



**NOTICE OF ADJOURNMENT OF REGULAR MEETING
OF THE
PLANNING COMMISSION OF THE CITY OF HESPERIA
AND
CONTINUANCE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN to the public and members of the Planning Commission of the City of Hesperia that the Regular Meeting of the Planning Commission of the City of Hesperia for June 8, 2017, is hereby cancelled due to lack of a quorum and was adjourned to Tuesday, June 27, 2017, at 6:30 pm at Hesperia City Hall, City Council Chambers, 9700 Seventh Avenue, Hesperia, CA 92345, to consider the following Public Hearing items:

1. Consideration of General Plan Amendment GPA16-00002 to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2 ½) to General Commercial (C2) in conjunction with Conditional Use Permit CUP16-00009 to construct a gas station with six fuel islands, a 5,784 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building located on 3.46 acres at the northeast corner of Ranchero Road and Seventh Avenue (Applicant: Verma, Harp; APN: 0412-172-01)
2. Consideration of a Conditional Use Permit CUP17-00005 to construct a 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21) and a Minor Exception ME17-00003, for a reduction of 3 parking spaces on 0.4 gross acres within the Convenience Commercial (C1) zone located on the north side of Danbury Avenue approximately 170 feet west of Arrowhead Lake Road (Applicant: Mike Maida; APN: 0398-303-18)

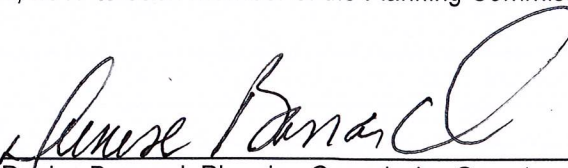
I hereby certify that the foregoing is a full, true, and correct copy of a notice that was posted near the front entrance on June 8, 2017, at the following location:

City of Hesperia City Hall
9700 Seventh Avenue
Hesperia, CA 92345


Denise Bossard, Planning Commission Secretary

I hereby further certify that a copy of the foregoing Notice of Adjournment of Regular Meeting was transmitted by me on Monday, June 9, 2017 to each member of the Planning Commission by United States Postal Service.

Dated: June 9, 2017


Denise Bossard, Planning Commission Secretary

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PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: June 8, 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, June 8, 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 May 11, 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: Senior Office Specialist Denise Bossard

Attachments: [A1 05-11-2017 PC MINUTES](#)

PUBLIC HEARINGS

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

Recommended Action:

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-08 and PC-2017-09, recommending that the City Council approve GPA16-00002 and CUP16-00009.

Staff Person: Associate Planner Ryan Leonard

Attachments: [Staff Report](#)

[A1 Site Plan](#)

[A2 General Plan Map](#)

[A3 Aerial photo](#)

[A4 Floor plans](#)

[A5 Color rendering](#)

[A6 Building Elevations](#)

[A7 Census tract](#)

[A8 Initial Study](#)

[R1 GPA Reso](#)

[R1.1 Reso Exhibit A](#)

[R2 CUP Reso](#)

[R2.1 Reso Exhibit A](#)

[A11 Comments Received](#)

- 3** Consideration of a Conditional Use Permit CUP17-00005 to construct a 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21) and a Minor Exception ME17-00003, for a reduction of 3 parking spaces on 0.4 gross acres within the Convenience Commercial (C1) zone located on the north side of Danbury Avenue approximately 170 feet west of Arrowhead Lake Road (Applicant: Mike Maida; APN: 0398-303-18)

Recommended Action:

It is recommended that the Planning Commission adopt Resolution Nos.

PC-2017-17 approving CUP17-00005 and PC-2017-18 approving Minor Exception ME17-00003.

Staff Person: Associate Planner Ryan Leonard

Attachments: [Staff Report](#)

[A1 Site Plan](#)

[A2 General Plan Map](#)

[A3 Aerial photo](#)

[A4 Floor plans](#)

[A5 Color elevations](#)

[A6 Census tract](#)

[R1 CUP Reso](#)

[R1.1 Attachment A](#)

[R2 Minor Exception Reso](#)

[A9 Objection Letter](#)

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

Development Review Committee Agendas, May 17, 2017 and May 31, 2017

Staff Person: Principal Planner Dave Reno

Attachments: [A1 05-17-2017 & 05-31-2017 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, June 8, 2017 at 5:30 p.m. pursuant to California Government Code §54954.2.

Denise Bossard,
Planning Commission Secretary
City of Hesperia

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City of Hesperia Meeting Minutes Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Thursday, May 11, 2017

6:30 PM

AGENDA HESPERIA PLANNING COMMISSION

CALL TO ORDER - 6:31 PM:

A. Pledge of Allegiance to the Flag:

Pledge of Allegiance led by Vice Chair Cody Leis.

B. Invocation:

Invocation led by Commissioner Joline Hahn.

C. Roll Call:

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

JOINT PUBLIC COMMENTS:

Chair Tom Murphy opened the Joint Public Comments at 6:33 pm.
There were no public comments.
Chair Tom Murphy closed the Joint Public Comments at 6:33 pm.

CONSENT CALENDAR:

1. Approval of Minutes: April 13, 2017, Planning Commission Meeting Draft Minutes

Recommended Action:

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

Sponsor: Senior Office Specialist Denise Bossard

Motion by Vice Chair Cody Leis to approve the April 13, 2017, Planning Commission Meeting Draft Minutes, Seconded by Commissioner Jim Heywood, passed with the following roll call vote:

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

ABSTAIN: Commissioner Joline Hahn

PUBLIC HEARINGS:

- 2. 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.

Sponsor: Associate Planner Ryan Leonard

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

Principal Planner Dave Reno explained that items GPA16-00002 and CUP16-00009 need to be continued to the Planning Commission meeting of June 8, 2017, to allow staff additional time to complete the environmental analysis and to circulate the documents for review and comment.

The Commission asked questions of staff with discussions ensuing.

Motion by Commissioner Joline Hahn to continue GPA16-00002 and CUP16-00009 to the June 8, 2017, meeting, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

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

ABSTAIN: Chair Tom Murphy

- 3. 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.

Sponsor: Senior Planner Stan Liudahl

Senior Planner Stan Liudahl gave a presentation on Variance VAR16-00001 and Site Plan Review SPR15-00012.

The Commission asked questions of staff with discussions ensuing.

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

The Commission asked questions of applicant Russ Khouri with discussions ensuing.

Chair Tom Murphy closed the Public Hearing at 6:48 pm.

