigation Measure:

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: July 17, 2017 through August 7, 2017

Public Hearing Date: August 10, 2017

Adopted by the City Council: September 19, 2017

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

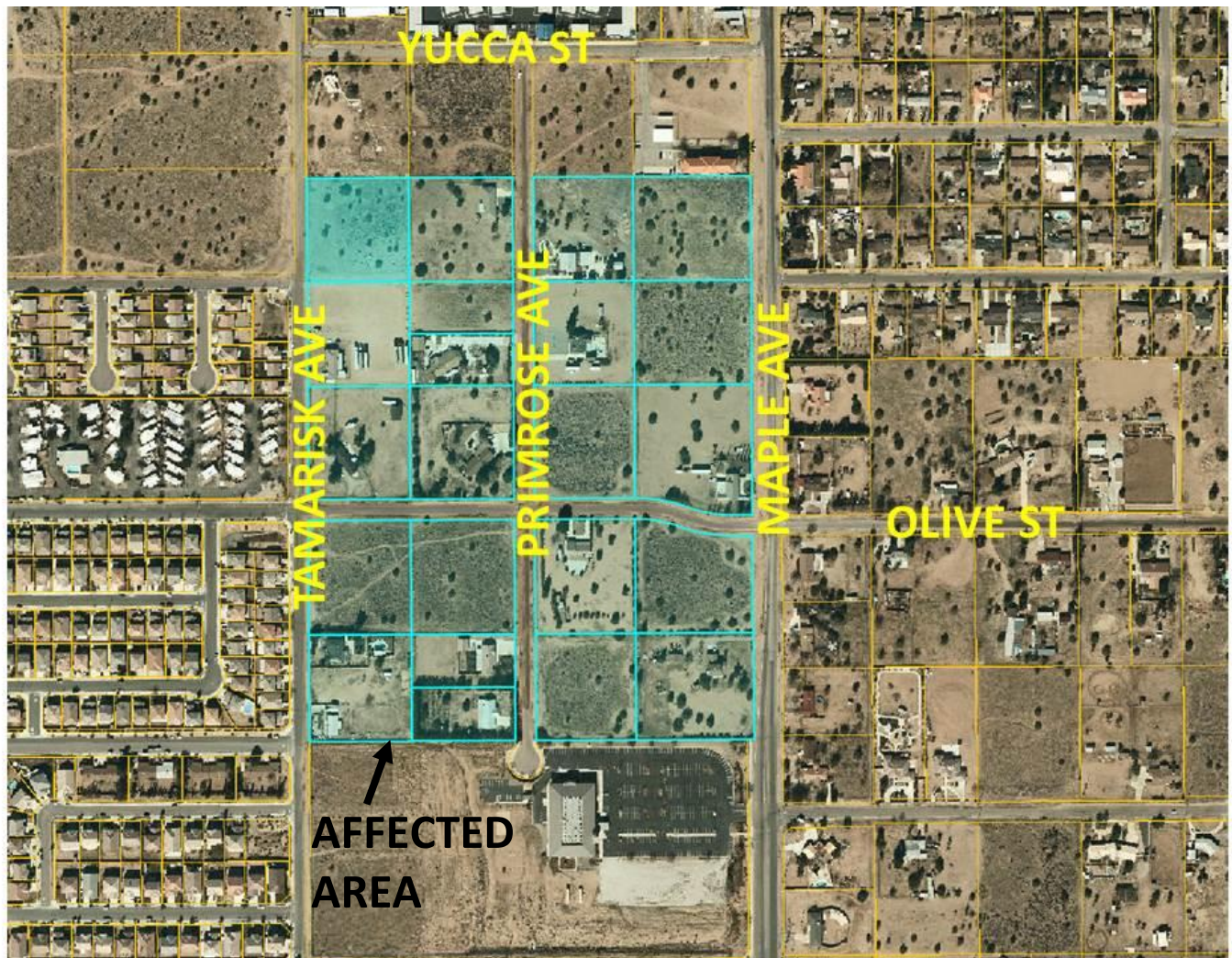
1. **Project Title:** Specific Plan Amendment SPLA17-00002
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
Phone number: (760) 947-1330.

Project Location: Generally bounded by Maple Avenue to the east, Tamarisk Avenue to the east, and Yucca Street to the north (APNs: 3057-131-36 through 57)
4. **Project Sponsor:** City of Hesperia
Address: 9700 Seventh Avenue
Hesperia, CA
5. **General Plan & zoning:** Very Low Density Residential (VLR) zone of the Main Street and Freeway Corridor Specific Plan.
6. **Description of project:**
A Specific Plan Amendment from VLR to Medium Density Residential (MDR)
7. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

The properties to the north are within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The land to the south is zoned Single-Family Residence (R1). The land to the east is zoned Limited Agricultural (A1). The properties to the west are within the Low Density Residential (LDR) Zone of the Specific Plan. The land to the north includes vacant land and an apartment complex. A church exists to the south. To the east, on the opposite side of Maple Avenue, a neighborhood of single-family residences exist on half-acre, one acre, as well as 2 ½ acre lots. A mobile home park and single-family subdivisions with lot sizes below 7,200 square feet exist to the west.
8. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.)

Review and approval is required from the City.

Exhibit 'A' - Aerial Photo



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

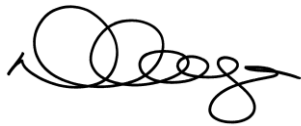
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<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 checked="" 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"
<input type="checkbox"/>	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.	



7-11-17

Signature

Date

Daniel S. Alcayaga, AICP, Senior 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) ?				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) ?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (6) ?			X	

Comments.

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The General Plan Update Environmental Impact Report (GPUEIR) addressed the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands **(3)**. The properties associated with the proposed specific plan amendment are not located in a sensitive environment. Given the existing land uses nearby, its development will not substantially degrade the existing visual character or quality of the site and its surroundings. The project is not considered a scenic vista or resources, nor is any local roadways or highways considered a scenic road way. A state scenic highway does not traverse the City **(2)**. State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. The project site is not in proximity to this area. The City does not contain any registered historic buildings.

Any future development will be subject to development standards of the Specific Plan **(5)**, which limit the building height and provide for minimum yard, maximum floor area ratio and architectural standards as implemented through the development process. The Development Code requires that any light created by any development not exceed 0.5 foot-candle illumination at the site boundary abutting a street **(6)**. Further, all lights shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update, which identifies the impact of development in accordance with the General Plan as less than significant **(8)**. Based upon these regulations, any development will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed specific plan amendment will not have a significant negative 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 (9) ?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (10 & 11) ?				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)) (12) ?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (12) ?				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 (11 & 12) ?				X

Comments.

The General Plan and the United States Soil Conservation Service Soil Survey of San Bernardino County do not designate the properties as prime farmland, unique farmland, or farmland of statewide importance. There is no record of past agricultural activities on the site. The City contains only few sites with agricultural uses and only two properties within a Williamson Act contract. The project site is not one of these properties. The proximity of existing developments does not make this site viable for agriculture.

The soil at this location is identified as Hesperia loamy fine sand, zero to five percent slopes **(13)**. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility. 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..." Therefore, this specific plan amendment will not have an impact upon agricultural resources.

The City and its Sphere of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(14)**. 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 **(15)**. The project site is primarily located in the western portion of the City in an urban area and is surrounded by urban development. 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 **(12)**. Local timber production has not occurred since that time. Therefore, this specific plan amendment will not have an impact upon forest land or timberland.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan (16, 17 & 18) ?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (16, 17 & 18) ?				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) (16, 17 & 18)?				X
d) Expose sensitive receptors to substandard pollutant concentrations (7, 16 & 17)?				X
e) Create objectionable odors affecting a substantial number of people (1, 7, 16 & 17)?				X

Comments.

