

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: May 11, 2017

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

Cody Leis, Vice Chair

Rusty Caldwell, Commissioner

Joline Hahn, Commissioner

Jim Heywood, Commissioner

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

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

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City of Hesperia

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

Meeting Agenda Planning Commission

Thursday, May 11, 2017

6:30 PM

AGENDA HESPERIA PLANNING COMMISSION

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

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER - 6:30 PM

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

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

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- 1 Page 1 April 13, 2017, Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on April 13, 2017.

Staff Person: Denise Bossard

Attachments: [A1 04-13-2017 PC MINUTES](#)

PUBLIC HEARINGS

- 2** Page 11 General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009 (Applicant: Harp Verma; APN: 0412-172-01)

Recommended Action:

Staff recommends that this item be continued to the Planning Commission meeting of June 8th. This will allow staff additional time to complete the environmental analysis and to circulate the documents for review and comment.

Staff Person: Associate Planner Ryan Leonard

Attachments: [Staff Report](#)

- 3** Page 13 Consideration of Variance VAR16-00001, to allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation in conjunction with Site Plan Review SPR15-00012, to construct a 186-unit multi-family development replacing two single-family residences on 22.8 gross acres within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan located on the south side of Olive Street between Third Avenue and Hesperia Road (Applicant: Olivetree Apartments, LP; APNs: 0413-162-09, 10, 35 & 36)

Recommended action:

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-12 and PC-2017-13, approving VAR16-00001 and SPR15-00012.

Staff Person: Senior Planner Stan Liudahl

Attachments: [Staff Report](#)

[A1 Site Plan](#)

[A2 General Plan](#)

[A3 Aerial Photo](#)

[A4 Aerial Photo of 8809 & 8810 C Ave](#)

[A5 Floor Plans](#)

[A6 Building Elevations](#)

[A7 Neg Dec](#)

[A7.1 Initial study](#)

[R1 VAR Reso](#)

[R2 SPR Reso](#)

[R2.1 SPR coa](#)

- 4** Page 67 Consideration of Development Code Amendment DCA17-00004 and Specific Plan Amendment SPLA17-00001 modifying development regulations pertaining to multi-family developments (i.e. building setback and building separation requirements) and clarifying that two multi-family dwelling units are not subject to the site plan review process (Applicant: City of Hesperia; Area:

City-wide)

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2017-13 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00004 and SPLA17-00001.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [Staff Report](#)

[R1 Resolution PC-2017-13](#)

[A1 Exhibit 'A'](#)

- 5 Page 73 Consideration of Development Code Amendment DCA17-00003 modifying development standards associated with Accessory Dwelling Units (ADUs) (Applicant: City of Hesperia; Area: City-wide)

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2017-15 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00003, modifying development standards associated with Accessory Dwelling Units (ADUs).

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [Staff Report](#)

[R1 Resolution No. PC-2017-15](#)

[A1 Exhibit "A"](#)

PRINCIPAL PLANNER'S REPORT

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

D. DRC Comments

- Page 81 Development Review Committee Agendas, April FJ, 2017 and May 3, 2017

Staff Person: Principal Planner Dave Reno

Attachments: [04-FJ-2017 & 05-03-2017 DRC Agendas](#)

E. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

I, Denise Bossard, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, , 2017 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Denise Bossard,
Planning Commission Secretary*



City of Hesperia Meeting Minutes Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Thursday, April 13, 2017

6:30 PM

AGENDA HESPERIA PLANNING COMMISSION

CALL TO ORDER - 6:34 PM:

A. Pledge of Allegiance to the Flag:

Pledge of Allegiance led by Vice Chair Cody Leis.

B. Invocation:

Invocation led by Chair Tom Murphy.

C. Roll Call:

Present: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
Commissioner Jim Heywood

Motion by Vice Chair Cody Leis to excuse the absence of Commissioner Joline Hahn, Seconded by Commissioner Jim Heywood, passed with the following roll call vote:

AYES: Chair Tom Murphy, Vice Chair Cody Leis, Commissioner Jim Heywood and Commissioner Rusty Caldwell

ABSENT: Commissioner Joline Hahn

JOINT PUBLIC COMMENTS:

Chair Tom Murphy opened the Joint Public Comments at 6:36 pm.

There were no public comments.

Chair Tom Murphy closed the Joint Public Comments at 6:36 pm.

CONSENT CALENDAR:

1. Approval of Minutes: March 9, 2017, Planning Commission Meeting Draft Minutes

Sponsor: Senior Office Specialist Denise Bossard

Motion by Vice Chair Cody Leis to approve the March 9, 2017, Planning Commission Meeting Draft Minutes, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell

ABSENT: Commissioner Joline Hahn

ABSTAIN: Commissioner Jim Heywood

PUBLIC HEARINGS:

2. General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009; (Applicant Harp Verma; APN: 0412-172-01)

Sponsor: Principal Planner Dave Reno

Principal Planner Dave Reno explained that items GPA16-00002 and CUP16-00009 need to be continued to the Planning Commission meeting of May 11, 2017, to allow staff additional time to complete the environmental analysis and to circulate the documents for review and comment.

Chair Tom Murphy recused himself from GPA16-00002 and CUP16-00009 and turned the meeting over to Vice Chair Cody Leis.

Vice Chair Cody Leis introduced General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009.

Vice Chair Cody Leis opened the Public Hearing at 6:40 pm.

There were no public comments.

Chair Tom Murphy closed the Public Hearing at 6:40 pm

Motion by Commissioner Jim Heywood to continue GPA16-00002 and CUP16-00009 to the May 11, 2017, meeting, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

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

3. Consideration of Conditional Use Permit CUP17-00004 to allow the sale of beer and wine for off-site consumption in conjunction with a 99 Cent Only Store at 14073 Main Street, Suite 108 (Applicant: Alcoholic Beverage Consulting; APN: 3057-071-05)

Sponsor: Senior Planner Daniel Alcayaga

Chair Tom Murphy opened the Public Hearing at 6:45 pm.

Applicant Steve Rawlings spoke on the project.

Chair Tom Murphy closed the Public Hearing at 6:46 pm.

Motion by Commissioner Jim Heywood to adopt Resolution No. PC-2017-07, approving CUP17-00004, Seconded by Vice Chair Cody Leis, passed with the following roll call vote:

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

4. **Consideration of General Plan Amendment GPA16-00003, modifying the Circulation Element to eliminate that portion of Joshua Street west of Caliente Road and Site Plan Review SPR16-00016, to construct a 75,000 square foot yacht and small residential building manufacturing facility in two phases on 6.1 gross acres of a 20.3-acre parcel within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan located on the west side of Caliente Road, approximately 1,250 feet south of Muscatel Street (Applicant: Caliente Industrial Park, LLC; APN: 3039-321-09)**

Sponsor: Senior Planner Stan Liudahl

Senior Planner Stan Liudahl gave a presentation on GPA16-00003 & SPR16-00016.

Chair Tom Murphy opened the Public Hearing at 6:54 pm.

There were no public comments.

Chair Tom Murphy closed the Public Hearing at 6:55 pm.

The Commission asked questions of staff with discussions ensuing.

The Commission asked questions of the applicant with discussions ensuing.

Motion by Vice Chair Cody Leis to adopt Resolution No. PC-2017-05 and No. PC-2017-06 recommending that the City Council approve GPA16-00003 and SPR16-00016, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

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

5. **Development Code Amendment DCA17-00002 adopting the Commercial Community Enhancement Ordinance (CCEO); (Applicant: City of Hesperia; Area affected: City-wide)**

Sponsor: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga gave a presentation on Development Code Amendment DCA17-00002. The Commission asked questions of staff and Assistant City Attorney Jeff Malawy with discussions ensuing.

Chair Tom Murphy opened the Public Hearing at 7:21 pm.

There were no public comments.

Chair Tom Murphy closed the Public Hearing at 7:21 pm.

Motion by Commissioner Jim Heywood to adopt Resolution No. PC-2017-11, recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00002, the Commercial Community Enhancement Ordinance (CCEO), Seconded by Vice Chair Cody Leis, passed with the following roll call vote:

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

NEW BUSINESS:

6. Determination of Conformity- 2017-18 Capital Improvement Program

Sponsor: Principal Planner Dave Reno

Principal Planner Dave Reno introduced the Determination of Conformity- 2017-18 Capital Improvement Program.

Director of Development Services Mike Blay gave an introduction to the annual 2017-2018 Capital Improvement Program.

City Engineer Mike Thornton gave a presentation on the Determination of Conformity 2018-2017 Capital Improvement Program.

The Commission asked questions of staff with discussions ensuing.

Motion by Commissioner Jim Heywood to adopt Resolution No. PC-2017-10, finding that the proposed 2017-18 Capital Improvement Program as shown on Exhibit "A" is in conformance with the Hesperia General Plan and direct that this finding be reported to the City Council, Hesperia Water and Fire Protection Districts, Seconded by Vice Chair Cody Leis, passed with the following roll call vote:

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

ABSENT Commissioner Joline Hahn

PRINCIPAL PLANNER'S REPORT:

7. Consideration of Hazard Mitigation Plan

Sponsor: Principal Planner Dave Reno

Principal Planner Dave Reno introduced the Hazard Mitigation Plan.

Assistant to the City Manager Rachael Molina gave a presentation on the Hazard Mitigation Plan.

Chair Murphy thanked Assistant to the City Manager Rachael Molina for the presentation.

The Commission asked questions of staff with discussions ensuing.

No Motion required. The Planning Commission was instructed to receive and file the Hazard Mitigation Plan and provide comments to staff on plan content.

D. DRC Comments

Principal Planner Dave Reno updated the Commission on two projects approved by the Development Review Committee, including the O'Reilly's Auto Parts store and the Six Beans coffee kiosk as well as noted that to date, there are 170 residential permits this fiscal year.

E. Major Project Update

No updates provided.

PLANNING COMMISSION BUSINESS OR REPORTS:

No reports provided.

ADJOURNMENT:

Meeting adjourned at 8:04 pm until Thursday, May 11, 2017

Tom Murphy,
Chair

By: Denise Bossard,
Commission Secretary

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City of Hesperia STAFF REPORT



DATE: May 11, 2017

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Ryan Leonard, AICP, Associate Planner

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

Staff recommends that this item be continued to the Planning Commission meeting of June 8th. This will allow staff additional time to complete the environmental analysis and to circulate the documents for review and comment.