Motion by Commissioner Jim Heywood to adopt Resolution No. PC-2017-12, and PC-2017-13, approving VAR16-00001 and SPR15-00012, Seconded by Vice Chair Cody Leis, passed with the following roll call vote:

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

- 4. 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-2017-16 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00004 and SPLA17-00001.

Sponsor: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga gave a presentation on DCA17-00004 and SPLA17-00001. The Commission asked questions of staff with discussions ensuing. Chair Tom Murphy opened the Public Hearing at 6:59 pm. There were no public comments. Chair Tom Murphy closed the Public Hearing at 7:00 pm.

Motion by Commissioner Joline Hahn to adopt Resolution No. PC-2017-16 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00004 and SPLA17-00001, Seconded by Commissioner Jim Heywood, passed with the following roll call vote:

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

- 5. 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).

Sponsor: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga gave a presentation on Development Code Amendment DCA17-00003.
Chair Tom Murphy opened the Public Hearing at 7:04 pm.
There were no public comments.
Chair Tom Murphy closed the Public Hearing at 7:04 pm.

Motion by Vice Chair Cody Leis to 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), Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT:

D. DRC Comments

Principal Planner Dave Reno updated the Commission on two potential conditional use permits for convenience stores to be scheduled for the June 8th meeting.

E. Major Project Update

No updates provided.

PLANNING COMMISSION BUSINESS OR REPORTS:

The Commission briefly discussed the Council's adoption of the deemed approved/single serve alcohol ordinance and noted that there was a difference of opinion between the Planning Commission and City Council on this matter.

ADJOURNMENT:

Meeting adjourned at 7:10 pm until Thursday, June 8, 2017

Tom Murphy,
Chair

By: Denise Bossard,
Commission Secretary



DATE: June 8, 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

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-08 and PC-2017-09, recommending that the City Council approve GPA16-00002 and CUP16-00009.

BACKGROUND

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

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

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

ISSUES/ANALYSIS

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

side of Ranchero Road is designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000).

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

The proposed General Commercial (C2) zone allows the convenience store, gas station, car wash, drive-thru restaurants and commercial building as permitted uses, but requires approval of a CUP for the sale of alcoholic beverages. The CUP includes the sale of beer, wine and liquor from the convenience store for off-site consumption (Type 21 License). The proposed development consists of a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant and a detached 1,560 square foot automated car wash tunnel that will be built in phase 1 (Attachment 4); and a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building that will be built in phase 2.

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 122 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces; 34 total parking spaces will be provided during phase 1 and 123 parking spaces will be provided after completion of phase 2.

Table 1: Parking Spaces Required

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

The proposed development complies with all building setback requirements including the 20-foot building setback along the eastern boundary of the property, since this boundary abuts a

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

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

The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). The Development Code requires approval of a CUP for the sale of alcoholic beverages. ABC authorizes this census tract to have three off-sale licenses. However, as shown in Table 2, there are currently eight active off-sale alcoholic beverage licenses within Census Tract 100.19 (Attachment 7). Therefore approval of CUP16-00009 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 10).

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

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

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

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

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

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

Traffic/Street Improvements: A Traffic Impact Analysis (TIA) was prepared for the project, to assess the traffic impacts resulting from the proposed development, and to identify the traffic mitigation measures necessary to maintain an acceptable level of service (LOS). The traffic study estimates that the project will generate a total of approximately 7,045 daily vehicle trips. During the morning peak hour the traffic study estimates that 423 vehicles will come and go from the site, however 194 of those trips would be pass-by trips already traveling on the surrounding roadway network; therefore the traffic study estimates that the project will generate 229 new vehicle trips during the morning peak hour. During the evening peak hour 545 vehicles are estimated to come and go from the site, however 214 of those trips would be pass-by trips; therefore the traffic study estimates that the project will generate 331 new vehicle trips during the evening peak hour.

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

Rancho Road: Eleventh Avenue to Seventh Avenue.

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

Table 1-Summary of Roadway Segments

| Roadway | Segment | | Roadway Capacity Existing Conditions | | Existing Level of Service | | | Future Conditions: Existing Plus Project | | |
|-----------|-------------------|----------------------|--------------------------------------|----------|---------------------------|--------------------|-----|--|--------------------|-----|
| | From | To | Lanes | Capacity | Average Daily Traffic | Volume to Capacity | LOS | Average Daily Traffic | Volume to Capacity | LOS |
| Rancho Rd | West of Maple Ave | Maple Ave | 2U | 18,360 | 13,700 | 0.746 | C | 14,400 | 0.784 | C |
| | Maple Ave | Cottonwood Ave | 2U | 18,360 | 14,100 | 0.768 | C | 15,510 | 0.845 | D |
| | Cottonwood Ave | Eleventh Ave | 2U | 18,360 | 14,400 | 0.784 | C | 16,160 | 0.880 | D |
| | Eleventh Ave | Seventh Ave | 2U | 18,360 | 14,900 | 0.812 | D | 16,660 | 0.907 | E |
| | Seventh Ave | Santa Fe Ave | 4D | 32,200 | 13,500 | 0.419 | A | 16,320 | 0.507 | A |
| | Santa Fe Ave | East of Santa Fe Ave | 4D | 32,200 | 11,000 | 0.342 | A | 12,060 | 0.375 | A |

| | | | | | | | | | | |
|-------------|--------------------|----------------------|----|--------|-------|-------|---|-------|-------|---|
| Seventh Ave | North of Third Ave | Third Ave | 2U | 15,300 | 3,600 | 0.235 | A | 4,660 | 0.305 | A |
| | Third Ave | Ranchero Rd | 2U | 15,300 | 5,600 | 0.366 | A | 8,590 | 0.468 | A |
| | Ranchero Rd | South of Ranchero Rd | 2U | 15,300 | 2,100 | 0.137 | A | 2,800 | 0.183 | A |

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

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

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

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

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

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

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

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

With respect to the Eleventh Avenue/Ranchero Road intersection, the TIA recommends that the project pay DIF fees to construct two eastbound through lanes, one westbound through lane

and one shared through right lane. The payment of fair share fees and DIF fees will be collected at the time that building permits are issued, which will provide funding for the construction of signal improvements to reduce the impacts of additional vehicular traffic. With these improvements the intersections would operate acceptably.