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 abutting the properties; however, no development is being proposed at this time. Any future development and its impacts on to sensitive receptors would need to be further evaluated during the development review process. This specific plan amendment will not violate any air quality standards or expose residences to substandard pollutant concentrations.

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 **(16)**. 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 **(16 & 17)**.

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The 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 **(19)**. As part of the GPUEIR, the impact of residential development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. Further, the specific plan amendment does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan **(18)**.

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 (20 & 24)?				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 & 20)?				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 & 20) ?				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, 20 & 24) ?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (20 & 21) ?				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 (22) ?				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 **(23)**. The desert tortoise is also not expected to inhabit the site, given its proximity to development **(1)**. The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Rancho Las Flores Specific Plan and adjacent areas **(24)**.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Rancho Las Flores Specific Plan and vicinity **(25)**. The project site is located within a developed portion of the City. Consequently, approval of the specific plan amendment will not have an impact upon biological resources.

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 (26) ?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (26) ?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (27) ?				X
d) Disturb any human remains, including those interred outside of formal cemeteries (28) ?				X

Comments.

The site is not on the list of previously recorded cultural resources **(26)**. This list, which was compiled as part of the 2010 General Plan Update, was compiled 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. Past records of paleontological resources were also evaluated as part of the General Plan. This research was compiled from records found at the Archaeological Information Center located at the San Bernardino County Museum. Based upon this review, paleontological resources are not expected to exist on the project

site. The Cultural Resources Sensitivity Map indicates that the site has a low sensitivity potential for containing cultural resources **(27)**. Consequently, approval of the specific plan amendment is not expected to have an impact upon cultural resources.

In the event that human remains are discovered during future grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) **(28)**. 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. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands **(29)**.

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 (31, 32 & 33) .					X
ii) Strong seismic ground shaking (30 & 34) ?					X
iii) Seismic-related ground failure, including liquefaction (13 & 30) ?					X
iv) Landslides (30) ?					X
b) Result in substantial soil erosion or the loss of topsoil (13) ?					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 (13 & 30) ?					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 (13) ?					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 (13) ?					X

Comments.

No large hills or mountains are located within the project site. According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone **(31)**. 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 **(31 & 32)**. 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 **(33)**. The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault **(31 & 32)**. Further, the soil at this site does not have the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse **(13)**.

Any new development must be built in compliance with the Hesperia Municipal Code and the Building Code **(35)**, which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Consequently, there will be no impact upon geology and soils associated with the proposed specific plan amendment.

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 (36) ?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (36, 37 & 38) ?			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 **(39)**. 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)**(36)**. 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 **(37)**. Any new development will need to be consistent with the City's CAP. Consequently, the impact upon GHG emissions associated with the proposed specific plan amendment 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 (39) ?				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 (39) ?				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?				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?				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 (10) ?				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 (40) ?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (41) ?				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 (1 & 7) ?				X

Comments.

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>.

No development is proposed at this time; however, any use which includes hazardous waste as part of its operations will be prohibited within 500 feet of a school **(43)**. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. The specific plan amendment will not pose a significant health threat to any existing or proposed schools.

Approval of the specific plan amendment will not conflict with air traffic nor emergency evacuation plans. The site is not near Hesperia Airport, and is therefore, not within a restricted use zone associated with air operations **(44)**. Consequently, implementation of the amendment will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter **(41)** and will not interfere with emergency evacuation plans.

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 **(45 & 46)**. Consequently, approval of the specific plan amendment 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 (47 & 48) ?					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) (49 & 50) ?					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 (45) ?					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 (7 & 45) ?					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 (52) ?					X
f) Otherwise substantially degrade water quality (52) ?					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 (7, 53 & 61) ?					X

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 45 & 61) ?				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 (10 & 45) ?				X
j) Inundation by seiche, tsunami, or mudflow (31) ?				X

Comments.

If future development disturbs more than one-acre of land area, 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 **(54)**. 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 **(54)**. 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.

Any future development at this site may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff **(7)**. These developments are required to 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 **(61)**. 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 **(10)**. 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 **(30)**. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins **(30)**. 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 **(55)**. However, 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 **(49)**.

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 **(50)**. 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 specific plan amendment 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 (25) ?				X

Comments.

This specific plan amendment will change the zoning of the property from Very Low Density Residential (VLR) to Medium Density Residential (MDR). No development proposal is associated with this specific plan amendment. Any new development will be evaluated as part of the City's development process and will be subject to CEQA. Such development must be consistent with the Main Street and Freeway Corridor Specific Plan and the City's General Plan. 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 **(25)**. The project site is located approximately six miles north of this specific plan within the developed portion of the City. Although portions of this area are occupied with single-family residences, a significant part of the affected area may be developed at higher density consistent with existing zoning to the north and west. Therefore, the specific plan amendment 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 (57) ?				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 (57) ?				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 **(57)**. 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. Consequently, the proposed specific plan amendment 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, 7 & 58) ?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (58 & 59) ?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (60) ?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (60) ?			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 & 44) ?				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 (44) ?				X

Comments.

According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(58)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with any new residential development will be from traffic caused by arriving and departing vehicles (employees, customers, and vehicle service), especially semi-trucks; however, no development is proposed at this time.

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, 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. Any future development 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.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive uses are single-family residences adjacent to the site; however, no development is proposed at this time.

The project site is not in proximity to the Hesperia Airport. The project is not impacted by any safety zones associated with this private airport **(44)**. The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts **(19)**. The noise impact generated by this specific plan amendment is not significant.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (7) ?				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.

Establishment of the specific plan amendment will not create a direct increase in the demand for housing. The site is in close proximity to water and other utility systems **(63)**. As a result, future development of the site would not require significant extension of major improvements to existing public facilities. The affected area has vacant parcels, as well as parcels developed with single-family residences. The project will not displace any existing housing, necessitating the construction of replacement housing elsewhere. The specific plan amendment would have no 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 (64) :			X	
Fire protection? (64)			X	
Police protection? (64)			X	
Schools? (64)			X	
Parks? (64)				X
Other public facilities? (64)			X	

Comments.

The affected area is served by water lines **(63)**, and sewer is available along Tamarisk and Maple Avenues. Any development must construct full street improvements comprised of curb, gutter, and sidewalk along the project frontage as part of development of the use. Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site **(66)**. 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 specific plan amendment 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 (7) ?				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 (7) ?				X

Comments.

Approval of the specific plan amendment will not induce population growth, as the site is intended for commercial uses **(7)**. Therefore, the proposed amendment 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 (68) ?			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 (69 & 70) ?			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 (40) ?				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) ?			X	
e) Result in inadequate emergency access (7) ?			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 (71) ?			X	

Comments.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County (73). 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).

The project is located within the VLR Zone, which allows a density of 0.5 – 2 units per gross acre. A total of 45% of the lots are already developed, as 13 of 22 lots are developed with single-family residences. Based upon 20.25 undeveloped gross acres, the maximum allowable number of units possible under the VLR Zone is 41. The Institute of Transportation Engineers' (ITE) Trip Generation Manual estimates that 41 new single family residences would generate approximately 386 daily vehicle trips. This is based upon 9.52 vehicle trips per day for each unit.

In comparison, the MDR Zone allows a density of 8 – 15 units per gross acre. Based upon development of multi-family developments to the maximum allowable density on the 20.25 gross acres zoned MDR, a maximum of 304 units are allowed. The ITE Trip Generation Manual estimates that 304 new multi-family residences would generate approximately 2,020 daily vehicle trips. This is based upon 6.64 vehicle trips per day for each unit. The Amendment would result in 1,634 new daily vehicle trips.