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DATE: May 11, 2017
TO: Planning Commission
FROM: Dave Reno, Principal Planner
BY: Stan Liudahl, Senior Planner
SUBJECT: VAR16-00001 and SPR15-00012 (Olivetree Apartments, LP; APNs: 0413-162-09, 10, 35 & 36)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-12 and PC-2017-13, approving VAR16-00001 and SPR15-00012.

BACKGROUND

Proposal: The applicant proposes to construct a 186-unit multi-family development replacing two single-family residences on 22.8 gross acres (Attachment 1). A Variance (VAR) has also been filed, which will allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation.

Location: On the south side of Olive Street between Third Avenue and Hesperia Road.

Current General Plan, Zoning and Land Uses: The site is within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The subject property contains two single-family residences. The surrounding properties to the north contain single-family residences and apartments, the properties to the south and east contain mobile home parks, and the properties to the west contain a school (Attachment 3). The applicant has constructed two previous apartment complexes with the same overall design at 8809 and 8810 C Avenue (Attachment 4). Each project provides multiple duplex units with an attached garage.

ISSUES/ANALYSIS

Variance

The variance will allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and a 15-foot building separation as required by the MDR Zone of the Specific Plan. This will be the third duplex project proposed by the applicant. The previous projects were approved prior to adoption of the Specific Plan, which enacted the 25-foot street side yard setback and the 15-foot building separation requirement in 2008.

Site Plan Review

The MDR Zone allows development of apartments from 8 to 15 dwelling units per gross acre. This project will provide a density of 8.2 units per acre. The proposed 186-unit apartment project will offer 124 two-bedroom and 62 three-bedroom units. The two-bedroom units and the three-bedroom units are 1,106 and 1,275 square feet in area, respectively (Attachment 5). Each unit includes an attached two-car garage and a fenced private yard. The apartment complex contains a 2,865 square foot recreation building, a 1,500 square foot fitness building, two pools, a 440 square foot restroom/cabana building, one playground with permanent playground equipment, two passive outdoor recreational areas, and a 440 square foot maintenance building. This developer constructed a 154-unit apartment complex on 16.9 gross acres at 8810 C Avenue, which was approved under SPR-2004-33 on December 28, 2005 and a 68-unit apartment complex on 5.9 gross acres at 8809 C Avenue, which was approved under SPR-2000-09 on October 12, 2002. Since the Specific Plan became effective on October 16, 2008, these two projects were not subject to the 25-foot street side yard building setback and the 15-foot building separation regulation.

The proposed development complies with the minimum 25-foot front yard building setback, the 35-foot maximum building height, and the minimum parking requirements. The project requires a minimum of 419 parking spaces, based upon 2.25 spaces per dwelling unit. The site design will provide 476 parking spaces, affording 57 surplus spaces. In addition, the Specific Plan requires that a minimum of 15 percent of the net parcel area be landscaped. The proposed site plan provides 29 percent. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows. The project can be modified to comply with this regulation without a significant change in the site's design. The architecture of the duplex buildings comply with the architectural requirements of the Specific Plan (Attachment 6). The apartments are designed with contemporary architecture featuring three color schemes. Each duplex incorporates changes in roof and wall planes, tile roofs, wood trim, and stone veneer.

Noise: The project site will be subjected to higher levels of noise, due to its proximity to the Burlington Northern and Santa Fe railroad. The proposed apartments are subject to an interior noise standard of 45 dB (A). The project is expected to receive over 65 dB (A) from the railroad. The General Plan indicates that residential properties within 1,850 feet of the railroad will be exposed to noise in excess of 65 dB (A). Since the exterior noise level will exceed 65 dB (A), implementation of noise-reducing building methods will be necessary. Compliance with standard building methods will result in the buildings meeting the 45 dB (A) interior noise standard.

Drainage: On-site drainage sized to retain stormwater from a 100-year storm will be retained in underground retention systems. The site is not affected by upstream drainage. As a result, this project will not be significantly affected by off-site storm water flow nor will it impact properties downstream.

Water and Sewer: The developer shall pay appropriate fees and connect to the existing water systems. Domestic and fire connections shall be made from the proposed eight-inch water line in Olive Street. The developer will also be required to connect to the proposed eight-inch sewer main in Olive Street and Hesperia Road.

Traffic Impact: Based on the Institute of Traffic Engineers' Trip Generation Manual, apartments generate approximately 6.7 daily vehicle trips per dwelling unit. Consequently, the proposed 186 units would generate about 1,246 daily vehicle trips. The General Plan Update Environmental Impact Report (GPUEIR) analyzed the impact of up to 342 dwelling units on this property. Based upon the maximum residential density of 15 dwelling units per gross acre, the project will create 2,291 daily vehicle trips. Consequently, this project will result in 1,045 fewer daily vehicle trips than were analyzed by the GPUEIR.

Environmental: Approval of this development requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study prepared for the development (Attachment 7) conclude that there are no significant adverse impacts resulting from the project. A biological assessment, protected plant plan, and cultural resource survey were required. The biological report shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance. A cultural resource survey was also conducted. The report indicates that no significant archaeologic or paleontologic resources exist and does not recommend any further studies. However, if cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

Conclusion: The project conforms to the policies of the Specific Plan and is consistent with the General Plan with adoption of a Variance.

FISCAL IMPACT

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

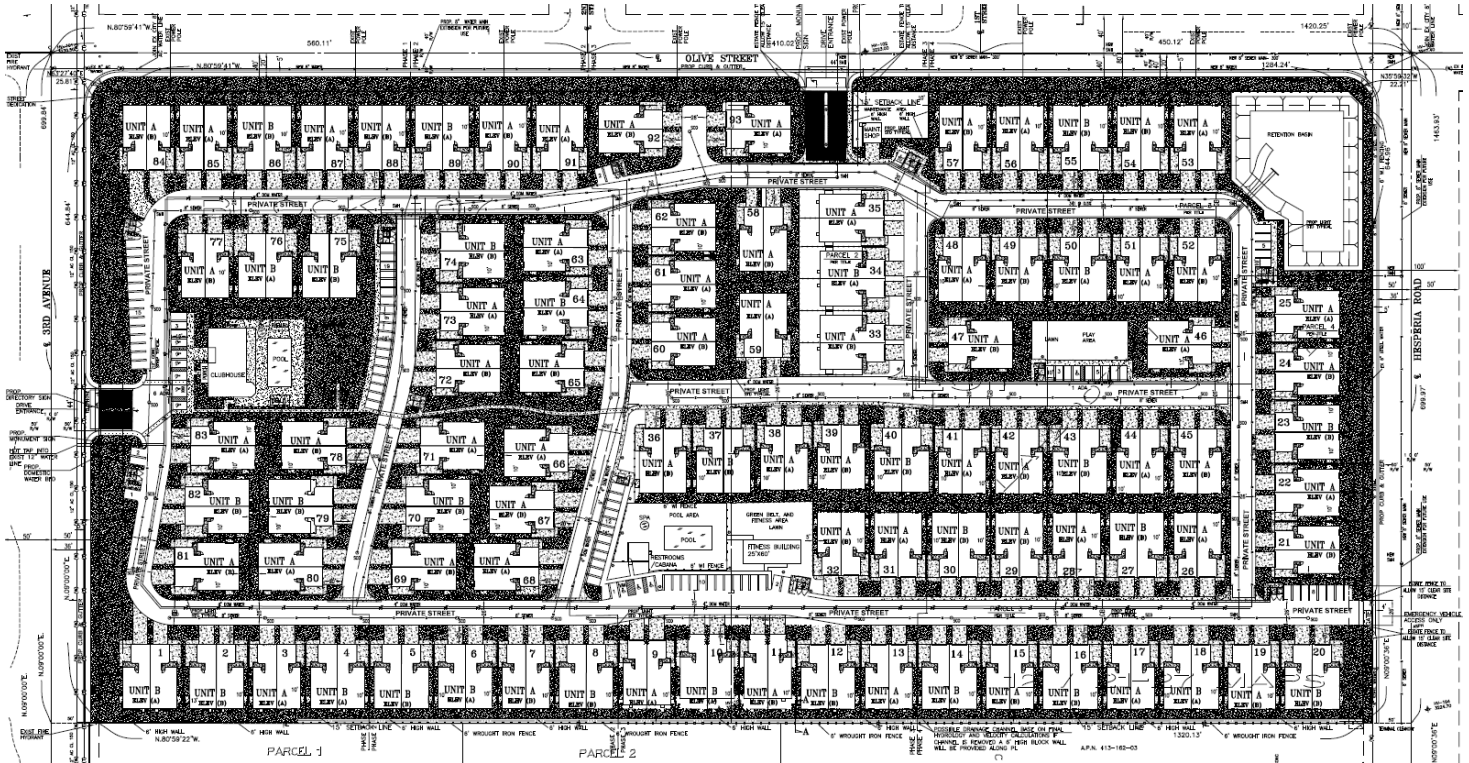
ALTERNATIVE(S)

1. The Planning Commission could deny the variance. This would increase the street side yard setback and the minimum building separation, potentially reducing the number of dwelling units to the extent that the project would not meet the minimum density range. As such, staff does not support this alternative.
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site plan
2. General Plan
3. Aerial photo
4. Aerial photo showing 8809 and 8810 C Avenue
5. Floor plans
6. Color exterior building elevations
7. Negative Declaration ND-2016-10 with the Initial Study
8. Resolution No. PC-2017-12 (VAR16-00001)
9. Resolution No. PC-2017-13, with list of conditions (SPR15-00012)