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

Noise Levels: An Acoustical Analysis was prepared to evaluate the noise impacts to the adjacent properties from the operation of the project. The results of the study indicate that noise generated from the mechanical equipment associated with the proposed buildings would produce approximately 40 dB(A) at the eastern boundary of the site, while noise generated from air conditioning compressors would produce approximately 45 dB(A). This is in conformance with the City's most restrictive requirement of 55 dB(A) during the nighttime hours. With regard to the carwash, a noise impact of about 80 dB(A) can be expected at 10 feet from the exit of the carwash, primarily due to blowers used in water removal, and about 75 dB(A) can be expected at 15 feet from the vacuum. Compliance with the City's Noise Ordinance will be achieved by limiting the hours of operation from 7:00 a.m. to 10:00 p.m., ensuring that the carwash is not operational during morning and nighttime hours and by requiring noise suppression/mufflers in the blowers. The noise study prepared by P.A Penardi and Associates states that with incorporation of the noise suppression mufflers, the carwash will generate noise of 63 dBA at the project boundary. This would be in compliance with the City's Noise Ordinance which allows a maximum noise level of 65 dBA for a duration not exceeding 15 minutes out of any 1 hour period¹.

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

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

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

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

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

FISCAL IMPACT

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

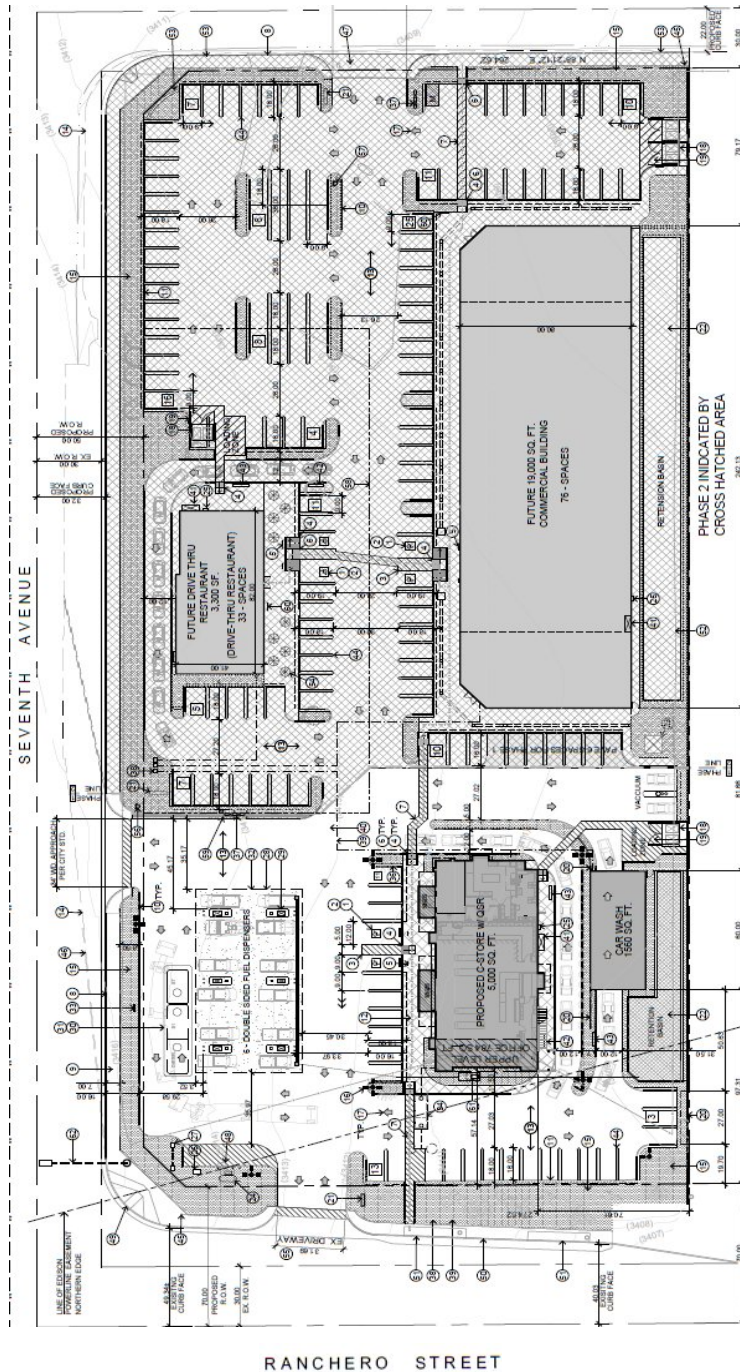
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color rendering
6. Building Elevations
7. Census Tract Map
8. Negative Declaration ND16-00013 and its initial study
9. Resolution No. PC-2017-08 (GPA16-00002)
10. Resolution No. PC-2017-09, including conditions of approval (CUP16-00009)
11. Comments Received.

ATTACHMENT 1



RANCHERO STREET

APPLICANT(S): HARP VERMA

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

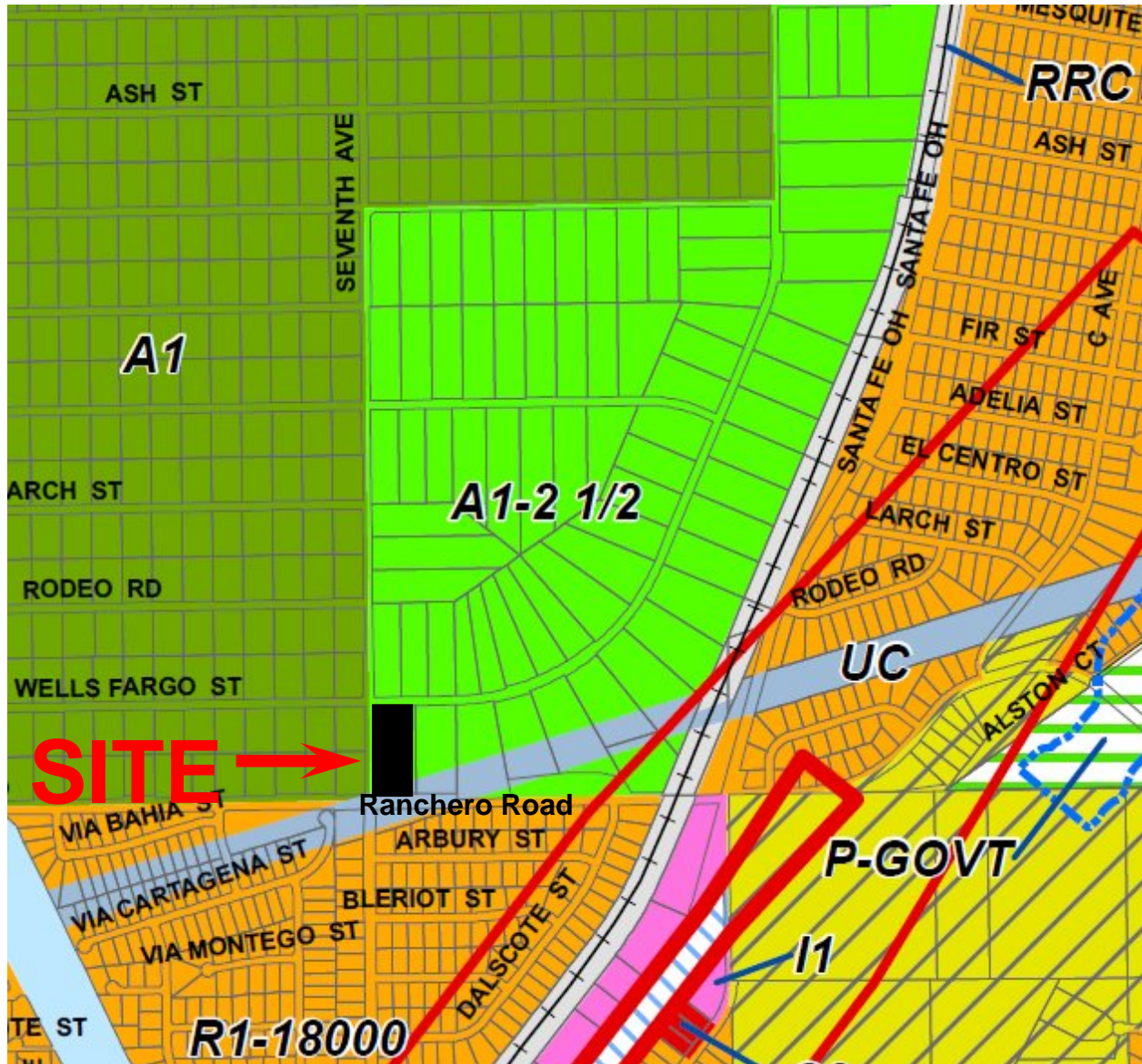
LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