Land Use	Trips per day
VLR (45 Units)	386
MDR (338 Units)	2,020
New Trips	1,634

At build-out, Maple Avenue will be constructed as an arterial. A traffic analysis will be required during the land use application process to evaluate the specific impacts of a project associated with this Amendment. The project would be conditioned to provide on-/off-site improvements to mitigate any traffic impacts generated by the project. Upon development of the parcels fronting Maple Avenue, such developments will be constructed with full half width street improvements. The existing Average Daily Traffic (ADT) along Maple Avenue is 5,599 and currently has a roadway capacity of 24,480 before being considered deficient. At build out, Maple Avenue will have an ADT capacity of 30,600. The future ADT of Maple Avenue is expected to be 28,600 and has the capacity to accommodate additional traffic as a result of this Specific Plan Amendment.

The GPUEIR acknowledged that at build-out of the General Plan, traffic throughout the City would substantially increase. In the long term, the City will have to construct capital improvements consistent with the Circulation Element, including widening arterials and collectors to ultimate capacity, redesigning intersections to operate more efficiently, and synchronize signals along major roadways. New developments in the City will continue to construct street improvements necessary to make their projects work, as well as pay traffic impact fees. Traffic impact fees will be collected as development occurs, which will help fund the Capital Improvement Program.

The GPUEIR recommends annual adoption of a Capital Improvement Program (CIP) and establishment of Development Impact Fees (DIF). Accordingly, the City adopts a CIP every year and has an established Traffic Impact Mitigation Fee Program as part of the Development Impact Fee to fund the construction

of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. Any future developer will be required to pay all applicable City Development Impact Fees and fees will be used to fund the City's CIP.

The project site is under four miles from the Hesperia Airport and is not within an airport safety zone **(44)**. 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.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation and circulation impacts **(19)**.

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 (74) ?				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 (75) ?				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?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (49 & 50) ?			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 (75) ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (56 & 62) ?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste (76) ?			X	

Comments.

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 **(49)**.

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 **(50)**. 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 **(76)**. Currently, approximately 75 percent of the solid waste within the City is being recycled **(56 & 62)**. 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 specific plan amendment 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 Negative Declaration may be adopted. The specific plan amendment 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. None

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken May 2016.
- (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (4) Not used
- (5) Section G of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, pages 204 thru 209.
- (6) Section 16.20.085 of the Hesperia Municipal Code.
- (7) Specific Plan Amendment SPLA17-00002 application and related materials.
- (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
- (9) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1
- (10) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (11) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
- (12) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- (13) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 30 and Page 44.
- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (15) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (16) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- (17) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (18) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.

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- (19) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
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- (20) Intentionally left blank
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- (21) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
-
- (22) Section 3.4 of the 2010 City of Hesperia General Plan Update Biological Resources Element background technical report, page 30.
-
- (23) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
-
- (24) Section 3.3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 14 thru 25.
-
- (25) Section 3 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
-
- (26) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
-
- (27) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5d.
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- (28) 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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- (29) Section 8 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, page 64.
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- (30) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
-
- (32) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2.
-
- (33) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
-
- (34) 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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- (35) 2016 California Building Code.
-
- (36) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
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- (37) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
-
- (38) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, pages 20 and 21.
-
- (39) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (40) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (41) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
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- (42) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-32 and SF-33.
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- (43) California Health and Safety Code Section 25232 (b) (1) (A-E).
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- (44) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, Exhibit LU-3.
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- (45) 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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- (46) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
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- (47) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
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- (48) 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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- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
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- (50) Mojave Water Agency letter dated March 27, 1996.
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- (51) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
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- (52) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
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- (53) 1992 Victorville Master Plan of Drainage Volume I, identifying future drainage improvements for the area.
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- (54) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
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- (55) Table 3.6-2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.6-24.
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- (56) Quarterly data of the San Bernardino County Disposal Reporting System for 2014.
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- (57) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
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- (58) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
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- (59) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
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- (60) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-45.
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- (61) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
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- (62) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (63) Current Hesperia water and sewer line maps
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- (64) 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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- (65) Intentionally left blank
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- (66) 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. 2013-47 on January 1, 2014.
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- (67) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-17.
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- (68) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 40.
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- (69) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (70) 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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- (71) 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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- (72) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
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- (73) 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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- (74) 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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- (75) 2016 California Plumbing Code.
-
- (76) California Integrated Waste Management Act (AB 939).
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- (77) 2012 Trip Generation Manual, Volume II, 9th Edition, Institute of Transportation Engineers.
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ORDINANCE NO. NO. 2017-17

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 VERY LOW DENSITY RESIDENTIAL (VLR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 49.5 GROSS ACRES GENERALLY BOUNDED BY MAPLE AVENUE, TAMARISK AVENUE, AND YUCCA STREET (SPLA17-00002)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the City of Hesperia has filed an application requesting approval of SPLA17-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 49.5 gross acres within the Very Low Density Residential (VLR) Zone of the Main Street and Freeway Corridor Specific Plan generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north and consists of Assessor's Parcel Numbers 3057-131-36 through 57; 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 Very Low Density Residential (VLR) Zone to the Medium Density Residential (MDR) Zone; and

WHEREAS, the affected area includes vacant land, and single-family residences on one and two-and-a-half acre parcels. The land to the north includes vacant land and an apartment complex. A church exists to the south. To the east, on the opposite side of Maple Avenue, a neighborhood of single-family residences exist on half-acre, one acre, and two and half acre lots. A mobile home park and single-family subdivisions with lot sizes below 7,200 square feet exist to the west; and

WHEREAS, the properties to the north are within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The land to the south is zoned Single-Family Residence (R1). The land to the east is zoned Limited Agricultural (A1). The properties to the west are within the Low Density Residential (LDR) Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on July 11, 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-2017-03 was subsequently prepared; and

WHEREAS, on August 10, 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 October 3, 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 October 3, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND-2017-03 and the initial study which supports the 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 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) 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.
- (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 SPLA17-00002, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND-2017-03 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.