ATTACHMENT 1



APPLICANT(S): OLIVETREE APARTMENTS, LP

FILE NO(S): VAR16-00001 & SPR15-00012

LOCATION: ON THE SOUTH SIDE OF OLIVE STREET
BETWEEN THIRD AVENUE AND HESPERIA ROAD

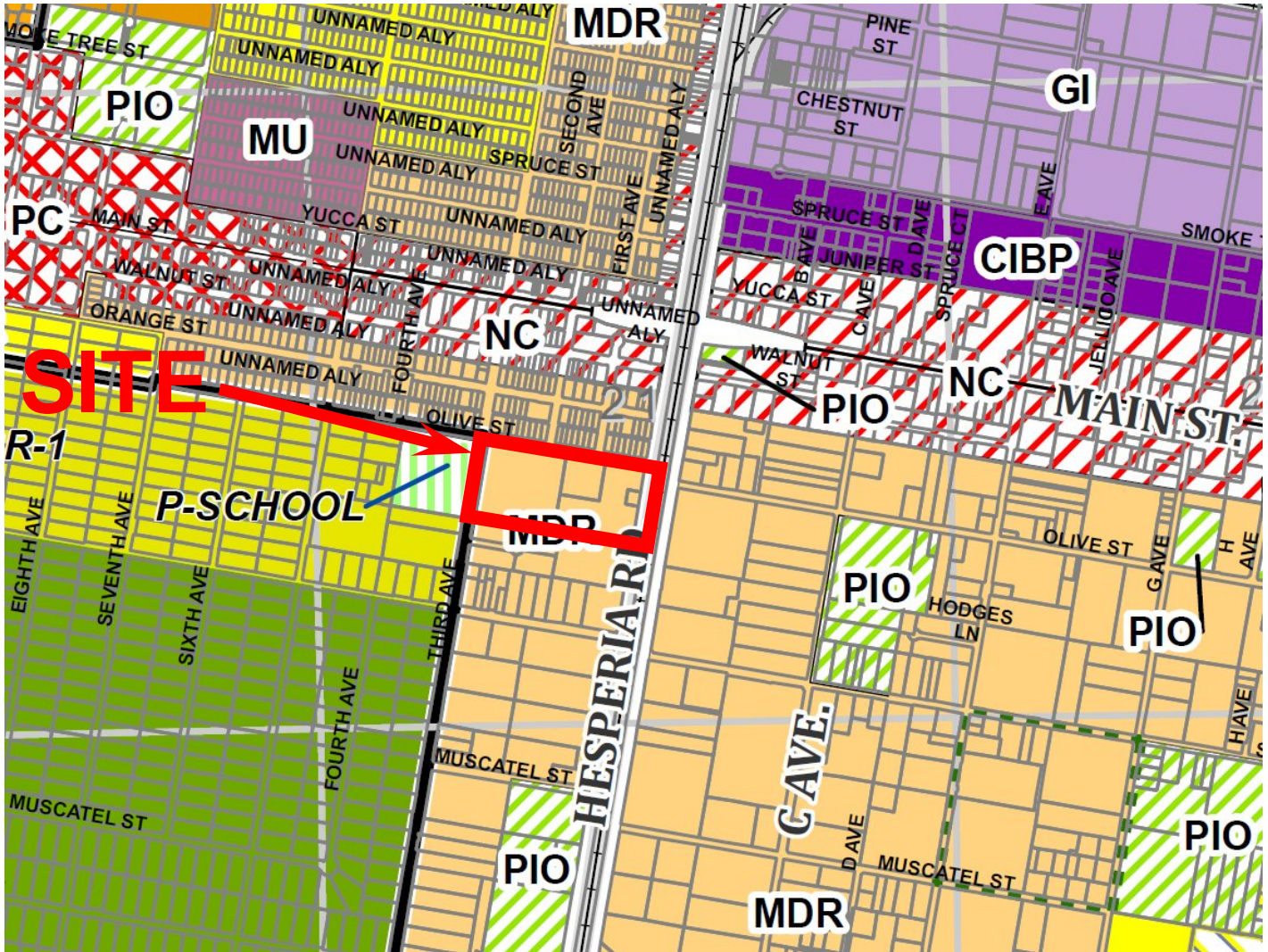
APN(S): 0413-162-09, 10, 35 & 36

PROPOSAL: CONSIDERATION OF VARIANCE VAR16-00001, TO ALLOW A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012, TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



SITE PLAN

ATTACHMENT 2



APPLICANT(S): OLIVETREE APARTMENTS, LP

FILE NO(S): VAR16-00001 & SPR15-00012

LOCATION: ON THE SOUTH SIDE OF OLIVE STREET
BETWEEN THIRD AVENUE AND HESPERIA ROAD

APN(S): 0413-162-09, 10, 35 & 36

PROPOSAL: CONSIDERATION OF VARIANCE VAR16-00001, TO ALLOW A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012, TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



GENERAL PLAN

ATTACHMENT 3



APPLICANT(S): OLIVETREE APARTMENTS, LP

FILE NO(S): VAR16-00001 & SPR15-00012

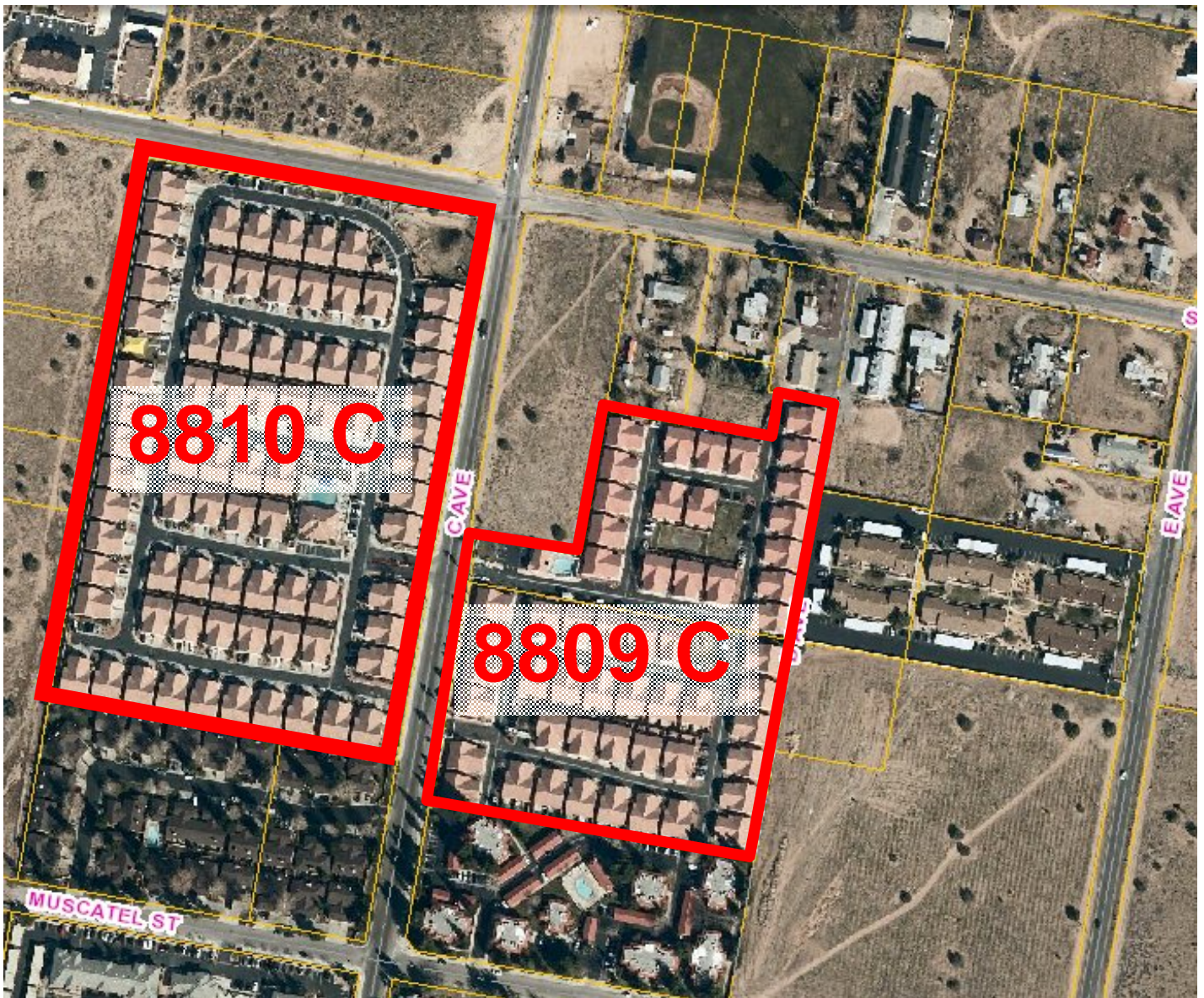
LOCATION: ON THE SOUTH SIDE OF OLIVE STREET
BETWEEN THIRD AVENUE AND HESPERIA ROAD

APN(S): 0413-162-09, 10, 35 & 36

PROPOSAL: CONSIDERATION OF VARIANCE VAR16-00001, TO ALLOW A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012, TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



ATTACHMENT 4



APPLICANT(S): OLIVETREE APARTMENTS, LP

FILE NO(S): VAR16-00001 & SPR15-00012

LOCATION: ON THE SOUTH SIDE OF OLIVE STREET
BETWEEN THIRD AVENUE AND HESPERIA ROAD

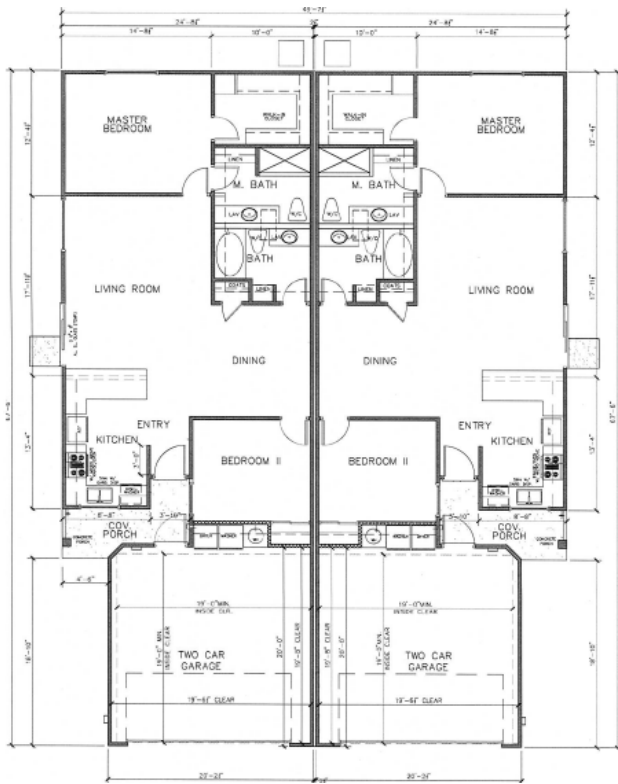
APN(S): 0413-162-09, 10, 35 & 36

PROPOSAL: CONSIDERATION OF VARIANCE VAR16-00001, TO ALLOW A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012, TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