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



ATTACHMENT 2



APPLICANT(S): HARP VERMA

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

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

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



ATTACHMENT 3



APPLICANT(S): HARP VERMA

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

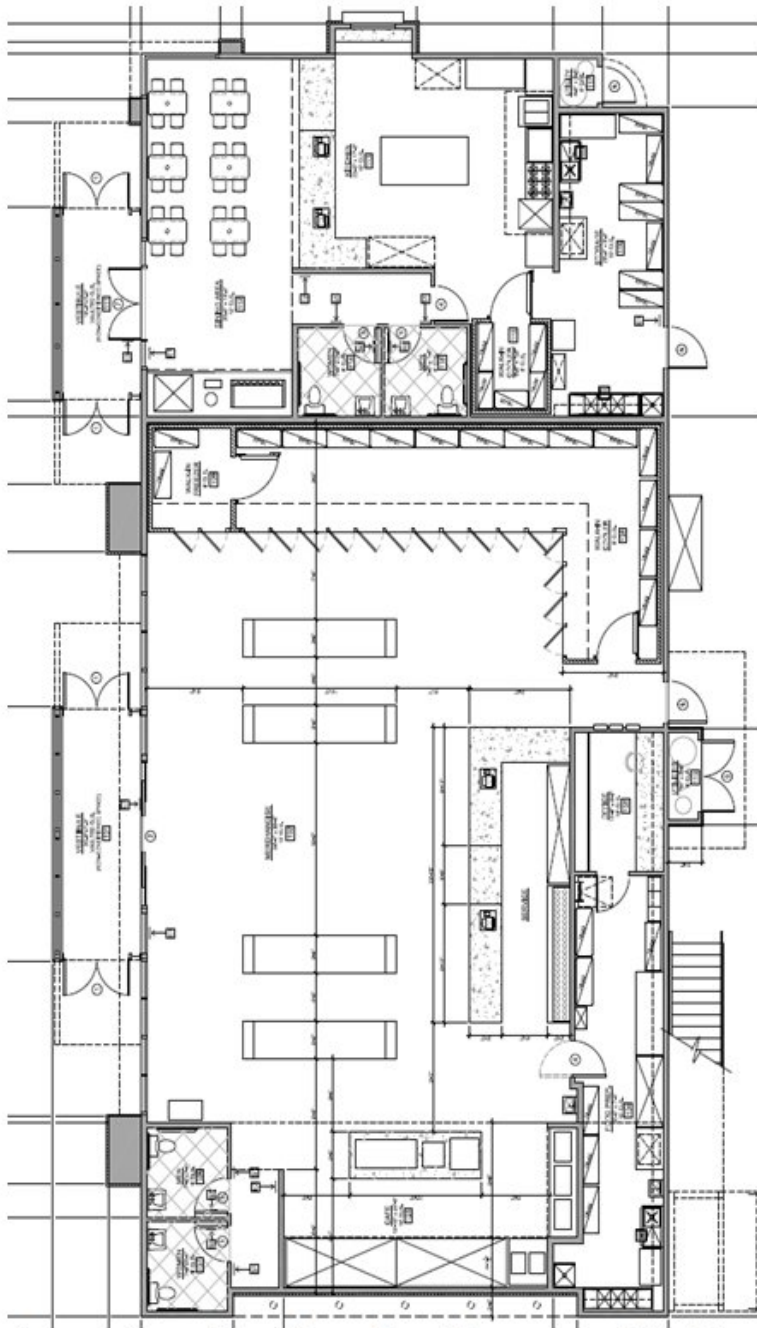
LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

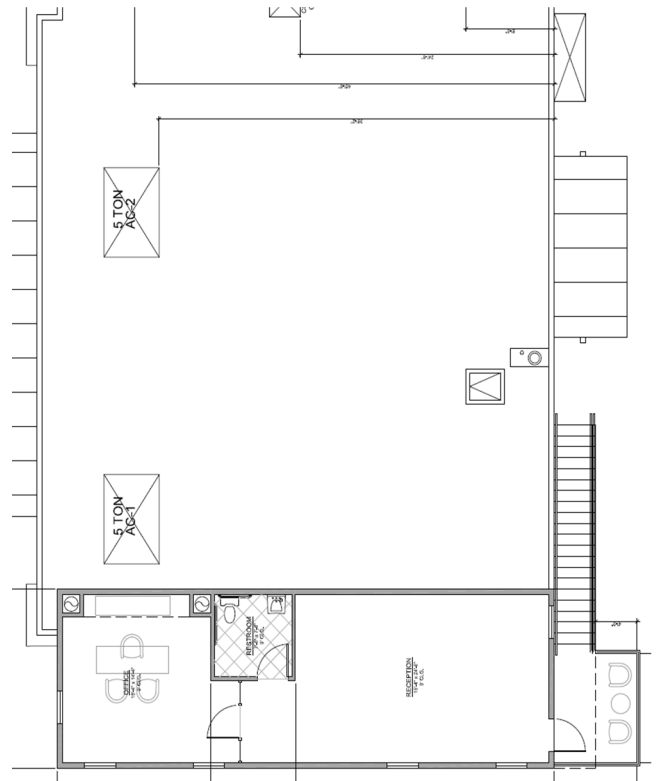
PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2^{1/2}) TO GENERAL COMMERCIAL (C2) AND A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH SIX FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER,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