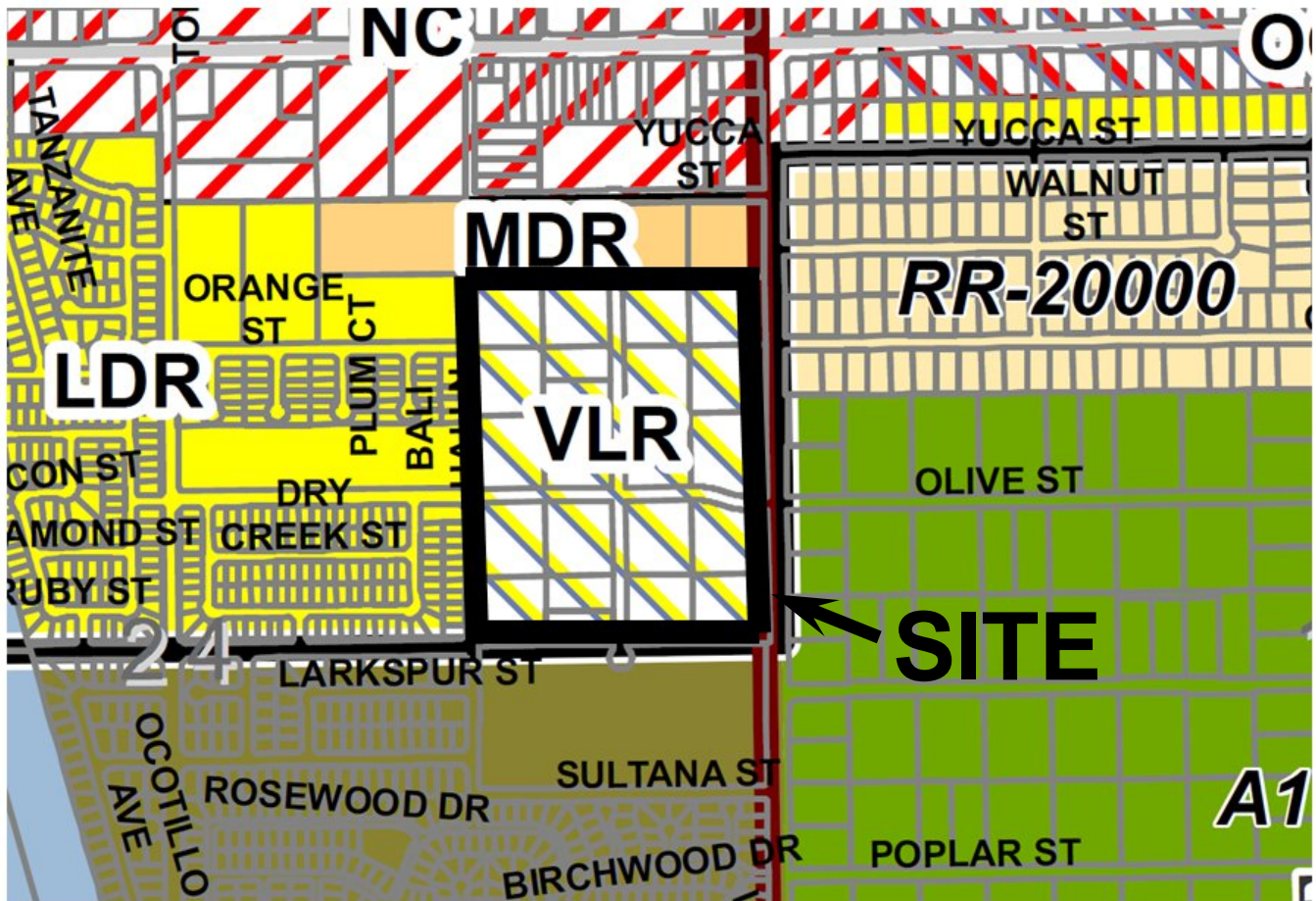
ADOPTED AND APPROVED on this 3rd day of October 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

Exhibit "A"



SPLA17-00002

A SPECIFIC PLAN AMENDMENT FROM VERY LOW DENSITY RESIDENTIAL (VLR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 49.5 GROSS ACRES

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City of Hesperia STAFF REPORT



DATE: October 3, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Director of Development Services
Dave Reno, Principal Planner
Daniel Alcayaga, Senior Planner
Liz Delvin, Animal Control Officer

SUBJECT: Development Code Amendment DCA17-00007 reorganizing the animal regulations for ease of use by the public; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-18 approving Development Code Amendment DCA17-00007, reorganizing the animal regulations for ease of use by the public.

BACKGROUND

The City adopted the animal regulations in 1994 which almost entirely mirrored regulations from San Bernardino County that were effective at the time and prior to City incorporation. In 2011, the City animal regulations underwent significant reorganization. Staff attempted to consolidate the animal regulations of five different zones and six newly created Specific Plan zones into two tables. The two tables have proven to be unsuccessful in that the information is difficult to interpret and explain to staff, enforcement personnel and the public.

In addition, consolidating the various zones into the two tables has created confusion as to which types of animals are permitted as a function of the lot's area (horses, cattle) and which animals may be combined with other types (fowl, small animals) and permitted in proportion to the lot's area.

ISSUES/ANALYSIS

On September 14, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval by a 5-0 vote. The Planning Commission agreed that breaking down of the animal allowances by zone in a table format is the best approach to simplify the regulations. Careful attention was placed to ensure the tables reflect the intent of the past and current Ordinances to maintain the right of property owners to keep their animals as currently allowed. The majority of the changes are reorganizing tables for ease of use by the public. The following changes are also necessary to further strengthen the ability of the City to enforce the code and clarify inconsistencies:

- With respect to fowl, small animals, and small livestock, the proposed Ordinance will eliminate different criteria which were created by the 2011 code changes. The criteria

created in 2011 were found to be inconsistent with standard practice. The proposed ordinance reverts back to what was originally permitted.

- The Ordinance adds a provision that gives the director of development services or designee interpretation authority in case the City should discover future inconsistencies with past practices or enforcement actions.

Historically, the concept behind combining animals has been quite difficult to explain. Therefore a definition was added to help clarify what is meant by combining animals. The code does allow animals to be combined provided that the property's allotment is not exceeded. In order to determine if the property's allotment is not exceeded, one must first determine the area of property required by each animal (see Table 1). The area required for every animal on the property is added up to determine if the total amount exceeds the property's lot size. Refer to Figure 1 for an example of the lot area required for each animal.

Table 1 - Combined Animals

(Any combination, adding each animal's required area until you reach the square footage (sq ft) limit)

Type of Animal	Area Required
1 Fowl	667 sq ft
1 Small Animal	667 sq ft
1 Small Livestock	5,000 sq ft

Figure 1 – Example of Area Required When Combining Animals

15 Fowl	20 small animals (rabbits)	4 goats
10,005 sq ft	13,340 sq ft	20,000 sq ft

43,560 square foot lot

There is language in the current regulations which states that you "cannot combine animals". At its strictest interpretation, this means animals cannot be combined simultaneously. This is not the intent of the code. The Amendments clarify this provision by adding a definition for what is meant by "total allowed is combined with..." [See Section 16.20.690 (A)]. All tables identify when the total allowed is combined with other animals.

These changes, in addition to reorganizing the regulations into tables, will resolve the majority of the confusion in interpreting the code and will provide the City the ability to enforce the provisions in consistent manner.

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

Conclusion: Staff supports the Development Code Amendment, as it will simplify the regulations for ease of use by the public. The tables can be added to the City's new Public Viewer so that residents can view the regulations pertaining to an individual property, rather than the current two tables, which show the regulations for all zones.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2017-18
2. Exhibit "A"

ORDINANCE NO. NO. 2017-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT REORGANIZING THE ANIMAL REGULATIONS FOR EASE OF USE BY THE PUBLIC (DCA17-00007)

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, the City proposes to amend Article XIII of Chapter 16.20 of the City of Hesperia Development Code regulations which pertain to animal regulations; and

WHEREAS, the City finds that it is necessary to reorganize the animal regulations for ease of use by the public; and

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

WHEREAS, on September 14, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, on October 3, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment 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 Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA17-00007, reorganizing the animal regulations as shown on Exhibit "A."

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 Ordinance No. 2007-101.

ADOPTED AND APPROVED on this 3rd day of October 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

EXHIBIT “A”

The following amendments shall be made to Chapter 16.20 (additions are in underlined red text and deletions are shown with a ~~strikethrough~~):

ARTICLE XIII. - ANIMAL REGULATIONS

16.20.660 - Purpose.

These provisions define the type, number, and regulations regarding the keeping of animals in residential and agricultural designations and zones in order to ensure land use compatibility. These provisions balance the desire for animal keeping with the rights of neighboring property owners. This article also includes regulations which provide minimum distances between areas for the keeping of animals and habitable structures in furtherance of maintaining land use compatibility.