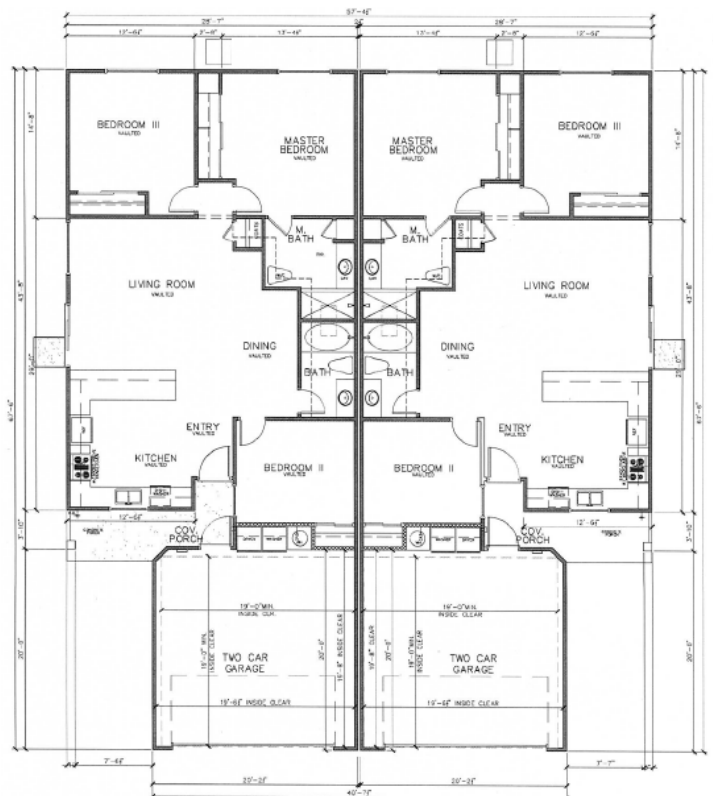
AERIAL OF EXISTING DEVELOPMENTS AT 8809 & 8810 C AVE

ATTACHMENT 5



UNIT A

1,106 SQUARE FEET



UNIT B

1,275 SQUARE FEET

APPLICANT(S): OLIVETREE APARTMENTS, LP

FILE NO(S): VAR16-00001 & SPR15-00012

LOCATION: ON THE SOUTH SIDE OF OLIVE STREET
BETWEEN THIRD AVENUE AND HESPERIA ROAD

APN(S): 0413-162-09, 10, 35 & 36

PROPOSAL: CONSIDERATION OF VARIANCE VAR16-00001, TO ALLOW A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012, TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



FLOOR PLANS

DUPLEX ELEVATIONS

SCHEME A



FRONT ELEVATION



SIDE ELEVATION

SCHEME A1



FRONT ELEVATION



SIDE ELEVATION

SCHEME B



FRONT ELEVATION



SIDE ELEVATION

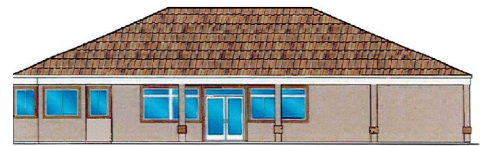
CLUBHOUSE ELEVATIONS



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

APPLICANT(S): OLIVETREE APARTMENTS, LP

FILE NO(S): VAR16-00001 & SPR15-00012

LOCATION: ON THE SOUTH SIDE OF OLIVE STREET
BETWEEN THIRD AVENUE AND HESPERIA ROAD

APN(S): 0413-162-09, 10, 35 & 36

PROPOSAL: CONSIDERATION OF VARIANCE VAR16-00001, TO ALLOW A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012, TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



BUILDING ELEVATIONS

ATTACHMENT 7

PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1221
NEGATIVE DECLARATION ND-2016-10
Preparation Date: March 6, 2017

Name or Title of Project: Variance VAR16-00001 and Site Plan Review SPR15-00012.

Location: On the south side of Olive Street between Third Avenue and Hesperia Road (APNs: 0413-162-09, 10, 35 & 36).

Entity or Person Undertaking Project: Olivetree Apartments, LP.

Description of Project: Variance VAR16-00001, to allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation and Site Plan Review SPR15-00012, to construct a 186-unit multi-family development replacing two single-family residences on 22.8 gross acres within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan.

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

Mitigation Measures:

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavaceae family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy.
4. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A).

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: March 10, 2017 through March 30, 2017.

Adopted by the Planning Commission: April 13, 2017.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

1. **Project Title:** Site Plan Review SPR15-00012 and Variance VAR16-00001 (ND-2016-10)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231
4. **Project Location:** On the south side of Olive Street between Third Avenue and Hesperia Road (APNs: 0413-162-09, 10, 35 & 36).
5. **Project Sponsor:** Olivetree Apartments, LP
Address: 1667 E. Lincoln Avenue
Orange, CA 92865
6. **General Plan & zoning:** Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

The project consists of Site Plan Review SPR15-00012 and Variance VAR16-00001, to construct a 186-unit multi-family development replacing two single-family residences on 22.8 gross acres within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The variance will allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation as required by the Medium Density Residential Zone of the Specific Plan.

The proposed 186-unit apartment project will offer 124 two-bedroom and 62 three-bedroom units. The two-bedroom units and the three-bedroom units are 1,106 and 1,275 square feet in area, respectively. Each unit includes an attached two-car garage and a fenced private yard. The apartment complex contains a 2,865 square foot recreation building, a 1,500 square foot fitness building, two pools, a 440 square foot restroom/cabana building, one playground with permanent playground equipment, two passive outdoor recreational areas, and a 440 square foot maintenance building. This developer constructed a 154-unit apartment complex on 16.9 gross acres located on the southwest corner of Sultana Street and C Avenue, which is similar to this proposed 186-unit apartment complex.

7. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The project site contains two single-family residences, which will be demolished. Single and multiple family residences exist to the north and a high school to the west. A mobilehome park exists to the south and east as shown on Attachment "A."
8. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) Review and approval of the project is required from the City.

Attachment “A”

CUP15-00012 & VAR16-00001

initial study



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:


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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

| | | |
|-------------------------------------|--|--------------|
| <input type="checkbox"/> | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | "De minimis" |
| <input checked="" 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. | |



Signature

Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

03/06/2017

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

Comments.

The site contains two single-family residences, which will be demolished prior to development of this project. Single and multiple family residences exist to the north and a high school to the west. Mobile home parks exist to the south and east (1). Consequently, the project is within an area that has been partially developed. Therefore, development of the site is considered infill and will not degrade an existing scenic resource nor would it reduce the site's visual quality or that of the neighborhood.

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The GPUEIR addressed the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands (3). The City does not contain any registered historic buildings. In addition, the site is not adjacent to a state scenic highway (2). State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. Since the project site is not in proximity to this area, the project will not have a significant negative impact upon a scenic highway.

The proposed development is within the core area designated for multiple-family residential development. Construction of the single-story, 186-unit duplex apartment complex (5) would only cause a minor change in the visual character of the area. Inasmuch as the project is within the maximum density allowed by the General Plan, the project's environmental impact would not exceed that identified under the General Plan Update Environmental Impact Report (GPUEIR). Therefore, the aesthetic impact of this project is not significant.

This 22.8 gross acre property is within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The density of the proposed 186-unit apartment complex is 8.2 dwelling units per gross acre, consistent with the existing zoning, which allows between 8 and 15 dwelling units per gross acre (6). The proposed residential development is also consistent with the 60 percent lot coverage limitation. The transportation impact of the uses proposed under this site plan review is analyzed within Section XVI (TRANSPORTATION / TRAFFIC).

The development is subject to the maximum building height and lot coverage, as well as the architectural standards of the Specific Plan (6). Besides limiting the building height and density, these regulations specify minimum architectural standards as implemented through the site plan review process. This project is consistent with all standards except the minimum 15-foot building separation and the 25-foot street side yard setback requirements. Therefore, the applicant filed Variance VAR16-00001, which will allow the proposed building separation and setback deviation.

The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street or any property within a residential zone **(4)**. In addition, all exterior lighting within this development shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update **(5)**, which identifies the impact of development in accordance with the General Plan as less than significant. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project 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 (6, 7 & 8) | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (8, 9 & 10)? | | | | X |
| c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (10 & 11)? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (10 & 11)? | | | | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (9, 10 & 11)? | | | | X |

Comments.

As part of evaluation of this land use entitlement, the potential impact upon prime farmland, unique farmland, or farmland of statewide importance has been evaluated **(9 & 10)**. Staff has reviewed the General Plan as well as those properties subject to the Williamson Act and the United States Soil Conservation Service Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance.

The soil at this location is identified as Cajon sand, zero to two percent slopes **(11)**. This soil is mainly used for homestead development, grazing, and wildlife habitat. The soil is limited by slightly to high soil blowing hazard, excessively drained and sloped, high water intake rate, low available water capacity, and low fertility. Further, the proximity of commercial and residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any

properties designated as prime or unique farmland and will not negate any Williamson Act contract as the site is currently within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (9). The site was also evaluated for past agricultural uses. There is no record of past agricultural activities on the site. Therefore, this project will not have an impact upon agricultural resources.

The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (12). 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 (13). The project site is located in the central portion of the City within an existing residential area (1, 7 & 9). 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 (14). Local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Conflict with or obstruct implementation of the applicable air quality plan (15, 16 & 17)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (15, 16 & 17)? | | | X | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (15, 16 & 17)? | | | X | |
| d) Expose sensitive receptors to substandard pollutant concentrations (1, 7, 15, 16 & 17)? | | | X | |
| e) Create objectionable odors affecting a substantial number of people (1, 7, 15 & 16)? | | | | X |

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors (15 & 16). Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The proposed apartments will potentially contain a number of sensitive receptors. The apartments will not cause a significant increase in emissions and are within an existing residential area not near a point source emitting a significant amount of poor air quality.

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

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

The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The General Plan Update Environmental Impact Report (GPUEIR) analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts (18). As part of the GPUEIR, the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicle trips and turning movements associated with this project is analyzed within Section XV. Transportation/Traffic. Based upon these factors, the impact of a 114-unit apartment complex on 5.6 gross acres does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment Plan (17).

| 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 (19)? | | | 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 & 19)? | | | | | 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 & 19)? | | | | | 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 & 19)? | | | X | | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (19 & 20)? | | | 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 (21)? | | | | | 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 (22). The desert tortoise is also not expected to inhabit the site, given its proximity to existing residences (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 (23).

Since the site contains native plant species, a biological survey was conducted by Circle Mountain Biological Consultants, Inc. to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk (19). The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior commencement of grading activities. The mitigation measure is listed on page 23.

A protected plant plan was also prepared as part of the detailed on-site biological baseline assessment inventory (19). The site contains nine Joshua Trees, of which seven are healthy and transplantable. The protected plant plan will ensure that these seven Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place. The grading plan for the project shall stipulate that all transplantable protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 23.