ATTACHMENT 4



Convenience Store/Fast Food Restaurant First Floor



Convenience Store/Fast Food Restaurant Second Floor

APPLICANT(S): HARP VERMA

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

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

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



ATTACHMENT 5



APPLICANT(S): HARP VERMA

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

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

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

COLOR RENDERING

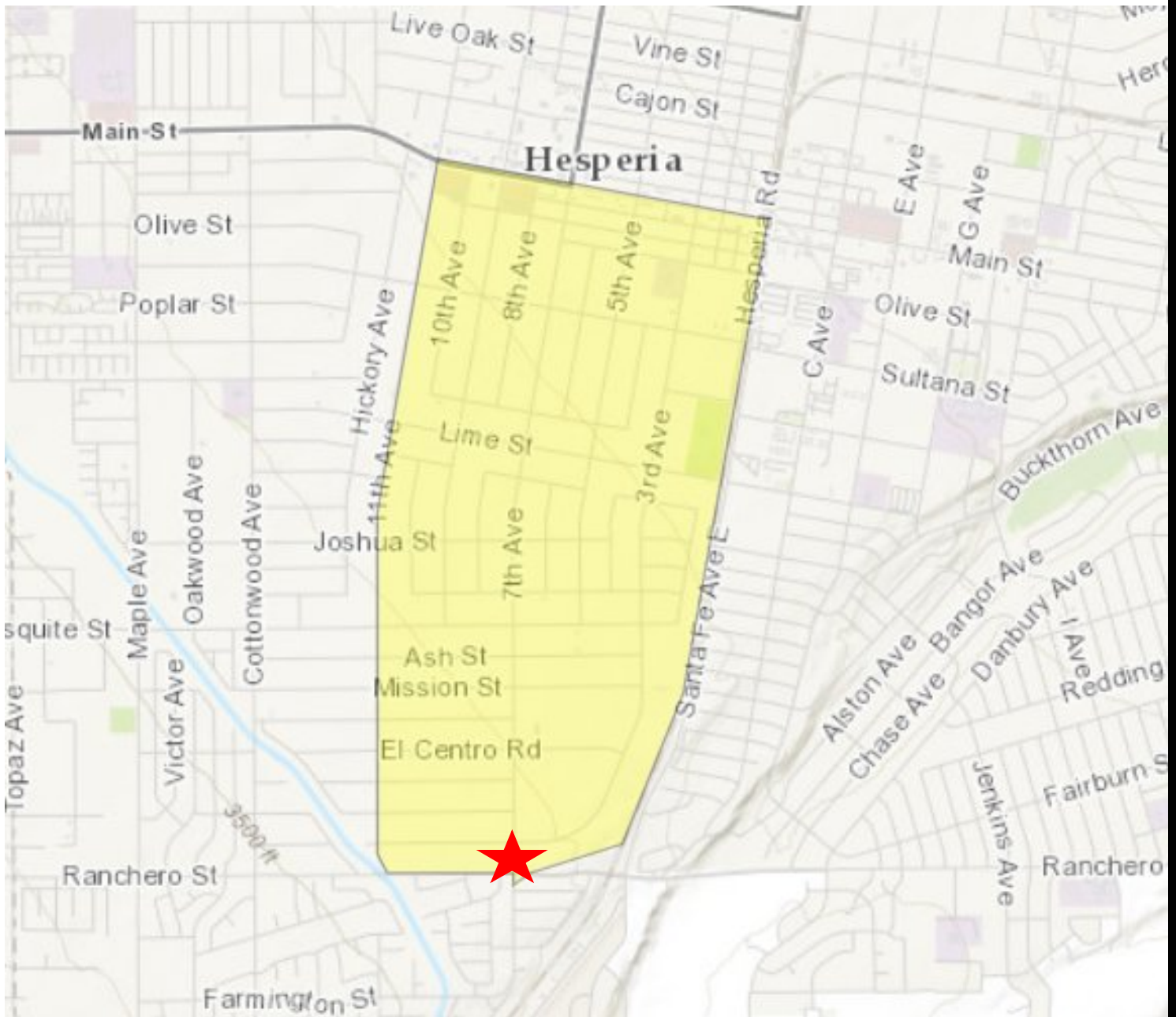
FRONT - EAST ELEVATION
SCALE: 1/8" = 1'-0"

REAR - WEST ELEVATION
SCALE: 1/8" = 1'-0"

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

BUILDING ELEVATIONS

ATTACHMENT 7



APPLICANT(S): HARP VERMA

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

LOCATION: NORTHEAST CORNER OF RANCHERO RD AND SEVENTH AVE

APN(S):
0412-172-01

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



CENSUS TRACT MAP

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

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

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

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

Entity or Person Undertaking Project: Steeno Design Studio.

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

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

Mitigation Measures:

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

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

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

Adopted by the Planning Commission: June 8, 2017

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

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

PROJECT DESCRIPTION

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature _____

Date _____

Ryan Leonard, AICP, Associate Planner, Hesperia Planning Division

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

Comments.

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

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

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

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

Comments.

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

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

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

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

Comments.

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

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

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

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

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

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

Comments.

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

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

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

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

Comments.

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

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

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

Comments.

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

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

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

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

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

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

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

Comments.

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

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

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

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

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

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

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

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

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

Comments.

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

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

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

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

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

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

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

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

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

Comments.

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

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

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

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

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

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

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

Comments.

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

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

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

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

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

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

Comments.

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

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

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

Comments.

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

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

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

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

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

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

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

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

Comments.

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

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

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

Comments.

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

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

Comments.

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

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

Comments.

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

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

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

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

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

Table 1- Summary of Roadway Segments- Existing Conditions

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

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

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

Table 3- Summary of Intersection Operations: Existing Conditions

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

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

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

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

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

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

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

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

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

Ranchero Road:
Eleventh Avenue to Seventh Avenue.

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

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

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

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

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

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

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

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

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

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

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

Comments.