16.20.670 - Requirements and ~~Key to permit requirements~~

Table 16.20.680 (A) through Table 16.20.680 (F) provide the regulatory requirements to allow private animal keeping in the City. These regulations additionally apply to zones within the Main Street and Freeway Corridor Specific Plan. In interpreting and applying the provisions of this article, such provisions shall be held to the minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare. Whenever there is any question regarding the interpretation of the provisions of this article or their application to any specific case or situation, the development services director or designee shall interpret the intent of this article. ~~The permitted uses and permit requirements in this article are provided in table format. The type of animals is provided in the first (vertical) column of the table and land use designations are in the second column. In order to determine which permit process is applicable, the use must be matched up with the corresponding land use designation. Once the animal use and land use designation are matched, the symbol in the box represents the applicable process. The following key legend demonstrates which symbol corresponds with the applicable permit process. Footnotes are also provided and are considered part of the Development Code.~~

<u>Permit</u> Symbol	Applicable Process
A	Accessory Use
P	Permitted Use
C	Requires a Conditional Use Permit
E	Requires an Exotic Animal Permit
S	Requires a Site Plan Review
NP	Not Permitted

Section 16.20.680 – Animal Allowances

The quantity and type of animals shall be regulated as follows:

Table 16.20.680 (A) – Animal allowances in the Limited Agricultural (A1) and General Agricultural (A2) designations

<u>Type of Animal</u>	<u>Permit Symbol</u>	<u>Lot size criteria</u>	<u>Quantities</u>	<u>Additional Regulations</u>
<u>Dogs and Cats</u>	<u>A</u>	<u>Below 1.5 acres</u>	<u>6 of each</u>	<u>Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs.</u>
		<u>1.5 acres or more</u>	<u>8 of each</u>	
<u>Small Livestock</u>	<u>P</u>	<u>1 acre or more</u>	<u>12 per acre</u>	<u>Each lot limited to one buck. Total allowed is combined with cattle, horses and hogs</u>
<u>Horses, mules, donkeys, and llamas</u>	<u>P</u>		<u>4 per acre</u>	<u>Total allowed is combined with livestock, hogs, and cattle</u>
<u>Small animals</u>	<u>P</u>		<u>150 per acre</u>	
<u>Hogs and large pigs</u>	<u>P</u>		<u>2 per acre, but not more than 5</u>	<u>Total allowed is combined with small livestock, cattle, and horses. Cannot be garbage feed</u>
<u>Fowl</u>	<u>P</u>		<u>150 per acre</u>	
<u>Cattle</u>	<u>P</u>		<u>4 per acre</u>	<u>Total allowed is combined with small, livestock, hogs, and horses</u>
<u>Columbi, caged</u>	<u>P</u>		<u>150 maximum</u>	

Table 16.20.680 (B) - Animal allowances in the Rural Residential (RR) designation and the Rural Estate Residential (RER) zone

<u>Type of Animal</u>	<u>Permit Symbol</u>	<u>Lot size criteria</u>	<u>Quantities</u>	<u>Additional Regulations</u>
<u>Dogs and Cats</u>	<u>A</u>	<u>Under 19,500 square feet (sq. ft.)</u>	<u>4 of each</u>	<u>Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs.</u>
		<u>Between 19,500 sq. ft. – 1.49 acre</u>	<u>6 of each</u>	
		<u>1.5 acres or more</u>	<u>8 of each</u>	
<u>Small Livestock</u>	<u>A</u>	<u>All sizes</u>	<u>1 per 5,000</u>	<u>Each lot limited to one buck. Total allowed is combined with cattle and horses</u>
<u>Horses, mules, donkeys, and llamas</u>	<u>A</u>	<u>All sizes</u>	<u>1 per 10,000 sq. ft.</u>	<u>Total allowed is combined with small, livestock, and cattle</u>
<u>Small animals</u>	<u>A</u>	<u>All sizes</u>	<u>15 per 10,000 sq. ft.</u>	<u>Cannot be kept for meat or pelts. Total allowed is combined with fowl.</u>
<u>Hogs and large pigs</u>	<u>NP</u>		<u>0</u>	
<u>Fowl</u>	<u>A</u>	<u>All sizes</u>	<u>15 per 10,000 sq. ft.</u>	<u>Total allowed is combined with small animals.</u>
<u>Cattle</u>	<u>A</u>	<u>1 acre or more</u>	<u>4 per acre</u>	<u>Total allowed is combined with small, livestock, and horses</u>
<u>Columbi, caged</u>	<u>A</u>	<u>All sizes</u>	<u>65 maximum</u>	

Table 16.20.680 (C) - Animal allowances in the Single-Family Residence (R1) designation

<u>Type of Animal</u>	<u>Permit Symbol</u>	<u>Lot size criteria</u>	<u>Quantities</u>	<u>Additional Regulations</u>
<u>Dogs and Cats</u>	<u>A</u>	<u>Under 18,000 sq. ft.</u>	<u>2 of each</u>	<u>Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8).</u>
		<u>Between 18,000 sq. ft. – 19,499 sq. ft.</u>	<u>4 of each</u>	
		<u>Between 19,500 sq. ft.- 1 acre</u>	<u>6 of each</u>	
<u>Small Livestock</u>	<u>NP</u>	<u>Any size</u>	<u>Educational Animal Permit Only</u>	<u>Not permitted unless authorized by an educational animal project or prior to residential use on five acres or more.</u>
<u>Horses, mules, donkeys, and llamas</u>	<u>A</u>	<u>Over 20,000 sq. ft.</u>	<u>1 per 10,000 sq. ft., not to exceed a total of 6</u>	<u>Lots 19,000 sq. ft. and larger may be allowed one horse with written approval from all contiguous property owners. Lots with a minimum net lot area of 10,000 sq. ft. previously within the RR designation shall be allowed one horse.</u>
<u>Small animals</u>	<u>A</u>	<u>All sizes</u>	<u>2 for 3,500 sq. ft., not to exceed 25 per acre</u>	<u>Cannot be kept for meat or pelts. Total allowed is combined with fowl.</u>
<u>Hogs and large pigs</u>	<u>NP</u>		<u>0</u>	
<u>Fowl</u>	<u>A</u>	<u>All sizes</u>	<u>2 for 3,500 sq. ft., not to exceed 25 per acre.</u>	<u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of allowed may be male. Total allowed is combined with small animals.</u>
<u>Cattle</u>	<u>NP</u>		<u>0</u>	
<u>Columbi, caged</u>	<u>A</u>		<u>40 maximum</u>	

Table 16.20.680 (D) - Animal allowances in the Low Density Residential (LDR) zone

<u>Type of Animal</u>	<u>Permit Symbol</u>	<u>Lot size criteria</u>	<u>Quantities</u>	<u>Additional Regulations</u>
<u>Dogs and Cats</u>	<u>A</u>	<u>Under 18,000 sq. ft.</u>	<u>2 of each</u>	<u>Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8).</u>
		<u>Between 18,000 sq. ft. – 19,499 sq. ft.</u>	<u>4 of each</u>	
		<u>Between 19,500 sq. ft.- 1 acre</u>	<u>6 of each</u>	
<u>Small Livestock</u>	<u>NP</u>	<u>Under 1 acre</u>	<u>Educational Animal Permit Only</u>	<u>Not permitted unless authorized by an educational animal project or prior to residential use on five acres or more.</u>
	<u>A</u>	<u>1 acre or more</u>	<u>1 per 5,000</u>	<u>Each lot limited to one buck. Total allowed is combined with small animals and fowl</u>
<u>Horses, mules, donkeys, and llamas</u>	<u>A</u>	<u>Over 20,000 sq. ft.</u>	<u>1 per 10,000 sq. ft., not to exceed a total of 6</u>	<u>Lots 19,000 sq. ft. and larger may be allowed one horse with written approval from all contiguous property owners. Lots with a minimum net lot area of 10,000 sq. ft. previously within the RR designation shall be allowed one horse.</u>
<u>Small animals</u>	<u>A</u>	<u>Under 1 acre</u>	<u>2 for 3,500 sq. ft., not to exceed 25 per acre</u>	<u>Cannot be kept for meat or pelts. Total allowed is combined with fowl</u>
	<u>A</u>	<u>1 acre or more</u>	<u>15 per 10,000 sq. ft.</u>	<u>Cannot be kept for meat or pelts. Total allowed is combined with fowl and small livestock</u>
<u>Hogs and large pigs</u>	<u>NP</u>		<u>0</u>	
<u>Fowl</u>	<u>NP</u>	<u>Under 7,200 sq. ft.</u>	<u>0</u>	