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. The Southern Sycamore Alder Woodland and Mojave Riparian Forest vegetation communities exist within the Rancho Las Flores Specific Plan and vicinity (24). Consequently, approval of the proposed development will not have an impact upon biological resources, subject to the enclosed mitigation measures.

| V. CULTURAL RESOURCES. Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (25)? | | | X | | |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (25)? | | | X | | |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (26)? | | | | X | |
| d) Disturb any human remains, including those interred outside of formal cemeteries (27)? | | | | X | |

Comments.

Based upon a site visit and review of the aerial photos (1), there is no evidence that historic resources exist within the project site. In addition, the site is not on the list of previously recorded cultural resources (25). This list, which was compiled as part of the 2010 General Plan Update; was created from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San

Bernardino County. The Cultural Resources Sensitivity Map indicates that the site has a high sensitivity potential for containing cultural resources **(26)**. Since this project is not exempt from the California Environmental Quality Act (CEQA), the City sent a letter dated November 18, 2016 giving all interested tribes the opportunity to consult pursuant to Section 21080.3.1 of the California Public Resources Code (AB 52). The City will also notify the tribes in writing of the Planning Commission and City Council meeting dates. As of the date of preparation of this document, staff has not received a consultation request.

The site was investigated by Applied Earthworks, Inc. on July 27, 2015. After a thorough field investigation Applied Earthworks did not find evidence of archaeological or paleontological resources as evidenced by the Phase I Cultural Resource Assessment prepared in September of 2015. However, there is a possibility that resources may exist below the surface. Therefore, a mitigation measure is listed on page 23, which will be imposed should any cultural resources be unearthed during construction.

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

| VI. GEOLOGY AND SOILS. Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (28, 29 & 30) . | | | | | X |
| ii) Strong seismic ground shaking (31 & 32)? | | | | X | |
| iii) Seismic-related ground failure, including liquefaction (11 & 31)? | | | | | X |
| iv) Landslides (31)? | | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (11)? | | | | | 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 (11 & 31)? | | | | | 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 (11)? | | | | | 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 (11)? | | | | | X |

Comments.

The project site contains generally flat topography with slopes of approximately two percent. 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 (28). 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 (28 & 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 (28). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (28 & 29).

The soil at this location is identified as Cajon sand, zero to two percent slopes (11). This soil is mainly used for homestead development, grazing, and wildlife habitat. The soil is limited by a slightly to high soil blowing hazard, excessively drained, high water intake rate, low available water capacity, and low fertility. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with a building, paved parking, and landscaping (7). These improvements will ensure that soil disturbance will not result in significant soil erosion.

As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (33), 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, the impact upon geology and soils associated with the proposed project is considered less than significant.

| VII. GREENHOUSE GAS EMISSIONS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (34)? | | | X | |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (34)? | | | 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. 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)(34). 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.

The Medium Density Residential (MDR) Zone allows a maximum density of 15 dwelling units per gross acre. The proposed apartment complex provides a density of 8.2 dwelling units per gross acre. The proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the proposed development will not cause an increase in greenhouse gas emissions beyond that which was addressed by the GPUEIR. The buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations (33) will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (7 & 35)? | | | | 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 (7 & 35)? | | | | 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 (1 & 7)? | | | | 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 (1)? | | | | 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 (9 & 36)? | | | | 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 (36)? | | | | X |
| g) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (37)? | | | | 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 & 38)? | | | | X |

Comments.

The project is comprised of residential uses which do not include the routine transport and storage of hazardous wastes. The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia. Formerly Used Defense Sites <http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is over two miles from the Hesperia Airport to the south and is therefore not within a restricted use zone associated with air operations (38). Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter (37) and will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area and is not in an area susceptible to wildland fires. The areas primarily in proximity to the San Bernardino National Forest are most susceptible to wildland fires (39). All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials.

| IX. HYDROLOGY AND WATER QUALITY. Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (40 & 41) ? | | | | | 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) (42 & 43) ? | | | | 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 (38) ? | | | | 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 & 38) ? | | | | 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 (44) ? | | | | X | |
| f) Otherwise substantially degrade water quality (44) ? | | | | 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, 45 & 46) ? | | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 38 & 46) ? | | | | | 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 (7, 45 & 46) ? | | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (7, 28) ? | | | | | X |

Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(47)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMPs) that will be implemented to prevent construction pollutants from contacting storm water. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff **(48)**. Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16. The site is within Flood Zone X, based upon the latest Flood Insurance

Rate Maps (46). The proposed development is not allowed to concentrate or redirect stormwater flow. The eastern site boundary is close to a regional drainage flow identified as H-02 within the Hesperia Master Plan of Drainage (45), which drains approximately 3.9 square miles (7). During a 100-year storm event, 1,460 cubic feet of water per second would occur. This drainage is east of Hesperia Road, within the Burlington Northern and Santa Fe Railroad right-of-way. The retention facilities required by the City for the development will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from stormwater runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development.

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 (38). 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. 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 (48). The subject property exhibits a two to five percent slope and the water table is significantly more than 50 feet from the surface. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin (42).

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. This site plan review will allow construction of 186 apartments. This level of development does not meet the threshold requiring a WSA.

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 less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (42). 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 this project is considered less than significant.

| X. LAND USE AND PLANNING. Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1) ? | | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (10 & 34) ? | | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (24) ? | | | | | X |

Comments.

The site is currently occupied by two single-family residences and is adjacent to existing single-family and multi-family residences to the north, a mobilehome park to the south and east, and a high school to the west **(1)**. The site is currently zoned Medium Density Residential (MDR), which allows the proposed development **(9)**. Approval of a variance is only required to allow for a reduced street side yard setback and a reduced building separation from that required by the Specific 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 Rancho Las Flores Specific Plan and vicinity **(24)**. The project site is located approximately five miles northwest of this specific plan within the developed portion of the City. Therefore, the proposed project will 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 (49) ? | | | | | 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 (49) ? | | | | | 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 **(49)**. Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. The mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed project would not have an impact upon mineral resources.

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 7 & 50) ? | | X | | |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50) ? | | X | | |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (7 & 9) ? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (50 & 51) ? | | | 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 (1 & 9) ? | | | | 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 (1 & 9) ? | | | | X |

Comments.

Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site, but also including noise from both residential and nonresidential uses. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(50)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles, especially semi-trucks (employees, customers, and deliveries) and the Burlington Northern and Santa Fe railroad.

Construction noise levels associated with any future construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance **(51)**. The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The project site will be subjected to higher levels of noise, due to its proximity to the Burlington Northern and Santa Fe railroad. The proposed apartments are subject to an interior noise standard of 45 dB (A) **(51)**. The project is expected to receive over 65 dB (A) from the railroad. The General Plan indicates that residential properties within 1,850 feet of the railroad will be exposed to noise in excess of 65 dB (A) **(52)**. Since the exterior noise level will exceed 65 dB (A), implementation of noise-reducing building methods will be necessary. Compliance with standard building methods will result in the buildings meeting the 45 dB (A) interior noise standard **(51)**. The potential impact of the project upon the nearest sensitive uses to the site is not significant **(1)**. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the

perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A).

The impact of the residential uses upon the area will be minor. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by residential activities. Although the project will increase noise levels in the area, due to increased vehicular traffic, the noise impact of the railroad will surpass any noise increase due to this project. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A). The mitigation measure is listed on page 23, which will insure that the future residents of this project will not be subjected to excessive noise.

The project site is approximately 2 ½ miles north of the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport (9). 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 development 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 (18). The transportation impact of the uses proposed under this Planned Development is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). Inasmuch as this project does not exceed the traffic impact analyzed as part of the GPUEIR, this project will not exceed the amount of noise expected at City build-out and will not exceed the noise level impact analyzed by the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the noise impact of this project 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.

The proposed project entails development of a 186-unit apartment complex (7). The subject property is within the MDR District of the Specific Plan (9), which allows up to 342 dwelling units. Since the proposed project is not denser than allowed by the Specific Plan, this project does not exceed the traffic impact analyzed as part of the GPUEIR. Consequently, the proposed project will not create a significant increase in the demand for housing. The transportation impact of the uses proposed under this project is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). This project does not exceed the traffic impact analyzed as part of the GPUEIR. As a result, the project's impact upon population growth will not exceed the impact analyzed by the GPUEIR. Further, the project will only displace two single-family residences, which does not necessitate the construction of new or replacement housing elsewhere.

The site is currently served by water, sewer, and other utility systems (54). Therefore, development of the project would not cause a significant negative impact upon existing public facilities. Completion of the project would also have a less than significant impact upon population and housing, based upon the proposed density of apartments being within that analyzed by the GPUEIR.

| 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 (53): | | | | X | |
| Fire protection? (53) | | | | X | |
| Police protection? (53) | | | | X | |
| Schools? (53) | | | | | X |
| Parks? (53) | | | | | X |
| Other public facilities? (53) | | | | X | |

Comments.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. This 186-unit apartment complex does not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District (HWD).

Although the proposed project will create an increase in demand for public services (53), that increase is consistent with that which is anticipated as part of the General Plan Update Environmental Impact Report (GPUEIR). The site is approximately 650 feet north of the subject property within Hesperia Road and is also served by existing 8-inch and 12-inch water lines (54). Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project's frontage as part of its construction. Development Impact Fees (DIFs) will also be assessed at the time that building permits are issued for construction of the site (55). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Therefore, the impact of the proposed project upon public services is less than significant.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (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.

Construction of this project will result in a slight increase in population growth beyond that which is planned for in the City's Land Use Element and the Specific Plan. The development agreement will allow for two additional dwelling units beyond that analyzed by the GPUEIR. Therefore, its impact upon existing recreational facilities will be minimal. In addition, the project includes a host of recreational amenities; including two pools and two spas, a clubhouse, a fitness center, a tot lot, and picnic areas with barbeques **(7)**. Consequently, the development will provide recreational venues for all ages. Further, the developer will be responsible for paying park fees **(55)**, which ensure that any additional impact to existing recreational facilities will be lessened. Therefore, the proposed site plan review will have minimal impact upon existing recreational facilities.

| 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 (56) ? | | | 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 (57, 58 & 59) ? | | | 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 (36) ? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (58 thru 62) ? | | | | 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 (58 thru 62) ? | | | | X |

Comments.

The proposed project fronts upon Third Avenue and Hesperia Road, which are to be constructed as a 100-foot wide Arterial roadways and Olive Street, which is to be a 60-foot wide modified Suburban Collector roadway **(56 & 62)**. As part of development of this project, Third Avenue, Hesperia Road and Olive Street will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage, improving safety. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department. Access to the project shall be from both Third Avenue and Olive Street **(7)**. The driveways from Third Avenue and Olive Street shall be for ingress and egress while the driveway accessing Hesperia Road will be for emergency vehicles only.