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

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

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

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

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

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

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

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

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

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

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

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

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

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

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

ATTACHMENT 9

RESOLUTION NO. PC-2017-08

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

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

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

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

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

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

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

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

WHEREAS, an environmental Initial Study for the proposed project was completed on March 30, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00013 was subsequently prepared; and

WHEREAS, on June 8, 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 June 8, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

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

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby recommends that the City Council adopt General Plan Amendment GPA16-00002, amending the General Plan map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND16-00013, which is attached to the staff report for this item.

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

ADOPTED AND APPROVED this 8th day of June 2017.

Tom Murphy, Chair, Planning Commission

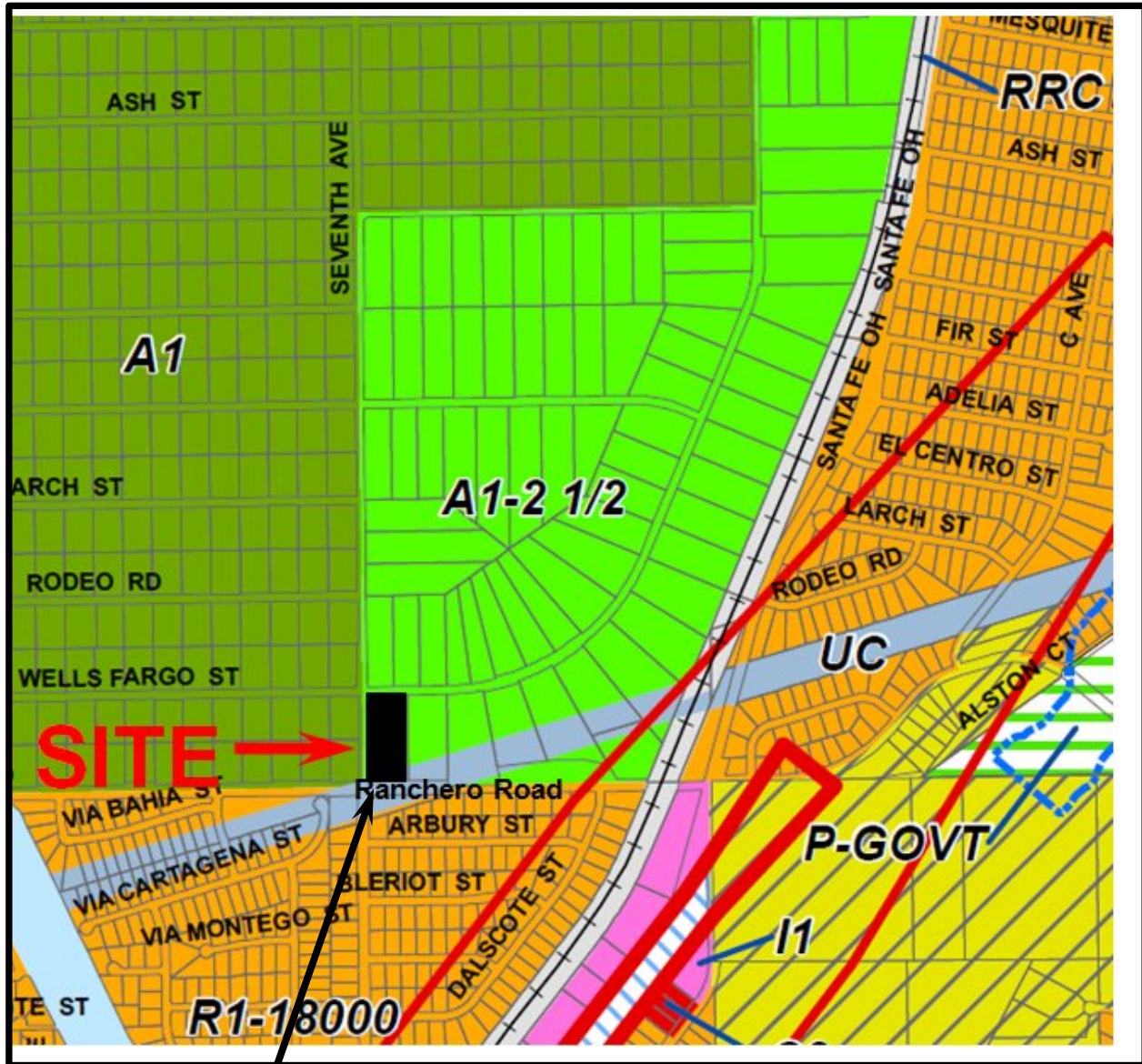
ATTEST:

Denise Bossard, Secretary, Planning Commission

EXHIBIT “A”

GPA16-00002

Applicants: Harp Verma



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

ATTACHMENT 10

RESOLUTION NO. PC-2017-09

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

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

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

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

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

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

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

WHEREAS, an environmental Initial Study for the proposed project was completed on March 30, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND16-00013 was subsequently prepared; and

WHEREAS, on June 8, 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 June 8, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

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

the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

- (g) The site for the proposed use will have adequate access based upon its frontage along Ranchero Road and Seventh Avenue. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (h) The proposed project is consistent with the adopted General Plan of the City of Hesperia. A gas station, convenience store, drive-thru restaurant, multi-tenant commercial building and the sale of alcoholic beverages are allowable uses with approval of the General Plan Amendment and Conditional Use Permit.

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

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

ADOPTED AND APPROVED on this 8th day of June 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP16-00009

Approval Date:
Effective Date:
Expiration Date:

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

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

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

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.

B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED

COMPLIED BY

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

NOT IN COMPLIANCE

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

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

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

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

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

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

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

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

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

COMPLIED BY

NOT IN COMPLIANCE

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

THIRD AVENUE. Saw-cut (2-foot min.) and match-up asphalt pavement on Third Avenue across the project frontage, based on City's 60-foot Suburban Collector Roadway Standard. The curb face is to be located at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These

improvements shall consist of:

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. School Fees (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing

plans to the Building Division with the required application fees for all proposed walls. An approved six foot high wall with decorative cap shall be installed along the eastern property line in accordance with the development code. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

- A. Development Impact Fees (B)
- B. Fair share traffic fees (B)
- C. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the

California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NOISE LEVELS. Noise levels shall be maintained at or below the general performance standards in teh City's Noise Ordinance at all times. In addition the hours of operation ofthe carwash shall be limited to 7:00 a.m to 10:00 p.m.

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

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

Ryan Leonard - Associate Planner

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

Mr. Leonard,

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

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

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

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

Thank you!