	<u>A</u>	<u>Between 7,200 sq. ft. – 43,559 sq. ft.</u>	<u>2 for 3,500 sq. ft., not to exceed 25 per acre</u>	<u>Total allowed is combined with small animals</u>
	<u>A</u>	<u>1 acre or more</u>	<u>15 per 10,000 sq. ft.</u>	<u>Total allowed is combined with small animals and small livestock</u>
<u>Cattle</u>	<u>NP</u>		<u>0</u>	
<u>Columbi, caged</u>		<u>Under 1 acre</u>	<u>40 maximum</u>	
	<u>A</u>	<u>1 acre or more</u>	<u>65 maximum</u>	

Table 16.20.680 (E) - Animal allowances in the Very Low Density Residential (VLR) zone

<u>Type of Animal</u>	<u>Permit Symbol</u>	<u>Lot size criteria</u>	<u>Quantities</u>	<u>Additional Regulations</u>
<u>Dogs and Cats</u>	<u>A</u>	<u>Under 18,000 sq. ft.</u>	<u>2 of each</u>	<u>Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8).</u>
		<u>Between 18,000 sq. ft. – 19,499 sq. ft.</u>	<u>4 of each</u>	
		<u>Between 19,500 sq. ft.- 1 acre</u>	<u>6 of each</u>	
<u>Small Livestock</u>	<u>A</u>	<u>Under 1 acre</u>	<u>1 per 5,000</u>	<u>Each lot limited to one buck. Total allowed is combined small animals, and fowl</u>
	<u>P</u>	<u>1 acre or more</u>	<u>12 per acre</u>	<u>Total allowed is combined horses, cattle and hogs</u>
<u>Horses, mules, donkeys, and llamas</u>	<u>A</u>	<u>All sizes</u>	<u>1 per 10,000 sq. ft.</u>	<u>Total allowed is combined with small livestock, cattle and hogs</u>
<u>Small animals</u>	<u>A</u>	<u>Under 1 acre</u>	<u>15 per 10,000 sq. ft.</u>	<u>Cannot be kept for meat or pelts. Total allowed is combined with small livestock and fowl</u>
	<u>P</u>	<u>1 acre or more</u>	<u>150 per acre</u>	

<u>Hogs and large pigs</u>	<u>NP</u>	<u>Under 1 acre</u>	<u>0</u>	<u>Total allowed is combined with horses, cattle and small livestock. Cannot be garbage feed</u>
	<u>P</u>	<u>1 acre or more</u>	<u>2 per acre, but not more than 5</u>	
<u>Fowl</u>	<u>A</u>	<u>Under 1 acre</u>	<u>15 per 10,000 sq. ft.</u>	<u>Total allowed is combined with small animals and small livestock</u>
	<u>P</u>	<u>1 acre or more</u>	<u>150 per acre</u>	
<u>Cattle</u>	<u>NP</u>	<u>Under 1 acre</u>	<u>0</u>	<u>Total allowed is combined with horses, hogs and small livestock</u>
	<u>P</u>	<u>1 acre or more</u>	<u>4 per acre</u>	
<u>Columbi, caged</u>	<u>A</u>	<u>Under 1 acre</u>	<u>65 maximum</u>	
	<u>P</u>	<u>1 acre or more</u>	<u>150 maximum</u>	

Table 16.20.680 (F) - Animal allowances in the Multiple-Family Residence (R3) designation, and the Medium Density Residential (MDR), the High Density Residential (HDR), and the Mixed Use (MU) zones

<u>Type of Animal</u>	<u>Permit Symbol</u>	<u>Lot size criteria</u>	<u>Quantities</u>	<u>Additional Regulations</u>
<u>Dogs and Cats</u>	<u>A</u>	<u>Any size</u>	<u>One dog and one cat, 2 dogs, or 2 cats</u>	<u>Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs.</u>
<u>Small animals</u>	<u>A</u>	<u>Any size</u>	<u>1 per unit</u>	<u>Cannot be kept for meat or pelts.</u>
<u>Columbi, caged</u>	<u>A</u>	<u>Any size</u>	<u>10 per unit</u>	
<u>Small Livestock, Hogs, Fowl, and Cattle</u>	<u>NP</u>	<u>Any size</u>	<u>0</u>	
<u>Horses, mules, and donkeys,</u>	<u>NP</u>	<u>Any size</u>	<u>0</u>	

16.20.690 —Additional animal regulations applicable to residential or agricultural designations/zones:

“Total allowed is combined with...” means that combinations of specific animal types are allowed, provided the total allotment on any parcel shall not be exceeded. When combining animals, it is not the intent here to allow each animal at its maximum density. Instead these animals shall be allowed as a proportion of the property’s allotment. In order to determine if the property’s allotment is not exceeded, one must first determine the area of property required by each animal (see Table 1). The area required for each animal on the property is added up to determine if the total amount exceeds the property’s lot size. The total amount shall not exceed the property’s lot size. On a one acre property, a combination of animals consistent with this provision would be equivalent to 15 fowl, 20 small animals, and 4 goats (see Figure 1).

Table 1 – Example of area required for each animal in the RR zone

<u>Type of Animal</u>	<u>Area required</u>
<u>1 Fowl</u>	<u>667 sq ft</u>
<u>1 Small Animal</u>	<u>667 sq ft</u>
<u>1 Small Livestock</u>	<u>5,000 sq ft</u>

Figure 1 - Example of Area Required When Combining Animals

15 Fowl	20 small animals (rabbits)	4 goats
10,005 sq ft	13,340 sq ft	20,000 sq ft

43,560 square foot lot

B. Exotic animals (not normally domesticated), as defined within Section 16.08.215 and Title 14, Section 671 of the California Fish and Game Only, shall be allowed if approved as part of an exotic animal permit. Foxes and Minks are only permitted in the A2 zone with an exotic animal permit.

C. Fishbowls and aquariums are allowed as accessory uses. This is applicable only to small private fish, amphibian, and reptile collections and does not allow large tanks and/or buildings in which fish and other animals are kept and shown to the public.

D. Ostriches and emus are only permitted in the A2 zone.

E. Commercial raising of rabbits or other small animals and cattle is permitted in the A1, RER, and VLR zones on lots at least one gross acre in size and 150 feet of street frontage.

F. In the A2 zone, noncommercial animal keeping shall not exceed the number allowed in the A1 designation. Large scale animal keeping shall be limited to local and industry standards.

G. Apiaries shall be regulated by Section 6.12.080 of the Municipal Code.

H. Prior to being weaned, the offspring of an allowed animal type shall be permitted.

I. Lots with a minimum net lot area of 10,000 square feet previously within the RR designation shall be allowed one horse. This applies to properties zoned R1, LDR, VLR. This is consistent with the Development Code prior to adoption of Resolution No. 2010-058, which established the General Plan Update.