The City's General Plan includes a non-motorized transportation network **(63)**. The site fronts upon Third Avenue, which is part of the Bikeway System Plan. A Class II bike path will ultimately be constructed within Third Avenue from Mesa Street to Lime Street. This will provide a viable alternative to the use of automobiles.

The project site is located approximately 2 ½ miles from the Hesperia Airport and is not within an airport safety zone **(9)**. 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.

This 186-unit apartment project is located on 22.8 gross acres within the MDR District of the Specific Plan, which allows up to 15 dwelling units per gross acre. The GPEIR analyzed development of up to 342 apartment units on this site, based upon 15 units per gross acre. Therefore, 156 fewer dwelling units will be created from that which was analyzed by the GPUEIR.

Based on the Institute of Traffic Engineers' Trip Generation Manual **(57)**, apartments generate approximately 6.72 daily vehicle trips per dwelling unit. Consequently, the proposed 186 units would generate about 1,250 daily vehicle trips. The GPUEIR analyzed the impact of 342 dwelling units on this property, which would create 2,298 daily vehicle trips. Therefore, 1,048 fewer daily vehicle trips than that accounted for by the GPUEIR would occur.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(61)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Third Avenue, Hesperia Road and Olive Street will not be significantly negatively affected by the number of vehicle trips to be created by this use inasmuch as the proposed 186-unit apartment complex is under the maximum 15 dwelling units per gross acre allowed by the General Plan. As a result, the project's impact upon traffic will not exceed the impact analyzed by the GPUEIR.

| 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 (64) ? | | | | 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 (54) ? | | | 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 (45) ? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (42 & 43) ? | | | 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 (42) ? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (65 & 66) ? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (67) ? | | | X | |

Comments.

The proposed development will increase the amount of wastewater due to increased impervious surface area, but this additional amount was considered as part of the GPUEIR. The development will be to install an 8-inch minimum PVC water main in Olive Street from Third Avenue to Hesperia Road **(54)**. Construction of this water main will provide water capacity sufficient to serve this project.

As part of construction of the project, the City requires installation of an on-site retention facility which will retain any additional storm water created by the impervious surfaces developed as part of the project. Based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the retention facility will contain a filtration system, preventing contamination of the environment. Incorporation of this required on-site retention facility will ensure that the use will not have a negative impact upon water quality.

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 **(43)**.

Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any individual development exceeds 500 dwelling units, a proposed shopping center or business establishment employing more than 1,000 persons, or a commercial center employing more than 1,000 persons or encompassing more than 500,000 square feet of building area, a commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space, a proposed hotel or motel, or both, having more than 500 rooms. The proposed development will allow construction of 186 apartments do not meet the threshold requiring a WSA. Water will be supplied by the Hesperia Water District (HWD).

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 less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (68). 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 (67). Currently, approximately 63 percent of the solid waste within the City is being recycled (65). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the proposed project will not cause a significant negative impact upon utilities and service systems.

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

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

1. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy.
4. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45 dB (A).

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken February, 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) Section 16.20.085 (O) of the Hesperia Municipal Code.
- (5) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
- (6) Section E of Chapter 7 and Section G of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, 100 thru 106 and pages 199 thru 204
- (7) Site Plan Review SPR15-00012 and Variance VAR16-00001 applications and related materials.
- (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1
- (9) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.

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- (10) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2.
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- (11) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31, Pages 27.
-
- (12) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
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- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
-
- (14) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
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- (15) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
-
- (16) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
-
- (17) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
-
- (18) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
-
- (19) Biological report prepared by Circle Mountain Biological Consultants, Inc. in August 2015 and the addendum dated November 6, 2015.
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- (20) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
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- (21) Section 3.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.4-30.
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- (22) Exhibit CN-5 of the 2010 City of Hesperia General Plan Conservation Element, page CN-27.
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- (23) Exhibit OS-2 of the 2010 City of Hesperia General Plan Update, page OS-9.
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- (24) Exhibit CN-3 of the 2010 City of Hesperia General Plan Conservation Element, page CN-17.
-
- (25) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
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- (26) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5e.
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- (27) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
-
- (28) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1, page SF-9.
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- (29) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2, page 1-5.
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- (30) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
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- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (32) 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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- (33) 2010 California Building Code.
-
- (34) 2010 City of Hesperia General Plan Update Climate Action Plan.
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- (35) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
- (36) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
- (37) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
- (38) 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.
- (39) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
- (40) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
- (41) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
- (42) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
- (43) Mojave Water Agency letter dated March 27, 1996.
- (44) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
- (45) 1996 Hesperia Master Plan of Drainage Volume III, identifying future drainage improvements for the area.
- (46) FEMA flood map, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
- (47) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
- (48) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
- (50) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
- (51) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
- (52) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-37 and 3.11-47.
- (53) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
- (54) Current Hesperia water and sewer line atlas, pages J14 and K14.
- (55) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- (56) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-9.
- (57) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 2, Page 306.
- (58) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
- (59) Table 4-3 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 35-36.

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- (60) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (61) 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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- (62) Exhibit CI-1 showing the General Plan Traffic Circulation Plan within the 2010 City of Hesperia General Plan Update Circulation Element.
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- (63) Exhibit CI-23 showing the Non-Motorized Transportation Plan General Plan within the 2010 City of Hesperia General Plan Update Circulation Element, Page CI-57.
-
- (64) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
-
- (65) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
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- (66) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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- (67) California Integrated Waste Management Act (AB 939).
-
- (68) City of Hesperia Urban Water Management Plan.
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ATTACHMENT 8

RESOLUTION NO. PC-2017-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, ALLOWING A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012 (VAR16-00001)

WHEREAS, Olivetree Apartments, LP has filed an application requesting approval of Variance VAR16-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 22.8 gross acres located on the south side of Olive Street between Third Avenue and Hesperia Road and consists of Assessor's Parcel Numbers 0413-162-09, 10, 35 & 36; and

WHEREAS, the Application, as contemplated, proposes to allow a 15-foot street side yard setback and a 10-foot building separation on the subject property; and

WHEREAS, Olivetree Apartments, LP has also filed an application requesting approval of Site Plan Review (SPR15-00012), to construct a 186-unit multi-family development replacing two single-family residences on the subject property; and

WHEREAS, the subject property contains two single-family residences. The surrounding properties to the north contain single-family residences and apartments, the properties to the south and east contain mobile home parks, and the properties to the west contain a school; and

WHEREAS, the subject property as well as the properties to the north, south and east are currently within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The property to the west is within the Public/Institutional Zone; and

WHEREAS, an environmental Initial Study for the proposed project was completed on March 26, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00010 was subsequently prepared; and

WHEREAS, on May 11, 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, all legal prerequisites to the adoption of this Resolution have occurred.

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced May 11, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the 25-foot street side yard setback and the 15-foot building separation restriction would reduce the residential density due to the site's frontage on three streets. In addition, the minimum building separation regulation within the Specific Plan is more restrictive than the building separation standard for the Multiple-family Residence (R-3) designation;
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because there are few sites which contain frontage along three streets and other properties within the R-3 Zone which will be subject to the 10-foot building separation requirement;
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation because other lots in the surrounding area also front upon three streets. The limitations of the property dictate the location, orientation, and size of the new accessory building;
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because there have been two similar developments which were constructed under the R-3 Zone District standards, allowing the 15-foot street side yard setback and the 10-foot building separation regulations.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with the Main Street and Freeway Corridor Specific Plan and the 2013 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR16-00001.

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

ADOPTED AND APPROVED this 11th day of May 2017.

ATTEST:

Tom Murphy, Chair, Planning Commission

Denise Bossard, Secretary, Planning Commission

ATTACHMENT 9

RESOLUTION NO. PC-2017-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTH SIDE OF OLIVE STREET BETWEEN THIRD AVENUE AND HESPERIA ROAD (SPR15-00012)

WHEREAS, Olivetree Apartments, LP has filed an application requesting approval of SPR15-00012 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 22.8 gross acres located on the south side of Olive Street between Third Avenue and Hesperia Road and consists of Assessor's Parcel Numbers 0413-162-09, 10, 35 & 36; and

WHEREAS, the Application, as contemplated, proposes to construct a 186-unit multi-family development replacing two single-family residences on the subject property; and

WHEREAS, Olivetree Apartments, LP has also filed an application requesting approval of Variance VAR16-00001, which is needed to allow a reduction in the allowable street side yard setback and distance between buildings; and

WHEREAS, the subject property contains two single-family residences. The surrounding properties to the north contain single-family residences and apartments, the properties to the south and east contain mobile home parks, and the properties to the west contain a school; and

WHEREAS, the subject property as well as the properties to the north, south and east are currently within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The property to the west is within the Public/Institutional Zone; and

WHEREAS, an environmental Initial Study for the proposed project was completed on March 26, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00010 was subsequently prepared; and

WHEREAS, on May 11, 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, all legal prerequisites to the adoption of this Resolution have occurred.

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced May 11, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 23 gross acres and can accommodate 372 parking spaces within garages and 116 uncovered spaces, including 10 accessible (handicap) parking spaces. On-site improvements required by the Hesperia Development Code can be constructed on the property including, minimum 26-foot wide drive aisles. The parking lot also meets all of the San Bernardino County Fire Prevention Department standards including fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The project is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed project is consistent with the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan. The proposed apartments are a permitted use in the MDR zone and are consistent with the density range of the MDR Zone, which allows between 8 and 15 dwelling units per gross acre. The project will be developed with 186 units, resulting in a density of 8.2 units per gross acre. The project is also designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also meets all of the development standards of the MDR Zone except the minimum 25-foot street side yard and the minimum 15-foot building separation regulations. The project proposes a 15-foot street side yard building setback and a minimum 10-foot building separation. While the Development Code does not enable these deviations in the building setback and separation requirements with a minor exception, the reviewing authority believes that the proposed deviation does not have a cumulative effect greater than the exceptions listed within the Development Code.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the uses envisioned under the proposed project are permitted in the MDR zone. The development complies with standards for driveway aisles, parking stall dimensions, and fire lanes. The development complies with ADA by providing four handicap parking spaces with loading areas and a four-foot-wide path of travel to the street, and parking spaces. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the project's condition of approval for off-site and on-site improvements required prior to grading.