Tara Hamilton

Operations Coordinator

Corona Inline

951-279-7465

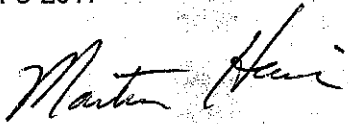
Dear Ryan Leonard

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

Please Do not Let this happen

Thank You

Martin Hair
4-3-2017



I have lived at 7420 3rd Ave for 17yrs

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DATE: June 8, 2016
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Ryan Leonard, AICP, Associate Planner
SUBJECT: Conditional Use Permit CUP17-00005 and Minor Exception ME17-00003;
Applicant: Maida Holdings, LLC; APN: 0398-303-18

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-17 approving CUP17-00005 and PC-2017-18 approving Minor Exception ME17-00003.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to construct a 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21) and a Minor Exception (ME17-00003) to allow a reduction of three parking spaces (Attachment 1).

Location: On the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road.

Current General Plan, Zoning and Land Uses: The site is within the Convenience Commercial (C1) designation. The surrounding land is designated as noted on Attachment 2. The site is currently vacant. An existing gas station and convenience store that includes the sale of beer, wine and liquor for off-site consumption is located immediately adjacent to the east of the site. The properties to the south and west are vacant. The properties to the north are improved with single family residences (Attachment 3).

ISSUES/ANALYSIS

The Convenience Commercial (C1) zoning designation requires approval of a CUP for the proposed sale of alcoholic beverages. The proposed CUP consists of the development of a new 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21)

With the exception of parking, the proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and building setbacks. The parking ordinance requires a minimum of 5 spaces for every 1,000 square feet of floor area. As the project proposes a 4,990 square foot building, the parking ordinance requires a minimum of 25 spaces. As proposed, the project includes 22 parking spaces. Therefore a Minor Exception is required to allow for a reduction of 3 parking spaces.

Staff believes that a minor exception can be approved to allow for a reduction of 3 parking spaces. Specifically, staff analyzed the parking requirements for all existing type 20 or type 21 businesses in the City. The California Department of ABC maintains a database of all existing

licenses and reports that there are currently 69 off-sale licenses within the City. Of those 69 off-sale licenses, 1 license is no longer active, 2 licenses are located outside the City limits, 19 licenses are associated with a major chain store (i.e. Stater Bros), 16 licenses are located within a multi-tenant commercial shopping center, and 25 licenses are associated with a gas station. These businesses were not considered comparable to the proposed project for parking purposes as they are mostly located within multi-tenant shopping centers with the opportunity to share parking spaces. Of the 6 licenses that are considered comparable to the proposed project, 1 business was deficient in parking by 3 spaces, 3 businesses met current parking requirements, and the square footage for 1 business could not be determined, the results of which were not used as a part of the analysis.

In addition staff reviewed the parking requirements of the adjacent business. The existing gas station and convenience store is required to provide 20 parking spaces. However this site only provides 14 striped spaces and 2 fuel islands that provide an additional 4 spaces. Therefore the adjacent site is deficient by 2 parking spaces. Finally, it can be reasonably expected that the patrons who will frequent the site will stay for short durations and will not occupy the required parking spaces for extended periods of time resulting in parking demand reduction. If the Minor Exception is not approved by the Planning Commission than the applicant would be required to reduce the size of the proposed building to 4,400 square feet in order to meet the City's parking requirement.

The proposed development complies with all building setback requirements including a 20-foot building setback along the northern boundary of the property, since this boundary abuts a residential zone. Prior to development, a condition of approval requires a photometric study to be submitted, demonstrating that parking lot lighting will not exceed 0.5 foot-candles at the property lines. The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the total site; the project provides 2,986 square feet (17.5%) of total landscape coverage.

The site design complies with the architectural guidelines in the City's Development Code. The exterior of the building includes variation in wall and roof planes and the use of a variety of exterior materials and colors. The building proposes a stucco finish on all sides with dark grey tile veneer accent walls on the frontage to create a main entry feature. Other architectural features include cornices and decorative lighting on the walls of the buildings (Attachment 5).

The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). ABC authorizes this census tract to have two off-sale licenses. As shown in Table 1 below, ABC only identifies one active off-sale alcoholic beverage license within Census Tract 100.22 (Attachment 6). Therefore, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 1: Existing On-Sale Licenses in Census Tract 100.22

| Status | Business Name | Business Address | Type of License |
|--------|--------------------|-------------------|--------------------------|
| Active | Hesperia Mesa Mart | 18920 Danbury Ave | 21-Beer, Wine and Liquor |

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. A landscaped detention basin and an underground drainage system are proposed to store the necessary volume. Upon completion of the on-site drainage improvements,

the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The development will be connected to an existing 8-inch water line along Danbury Avenue. The project is allowed to use an approved on-site septic waste system.

Traffic/Street Improvements: As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along Danbury Avenue. This will necessitate replacing an existing Victor Valley Transit Authority (VVTA) bus stop bench in front of the site. In addition the developer is required to construct alley improvements from Arrowhead Lake Road to the site.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Comments Received: As of the writing of this staff report staff has received one petition in opposition to the project. The petition argues that the area is adequately served by existing liquor stores. The petition was signed by approximately 178 individuals (Attachment 9).

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of Minor Exception ME17-00003. Further, approval of the sale of beer, wine and liquor is appropriate, particularly to allow the convenience store to compete with surrounding businesses and to meet customer demand.

FISCAL IMPACT

None.