~~16.20.680– Permit requirements for animals by land use designation.~~

Type of animal	Land Use Designation					
	R3 MDR HDR MU	LDR ⁴	R1 LDR ²	RR ³ LDR ³ VLR ⁴	A1 VLR ³ RER	A2
Bees	NP	NP	NP	A	P	P
Cattle	NP	NP	NP ⁴⁰	A	P	P
Columbiformes/caged birds	A	A	A	A	P	P
Domestic cats	A	A	A	A	A	P
Domestic dogs	A	A	A	A	A	P

Exotic animals ⁵ (not normally domesticated)	E	E	E	E	E	E
Fishbowls and aquariums ⁶	A	A	A	A	A	A
Fowl and poultry	NP	NP	A	A	P	P
Foxes ⁵	NP	NP	NP	NP	NP	E
Hogs and large pigs	NP	NP	NP	NP	P	P
Horses, mules, donkeys and llamas	NP	NP	A ⁷	A ⁷	P	P
Mink ⁵	NP	NP	NP	NP	NP	E
Ostriches and emus	NP	NP	NP	NP	NP	P
Pot bellied pigs (female or neutered male) ⁸	A	A	A	A	A	P
Rabbits and other small animals	A ⁹	A ⁹	A ⁹	A ⁹	P ¹⁰	P
Small livestock/goats and sheep	NP	NP	NP ¹¹	A	P	P

¹—Applicable to lots smaller than 7,200 square feet in area within this designation.

²—Applicable to lots 7,200 square feet and larger within this designation.

³—Applicable to lots of one gross acre or larger within this designation.

⁴—Applicable to lots less than one acre in within this designation.

⁵—As defined within Section 16.08.215 and Title 14, Section 671 of the California Fish and Game Code.

⁶—Applicable only to small private fish, amphibian, and reptile collections and does not allow large tanks and/or buildings in which fish and other animals are kept and shown to the public.

⁷—Horses or llamas are allowed only on a lot at least 20,000 square feet in area. Approval of one horse or llama on a lot less than 20,000 square feet but at least 19,000 square feet in area may be granted if written approval is obtained from all contiguous property owners. Lots with a minimum net lot area of 10,000 square feet previously within the RR designation shall be allowed one horse. This is consistent with the Development Code prior to adoption of Resolution No. 2010-058, which established the General Plan Update.

⁸—Female or neutered pot-bellied pigs can be substituted for numbers of dogs allowed.

⁹—~~These animals shall not be kept for meat or pelts.~~

¹⁰—~~Commercial raising of these animals is permitted on lots at least one gross acre in size and 150 feet of street frontage.~~

¹¹—~~Not permitted unless authorized by an educational animal project or prior to residential use on five acres or more.~~

~~16.20.690 – Number of animals allowed by land use designation.~~

Type of animal	Land Use Designation						
	R3 MDR HDR MU	R-1 ——— VLR LDR ——— A1 RR ——— RER					A2
	Lot area (sf = net square feet)						
	Any size	Less than 7,200 sf	7,200 sf to 17,999 sf	18,000 to 19,499 sf	19,500 sf to 1.4 acres	1.5 acres and larger	Any size
Ostriches, mink, fox	0	0	0	0	0	0	Noncommercial animal keeping shall not exceed the number allowed in the A1 designation. Large scale animal keeping shall be limited to local and industry standards
Cattle	0	0	0	0	0 ¹²	6 ¹²	
Columbiformes/caged birds	10	20	40	65	65 ¹³	150	
Domestic cats ¹⁴	2 ¹⁵	2	2	4	6	8	
Domestic dogs ¹⁴	2 ¹⁵	2	2	4	6	8	
Exotic animals ¹⁶	0	0	0	0	0	0	
Fowl and poultry	0	0	4 ¹⁷	27 ¹⁷	29 ¹⁸	225 ¹⁸	
Hogs and pigs	0	0	0	0	0 ¹⁹	3 ¹⁹	
Horses and llamas ²⁰	0	0	0	0	0	6	

Pot bellied pigs ²⁴	2	2	2	4	6	8
Rabbits and other small animals	4	2 ²²	2 ¹⁷	27 ¹⁷	29 ¹⁸	225 ¹⁸
Small livestock/goats & sheep	0	0 ²³	0 ²³	0 ²³	5 ²⁴	18 ²⁴

¹²—A minimum one gross acre lot is required to keep even one animal. Four animals are allowed per gross acre. The number of cows shall not be combined with the allowable number of horses and small livestock.

¹³—65 columbiformes are allowed for lots less than one gross acre. 150 are allowed for lots one gross acre and larger.

¹⁴—One additional animal is allowed for every ½ acre over one net acre in single-family residential designations. Lots previously within the RR designation shall be allowed a minimum of 4 dogs and 4 cats. This is consistent with the Development Code prior to adoption of Resolution No. 2010-058, which established the general plan update.

¹⁵—One dog and one cat, 2 dogs, or 2 cats are permitted.

¹⁶—Only allowed if approved as part of an exotic animal permit.

¹⁷—Two animals are allowed for every 3,500 sf net lot area, not to exceed 25 per acre. The number of fowl, small animals and small livestock on lots less than one gross acre cannot be combined. Peafowl and any male fowl shall be limited to 1 for every 14,400 sf min. Lots 18,000 sf or larger are allowed 10% to be male.

¹⁸—15 animals are allowed for every 10,000 sf net lot area for lots less than one gross acre in size. 150 animals per acre are allowed on lots of one gross acre and larger. The number of small animals, small livestock and fowl cannot be combined on lots less than one gross acre.

¹⁹—A minimum one gross acre lot area is required to keep even one animal. Two animals are allowed per gross acre, up to a maximum of 5. The animals cannot be garbage fed.

²⁰—A minimum 20,000 sf lot size is required. Lots 19,000 sf and larger may be allowed one horse with written approval from all contiguous property owners. One horse is allowed for every 10,000 sf net lot area. Lots with a minimum net lot area of 10,000 square feet previously within the RR designation shall be allowed one horse. This is consistent with the Development Code prior to adoption of Resolution No. 2010-058, which established the General Plan Update. The number of horses and llamas cannot be combined with the number of cattle and small livestock.

²¹—Female and/or neutered male pot bellied pigs can be substituted with the number of dogs allowed.

²²—Two small animals are allowed per dwelling unit.

~~23—Only allowed if approved as part of an educational animal project or on a vacant lot five gross acres or larger.~~

~~24—One animal is allowed per 5,000 sf for net lot area for lots less than one gross acre. Twelve animals are allowed per gross acre for lots one gross acre and larger. In either case, only one male goat is permitted. The number of small livestock shall not be combined with the allowable number of horses and cows.~~

~~All animal quantities are for the lower range of each lot size within the land use designations. Combinations of specific animal types are allowed, provided the total density on any parcel shall not exceed the allowance within the table for any one of the animal types. Prior to being weaned, the offspring of an allowed animal type shall be permitted.~~

16.20.700 - Standards for the keeping of animals.

A. General animal use regulations. The keeping of animals shall be in accordance with Article XIII of Chapter 16.20 and Title 6.

1. All animals shall be allowed as an accessory use to a primary use except on a minimum five gross acre vacant parcel within the R1 designation and as a permitted agricultural use within the RR, RER, A1, and A2 Designations. On a vacant five gross acre property designated R1, one cow or two goats are allowed per acre or four hundred (400) fowl per acre.
2. All buildings and enclosures for animals, except for cats, dogs, and pot-bellied pigs, shall be in accordance with Section 16.16.105 entitled "Animal buildings and structures."
3. The location of corrals, fenced enclosures, barns, stables, stalls and similar enclosures used to confine horses shall conform to the clearances as set forth in this section and Chapter 16.20, street setback regulations. Whenever the words "keeping" or "kept" are used in this section, they shall mean and include maintaining, grazing, riding, leading, exercising, tying, hitching, stabling and allowing to run at large. Riding or leading of horses to or from the premises in order to gain access to a bridle path, alley or street is allowed. Fences shall be a minimum height of five feet and capable of securing horses.

B. Standards of care and licensing of animals.

1. All areas used for the keeping of animals shall be adequately maintained to reduce odors and other negative effects in accordance with Title 6 of the Municipal Code.
2. All animals shall be licensed as required by Title 6.
3. Commercial animal facilities shall comply with Title 6.