- (d) The site for the proposed use will have adequate access based upon the site's access from Olive Street and Third Avenue, which will be constructed to City standards. The development also provides emergency access from Hesperia Road.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia with adoption of General Plan Amendment GPA16-00003, which will eliminate the extension of Joshua Street west of Caliente Road. The project site is within the CIBP Zone, which allows the proposed use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Site Plan Review SPR15-00012 subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED this 11th day of May 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for SPR15-00012

Approval Date: May 11, 2017
Effective Date: May 23, 2017
Expiration Date: May 23, 2020

This list of conditions applies to: Consideration of Site Plan Review SPR15-00012, to construct a 186-unit multi-family development replacing two single-family residences in conjunction with Variance VAR16-00001, to allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation on 22.8 gross acres within the Medium Density Residential (MDR) Zone located on the south side of Olive Street between Third Avenue and Hesperia Road (Applicant: Olivetree Apartments, LP; APNs: 0413-162-09, 10, 35 & 36)

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

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

ADDITIONAL CONDITIONS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates and (2) fully executed and recorded with the San Bernardino County Assessor-Recorder-County Clerk's office. A copy of the recorded WQMP Maintenance Agreement must be received before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

engineer

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ACOUSTIC STUDY. An acoustical study shall be submitted, addressing the noise impact from the Burlington Northern & Santa Fe Railroad and traffic on the perimeter streets upon the project. The construction techniques of the acoustical study shall be implemented to ensure that interior noise levels within the buildings do not exceed 45db. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STREET NAME APPROVAL. The developer shall submit a request for street names for all of the private interior streets for review and approval by the Building Division. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RECREATIONAL FACILITY PLANS. The Developer shall submit two sets of plans to develop all recreational facilities within the project to the Building Division with the required application fees. The recreational facilities shall include passive recreational areas of turf, picnic tables, barbecues, concrete benches, and concrete trash receptacles. Active recreational facilities shall include the clubhouse, fitness, and restroom buildings, trellis, cabanas, pools and spas, and the tot-lot with permanent playground equipment. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental

mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for corner cut off right of way per City standards at all intersections. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE RETENTION. The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

THIRD AVENUE: Saw-cut (2-foot min.) and match-up asphalt pavement on Third Avenue across the project frontage based on the City's 100' Arterial Roadway with Bike Lane standard. The curb face is to be at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developers responsibility to obtain any off-site dedications for transition tapers including acceleration deceleration tapers per City standards.
- M. Relocate existing utilities. The Developer shall coordinate with affected utility companies.
- N. Provide signage and striping for a Class 2 bike trail per City's adopted non-motorized transportation plan.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OLIVE STREET: Saw-cut (2-foot min.) and match-up asphalt pavement on Olive Street across the project frontage per the City's 60' Suburban Collector standard (modified). The curb

face is to be at 20' from the approved centerline. These improvements shall consist of (E)

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HESPERIA ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Hesperia Road across the project frontage based on the City's 100' Arterial Roadway standard. The curb face is to be at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developers responsibility to obtain any off-site dedications for transition tapers including acceleration deceleration tapers per City standards.
- M. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be

constructed per City standards at the Developer's expense.
(E)

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

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the proposed 8" PVC water line in Olive Street per City Standards.

C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the proposed 8" PVC sewer main in Olive Street and Hesperia Road per City standards.

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER/SEWER IMPR. PLAN. The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER IMPR. PLAN. The Developer shall design and construct an 8 minimum PVC water main in Olive Street from Third Avenue to Hesperia Road. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,260.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES 2. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSISTENCY WITH APPROVED GRAPHICS. Improvement plans for off site and on site improvements shall be consistent with the graphics approved as part of this conditional use permit application and shall also comply with all applicable Title 16 and Engineering Division requirements with the following revision made to the improvement plans: (E, P)

A. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. School fees (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM-RESIDENTIAL. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than one hundred fifty (150) feet from any portion of a structure. [F 54]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FENCING PLANS. A combination four-foot high wrought iron fence atop a two-foot high split face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards (except along the boundary of the basin abutting the duplex units, where a six-foot high split face masonry wall with decorative cap is required). The six-foot high wall shall also be a minimum of 20 feet from the edge of the 26-foot wide drive aisles. Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. Development Impact Fees (B)

B. Park Fees (B)

C. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STREET SIGN. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. [F72]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RECREATIONAL FACILITIES. The required recreational facilities shall be completed in accordance with City standards (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved

site plan shall be completed in accordance with all applicable Main Street and Freeway Corridor Specific Plan and Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

DIRECTORY ADDRESSING. Apartments, condominiums and commercial or industrial complexes with more than three separate buildings on-site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle areas. Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway, but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)

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

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

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DATE: May 11, 2017
TO: Planning Commission
FROM: Dave Reno, Principal Planner
BY: Daniel Alcayaga, AICP, Senior Planner
SUBJECT: Development Code Amendment DCA17-00004 and Specific Plan Amendment SPLA17-00001; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-13 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00004 and SPLA17-00001.

BACKGROUND

Proposal: The Amendments propose to change two development regulations and one procedural standard pertaining to multiple-family zones. Multiple-family developments including apartments, townhomes, and condominiums are permitted in the Multiple-Family Residence (R3) Zone, and the Medium Density Residential (MDR) and High Density Residential (HDR) Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The R3 development regulations, as well as procedural standards are found in the Development Code. The MDR and HDR development regulations are found in the Specific Plan. The Amendments include:

- Reducing the interior or side yard setback from 10 feet to 8 feet. This interior setback can be reduced to 5 feet for single-family residences constructed on substandard lots in the MDR zone.
- Reducing the required distance between multiple-family buildings. The distances between single-story buildings can be 6 feet or 8 feet, as well as 10 feet or 15 feet for multiple-story buildings.
- Clarifying that a two-unit multiple-family development is not subject to the site plan review (SPR) process.

ISSUES/ANALYSIS

Interior Setback Reduction - The City has recently seen a number of new multiple-family developments requesting Minor Exceptions to reduce the interior or side yard setback from 10 feet to 8 feet. This has been a result of developing on substandard lots in the Township area situated east of City Hall where lot widths are typically 50 feet. The current requirement of a 10-foot side yard setback on both sides makes it challenging to develop on these lots. Typically units are side facing with a 12-foot drive aisle across the lot on one side, and patios commonly placed on the other side. It is therefore unnecessary to lower the interior setbacks below 8 feet, as no side of the required patio can be less than 8 feet. The two-foot reduction has made projects work. Even though the Amendment resolves development issues on substandard lots,

it is proposed to apply to all multiple-family developments in the City to have a uniform standard that is easy to implement. The Ordinance will also allow single-family residences constructed on substandard lots in the MDR zone to have a five-foot interior setback on both sides. Single-family residences are almost always facing the street with garage access directly from the street. This design necessitates the houses to be wider with smaller setbacks.

Distance between buildings - The Development Code requires a distance of 10 feet between multiple-family unit buildings. In 2008, the Main Street and Freeway Corridor Specific Plan was adopted, which included a provision that increased the required distance between multiple-family residential buildings to 15 feet. Many developers find this standard restrictive, and have requested the standard to be reduced. The Amendments will allow single-story buildings to have a distance of 8 feet between buildings. An 8-foot distance can accommodate private patios between buildings, although a direct line of sight into the patio will not be allowed from the adjacent unit. The distance can be reduced to 6 feet, if the buildings do not have openings (i.e. windows or doors) on the sides that face each other. Six feet is also the minimum distance that the building code will allow. Two-story buildings will be required to provide a 15-foot distance between buildings, except the distance can be reduced to 10 feet if windows, balconies or similar openings are oriented so as not to have a direct line of sight into adjacent units.

Two-unit multiple-family development exemption - This amendment clarifies that a two-unit multiple-family development on existing lots does not require site plan review approval. A site plan review necessitates the development to be subject to street, drainage, and water quality management control improvements. It has been standard practice not to require these improvements on a two-unit multiple-family development because such improvements will make the project not cost effective.

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 and Specific Plan Amendment are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan.

Conclusion: Staff supports the Development Code Amendment and Specific Plan Amendment, as the amended development regulations will resolve challenges in approving multiple-family developments on existing lots and said regulations are more feasible in that they consider the building design and orientation of design features. The Amendments clarify that two multiple-family dwelling units are not subject to site plan review process consistent with current policies.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. PC-2017-13, with Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2017-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT REDUCING INTERIOR SETBACKS AND AMENDMING THE MINIMUM DISTANCE BETWEEN BUILDINGS FOR MULTIPLE-FAMILY DEVELOPMENTS AND CLARIFYING THAT TWO MULTIPLE-FAMILY UNITS ARE NOT SUBJECT TO THE SITE PLAN REVIEW PROCESS (DCA17-00001 & SPLA17-00001)

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

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

WHEREAS, the City proposes to amend Article II of Chapter 16.12 and Article V of Chapter 16.16 of the City of Hesperia Development Code regulations and Chapter 7 of the Main Street and Freeway Corridor Specific Plan, which pertain to procedures and development regulations for multiple-family developments; and

WHEREAS, the City finds that it is necessary to amend two development regulations applicable to multiple-family zones to resolve challenges in applying such standards and applying more feasible standards that consider the building design and orientation of design features. Two multiple-family dwelling units will be exempt from the site plan review process consistent with current policies; and

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

WHEREAS, on May 11, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA17-00004 and Specific Plan Amendment SPLA17-00001, amending two development regulations and one procedural standard pertaining to multiple-family zones as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 11th day of May 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

EXHIBIT “A”

The following are modifications to Article II of Chapter 16.12 and Article V of Chapter 16.16 of the City of Hesperia Development Code regulations and Chapter 7 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

Chapter 7, Subsection (E)(4.9)(1) shall be amended to read:

The minimum interior side yard setback shall be 40 8 feet, as measured from the property lines.
The minimum interior side yard setback shall be 5 feet for single-family residences constructed on substandard lots as it pertains to lot size and dimensions.

Chapter 7, Subsection (F)(4.9)(1) shall be amended to read:

The minimum interior side yard setback shall be 40 8 feet, as measured from the property lines.

Chapter 7, Subsections (E)(4.6) and (F)(4.6) Distance Between Buildings shall be amended to read:

If the development contains multiple buildings, the minimum distance between buildings shall be 15 feet. as follows:

| <u>Distance between Single-story buildings</u> | | <u>Distance between any Multiple-story building</u> | |
|--|--------------------------|---|-------------------------------------|
| <u>No openings</u> <u>¹</u> | <u>With openings</u> | <u>No direct line of sight</u> | <u>Direct line of sight</u> |
| <u>6'</u> | <u>8' ²</u> | <u>10' ²</u> | <u>15'</u> |

Notes:

1. The sides of buildings that face each other shall not include openings. Openings in this case shall mean windows and doors.
2. Windows, doors, as well as patios/balconies or similar features shall be oriented so as not to have a direct line-of-sight into adjacent units.