C. Educational animal project. An educational animal project may be permitted as a temporary accessory use on a lot and shall require approval of an educational animal project application in accordance with this chapter.

1. The number of animals that may be permitted is shown in Table 16.20.690. Animals born to the project animal pursuant to an approved educational animal project permit under the age of four months may also be kept.
2. Combinations of the listed animals may be kept, provided the maximum number does not exceed the allowable number within Table 16.20.710.

Table 16.20.710**Allowed Number of Animals For an Educational Animal Project**

The number and type of animals allowed with an approved educational animal project permit as a function of net lot area	Maximum Number
One bovine per 20,000 sq. ft.	3
Two calves per 10,000 sq. ft. (to a maximum age of six (6) months)	9
Two sheep per 10,000 sq. ft.	9
Two goats per 10,000 sq. ft.	9

3. An educational animal project shall be subject to the following. The educational animal project shall be kept only on an improved and occupied lot or parcel.
 - a. Such animals shall be kept at least seventy (70) feet from buildings used for human habitation, public park, school, hospital or church buildings on adjoining lots or parcels. Buildings used for human habitation shall not include cabanas, patios, attached or detached private garages or storage buildings.
 - b. Areas for animal keeping shall be a minimum of five feet from interior side and rear property lines, and fifteen (15) feet from side street rights-of-way, excepting an alley or bridle path. Animals shall not be kept within any front yard.
 - c. The animals shall be confined by a five-foot high chain link fence or a five foot wood fence with horizontal members no more than six inches apart, in accordance with the fencing limitations within the Development Code.
4. An exemption shall be made to allow for the purpose of conducting animal projects by 4-H, FFA or other state accredited program members, specifically and exclusively; provided, the members obtain an educational animal project permit, which shall be subject to the following conditions:
 - a. Educational animal project permits shall be issued for twenty-four (24) months, during which time unscheduled monthly inspections shall be conducted. Permits may be extended on a twelve (12) month basis. Requests for extensions shall be evaluated based on inspections, any complaints on file, and other applicable information. The permit shall become invalid when the permittee reaches nineteen (19) years of age, or in the event the 4-H or FFA project is discontinued;
 - b. Property owners contiguous to the permittee shall be notified prior to the issuance of a permit and shall be renotified in the event an extension is requested;
 - c. In the event of a complaint, or if unsatisfactory conditions are identified through inspection, the 4-H, FFA or other accredited program representative shall

cooperate with city staff to enforce the conditions of the educational animal project permit;

- d. All operation and maintenance regulations established under an approved educational animal project permit shall be met.
- e. Any violation of the permit requirements may result in the revocation of the educational animal project permit. The permittee shall be given written notification prior to consideration for revocation.

City of Hesperia STAFF REPORT



DATE: October 3, 2017

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Director of Development Services
Dave Reno, Principal Planner
Daniel Alcayaga, Senior Planner
Liz Delvin, Animal Control Officer

SUBJECT: Development Code Amendment DCA17-00008 to amend Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-19 approving Development Code Amendment DCA17-00008, amending Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.

BACKGROUND

On September 14, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval by a 5-0 vote. There are inconsistencies as it pertains to Apiaries Title 16 (Development Code) and Title 6 (Animal Care and Control). Title 6 currently prohibits apiaries, except for three hives or fewer, and must be located 150 feet from a neighboring residence. Title 16 currently allows apiaries in certain zones provided hives are 50 feet from the public right-of-way, a residential property, a residence, schools, and parks.

ISSUES/ANALYSIS

Apiaries: Title 6 and Title 16 are being amended to allow Title 6 to take precedence over the Apiary regulations. In Title 6, three hives or fewer will continue to be permitted, but must be located 300 feet from the right-of-way, a residential property, a residence, schools, and parks. This distance is in line with provisions from surrounding cities. Based on codes from other jurisdictions, a six-foot barrier should be required to be placed around the hives to deter bees from swarming to the ground. A nuisance clause was also added to help enforce these provisions in abatement cases.

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

Conclusion: Staff supports the Development Code Amendment, as it will make Titles 6 and 16 consistent in regulating Apiaries.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2017-19
2. Exhibit "A"

ORDINANCE NO. NO. 2017-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT AMENDING OF THE MUNICIPAL CODE AS IT PERTAINS TO APIARIES (DCA17-00008)

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, the City proposes to amend Chapters 6.12 and 16.16 of the City of Hesperia Municipal Code regulations which pertain to animal regulations; and

WHEREAS, the City finds that it is necessary to amend the regulations pertaining to Apiaries; and

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

WHEREAS, on September 14, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, on October 3, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment 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 Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA17-00008, amending the regulations pertaining to Apiaries as shown on Exhibit "A."

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 Ordinance No. 2007-101.

ADOPTED AND APPROVED on this 3rd day of October 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk

EXHIBIT "A"

The following amendments shall be made to Chapter 16.16 (additions are in underlined red text and deletions are shown with a ~~strikethrough~~):

16.16.095 - Agricultural uses.

Agricultural Uses	A1	A2
DD. Commercial poultry ranches ⁵ <u>6</u>	P	P
EE. Commercial rabbit-raising enterprise ⁶ <u>7</u>	P	P
<u>HH. Apiaries⁵</u>	<u>NP, unless exempted</u>	<u>NP, unless exempted</u>

Notes:

5. Apiaries shall not be permitted, except as provided in Section 6.12.080 of the Municipal Code. ~~allowed provided, that all hives or boxes housing bees shall be placed at least fifty (50) feet from any street, road or highway, any public school, park, "R" designation boundary or from any dwelling or place of human habitation other than that occupied by the owner or caretaker of the apiary;~~

6. Commercial poultry ranches. Such ranches shall be subject to the following site improvements:

- a. Noncommercial poultry raising limited to one hundred fifty (150) chickens, ducks, quail, or similar fowl for each one acre of parcel area; or
- b. Noncommercial small animal raising limited to one hundred fifty (150) rabbits, chinchillas or similar small animals;
- c. Poultry cages shall be maintained in open-type houses not to exceed one story in height unless approved by the building and safety department. This limitation shall also apply to all other approved types of poultry enclosures.

7. Commercial Rabbit-raising Enterprises. Such enterprises shall locate on parcels of at least one gross acre, with a minimum frontage of one hundred fifty (150) feet;

The following amendments shall be made to Chapter 6.12 (additions are in underlined red text and deletions are shown with a ~~strikethrough~~):

6.12.080 - Apiaries.

Due to the potential for takeover form "Africanized Honey Bees":

- A. Apiaries shall not be permitted within the city.
- B. Exceptions.
 - 1. A single hive may be allowed when required by a prescription from a licensed medical doctor and used for the treatment of certain diseases.
 - 2. Three or fewer hives may be maintained on agriculturally zoned and owner occupied land when the hives are placed at least three hundred (300) ~~one hundred fifty (150)~~ feet from any ~~residence on other properties.~~ street, road or highway, any public school, park, "R" designation boundary or from any dwelling or place of human habitation other than that occupied by the owner or caretaker of the apiary. The hives must be located and maintained behind barriers (natural or otherwise) of at least six feet in height;
 - 3. A permanent source of fresh water shall be provided within twenty-five (25) feet of any hive.
- C. All other apiaries in existence within the city limits on the effective date of this ordinance may be allowed to stay for a period of one year (three hundred sixty-five (365) days) from that date, then must be removed or destroyed.
- D. Nuisance Bees. Bees shall be considered a public nuisance when they interfere with the normal use of private or public property or have been involved in a multiple stinging incident of five or more stings to an animal or person. Bees known to be Africanized Honey Bees are declared a public nuisance in any situation.