DEVELOPMENT CODE

Table in Section 16.16.120 entitled Development standards, under the R3 column, rows (I) and (J) side yard setbacks shall be amended to read:

40' 8'

Section 16.16.130(B)(3) titled “Distance between buildings” shall be amended to read:

If the development contains multiple buildings, the minimum distance between buildings shall be ~~ten feet~~ **as follows:**

| <u>Distance between Single-story buildings</u> | | <u>Distance between any Multiple-story building</u> | |
|--|--------------------------|---|-------------------------------------|
| <u>No openings</u> ¹ | <u>With openings</u> | <u>No direct line of sight</u> | <u>Direct line of sight</u> |
| <u>6'</u> | <u>8'</u> ² | <u>10'</u> ² | <u>15'</u> |

Notes:

- 1. The sides of buildings that face each other shall not include openings. Openings in this case shall mean windows and doors.**
- 2. Windows, doors, as well as patios/balconies or similar features shall be oriented so as not to have a direct line-of-sight into adjacent units.**

No minimum distance shall be required for structures, such as carports.

Table in Section 16.12.085 shall be amended to read:

| | | | |
|---|---|--|------------------------------------|
| Ministerial Approval | Administrative Review with Notice | Planning Commission Hearing | City Council Hearing |
| Single-family residential development 1-4 dwelling units | | Density Bonus Agreements | Planned Developments |
| <u>Two detached or attached Multiple-family residential dwelling units</u> | <u>Three or more detached or attached Multiple-family residential dwelling units</u> | <u>Density Bonus Agreements</u> | <u>Planned Developments</u> |



DATE: May 11, 2017
TO: Planning Commission
FROM: Dave Reno, Principal Planner
BY: Daniel Alcayaga, AICP, Senior Planner
SUBJECT: Development Code Amendment DCA17-00003; Applicant: City of Hesperia;
Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-15 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00003, modifying development standards associated with Accessory Dwelling Units (ADUs).

BACKGROUND

On September 27, 2016, Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069) were signed into law, both of which became effective January 1, 2017. These two bills amended various sections of the State Government Code related to second dwelling unit regulations. The new laws regulate parking, type and size of units, approval process and timelines, and water and sewer utility requirements applicable to second dwelling units. The bills invalidate a local agency's existing second unit ordinance if it does not comply with the requirements of the newly adopted state standards.

ISSUES/ANALYSIS

The Amendments will allow the City's existing Ordinance to fully comply with the newly amended State Law and allow the City to retain authority to continue to enforce the majority of the City's existing Ordinance. The following are the two changes proposed:

- One parking space (does not have to be a covered space) can be required for an accessory dwelling unit, and can be provided in tandem along a driveway.
- Replaces the term "Second Dwelling Unit" with "Accessory Dwelling Unit:

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 and Specific Plan Amendment are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan.

Conclusion: The Ordinance is consistent the goals, policies and objectives of the General Plan and will bring the City's second dwelling unit regulations into compliance with State law.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. PC-2017-15, with Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2017-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUS) (DCA17-00003)

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

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

WHEREAS, the City proposes to amend Article X of Chapter 16.12 of the City of Hesperia Development Code regulations, which pertain to second dwelling units; and

WHEREAS, the City finds that it is necessary to amend the City's existing Second Dwelling Unit Ordinance in order to comply with Assembly Bill 2299 and Senate Bill 1069, which were signed into law on September 27, 2016, both of which became effective January 1, 2017. The changes will allow the City to continue to enforce the majority of the City's existing Ordinance; and

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

WHEREAS, on May 11, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA17-00003, amending the second dwelling unit regulations as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 11th day of May 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

EXHIBIT “A”

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.360 – ~~Accessory~~ Second dwelling units.

A. Purpose. The purpose of these provisions is to establish procedures for permitting a ~~second~~ accessory dwelling unit (~~S~~ADU); to implement state law requiring consideration for such uses.

B. ~~Second~~ Accessory Dwelling Unit Defined. "~~Second~~ Accessory dwelling unit (~~S~~ADU)" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated.

C. Application Procedure—~~Second~~ Accessory Dwelling Units. Application for an ~~S~~ADU unit shall be made by applying for a ~~second~~ accessory dwelling unit application, pursuant to this article. The review procedure shall be administrative review without notice, pursuant to Section 16.12.005(A)(3). Permits for ~~second~~ accessory dwelling units will be issued for a period not to exceed thirty-six (36) months. Applications for renewal may be filed for additional twelve-month periods. Said renewal application must be filed prior to expiration of the ~~second~~ accessory dwelling unit permit.

D. Requirements for Approval.

1. A ~~second~~ accessory dwelling unit may only be permitted on lots within an agricultural or single-family residential designation on which there is already built one owner-occupied single-family detached dwelling unit (primary unit). The primary unit may be considered the ~~second~~ accessory dwelling unit only if the lot can accommodate the existing and proposed structure in accordance with the provisions specified herein.
2. One dwelling unit on the property shall be owner-occupied.
3. Only one ~~second~~ accessory dwelling unit shall be permitted on any one lot. Where planned unit or cluster development techniques are used, the total number of dwelling units permitted on a parcel may be developed on or divided between one or more sites, when total permitted net density is not exceeded, and when it can be shown that adequate access, utilities, and public safety can be provided.
4. The ~~second~~ accessory dwelling unit shall provide complete and independent living facilities.
5. The ~~second~~ accessory dwelling unit shall not be sold separately and may be rented.
6. The ~~second~~ accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
7. Lots not connected to sewer facilities shall be a minimum of one gross acre in size.
8. The ~~second~~ accessory dwelling unit may be either an attached or detached unit. A detached ~~second~~ accessory unit shall not exceed seventy-five (75) percent of the area of the principal dwelling unit up to a maximum gross floor area of three thousand (3,000) square feet per structure on any parcel. ~~Second~~ Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal

unit, up to a maximum of one thousand (1,000) square feet. The area of a ~~second~~ **accessory** dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No ~~second~~ **accessory** dwelling unit shall be less than four hundred (400) square feet in area. Further, a single-wide mobile home or recreational vehicle, does not qualify for use as an ASDU.

F. Property Development Standards—~~Second~~ **Accessory** Dwelling Units.

1. The lot upon which the ~~second~~ **accessory** dwelling unit is to be established shall conform to all standards of the land use district in which it is located.
2. The yard standards for accessory buildings shall apply to a detached unit.
3. The yard standards for the primary unit shall apply to an attached unit.
4. The ~~second~~ **accessory** dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
5. Provision for emergency vehicle access to the ~~second~~ **accessory** dwelling unit shall be addressed in the following manner:
 - a. Access roads shall be within one hundred fifty (150) feet of any portion of an exterior wall of the first story of the ~~second~~ **accessory** dwelling unit and shall be measured in an approved route around the exterior of the structure.
 - b. Turning radius for emergency vehicles shall be a minimum of thirty-four (34) feet inside radius.
 - c. Emergency vehicle access roads in excess of one hundred fifty (150) feet in length shall be provided with a turnaround.
 - d. Maximum grade for the access road shall be twelve (12) percent for asphalt surfaces and fifteen (15) percent for concrete surfaces.
 - e. Emergency vehicle access roads shall have an unobstructed width of at least twelve (12) feet and an unobstructed vertical clearance of at least thirteen (13) feet six inches.
 - f. Addresses shall be posted with numbers measuring a minimum of four inches in height and shall be visible from the public right-of-way. In addition, during the hours of darkness the numbers shall be internally illuminated.In cases where the ~~second~~ **accessory** dwelling unit is located more than one hundred (100) feet from the public right-of-way, additional non-illuminated contrasting numbers measuring a minimum of six inches in height shall be displayed at the property entrance.
6. The entrance to an attached ~~second~~ **accessory** dwelling unit shall be separate from entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.
7. The maximum lot coverage provisions of the land use district shall apply.
8. **At least one covered or uncovered parking space** for the ~~second~~ **accessory** dwelling unit shall be provided by a ~~fully-enclosed one-car garage with a minimum interior size of nine feet in width and nineteen (19) feet in depth, plus one additional parking space in an approved location on the lot.~~ **Parking can be tandem on an existing driveway.**
9. The ~~second~~ **accessory** dwelling unit shall be compatible with the design of the primary unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and shall not cause excessive

noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.

10. The construction of a ~~second~~ accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots. The ~~second~~ accessory dwelling unit shall require a minimum twenty-foot setback for the rear and side yards.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

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**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, APRIL 19, 2017**

A. PROPOSALS:

1. CODRIN MIHAI; (TPM17-00002)

Proposal: Consideration of Tentative Financial Map No. 19780 to create three parcels on approximately 35.95 gross acres.

Location: South of Mojave between Topaz Avenue and Tamarisk Avenue (0405-261-77)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

2. SONNY LEE; (SPRR17-00001)

Proposal: Consideration of a revised Site Plan Review to add 564 square feet to an existing 1,660 square foot workshop and Minor Exception ME17-00002 to allow a parking deviation of up to 4 parking spaces.

Location: 17494 Main Street (0411-291-50)

Planner: Ryan Leonard

Action Taken: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MAY 3, 2017**

A. PROPOSALS:

1. TMS CONSORTIUM; (SPRE17-00002)

Proposal: Consideration of a second Extension of Time for SPR11-10213, to construct a two-story, 114-unit senior affordable apartment complex on 5.6 gross acres.

Location: South side of Live Oak Street between Eighth and Ninth Avenue (0407-142-03 & 04)

Planner: Stan Liudahl

Action Taken: Administrative Approval

2. JOSEPH KENNEDY; (SPRR17-00002)

Proposal: Consideration of a Revised Site Plan Review to allow a car sales business.

Location: 17096 Sequoia Street, Unit 116 (0415-032-23)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

3. KAHOOTS FEED AND SUPPLY; (SPRR17-00003)

Proposal: Consideration of a Revised Site Plan Review to construct a new 15,414 square foot pet supplies and feed store and a 7,013 square foot feed storage building within an existing multi-tenant commercial center.

Location: 14466 Main Street (0405-271-49)

Planner: Ryan Leonard

Action Taken: Administrative Approval