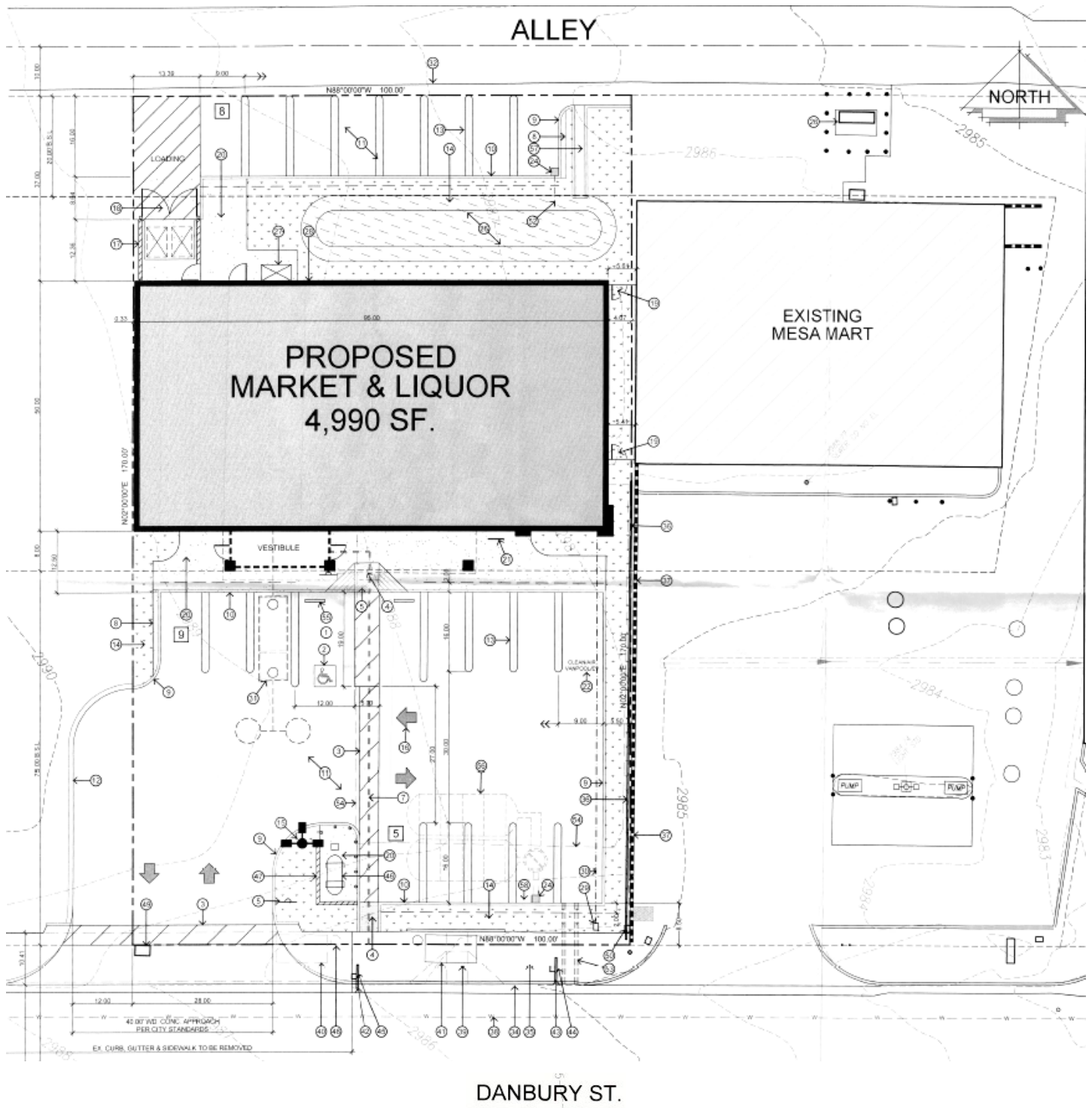
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2017-17, with list of conditions
8. Resolution No. PC-2017-18
9. Comments Received

ATTACHMENT 1



APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

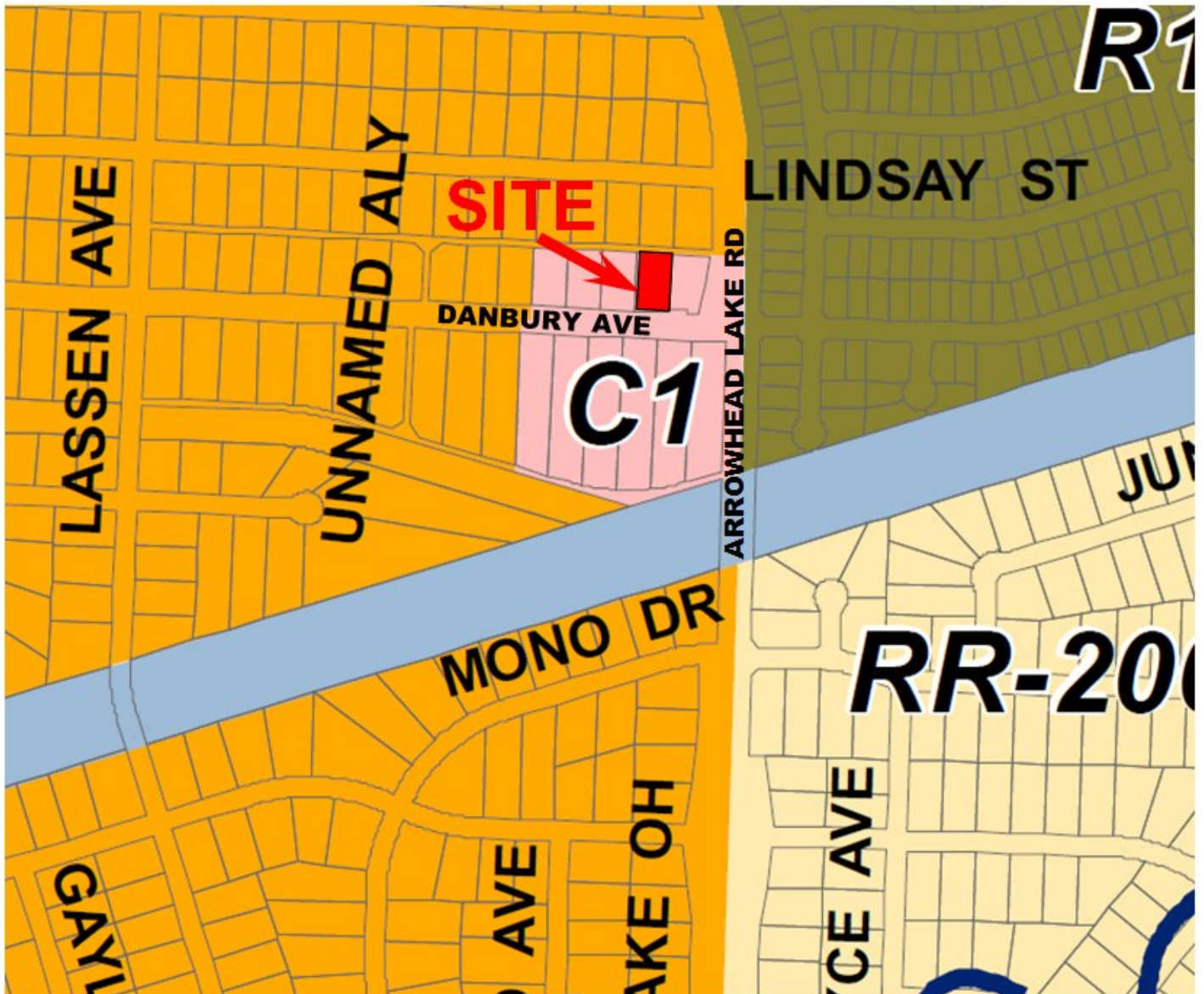
LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD

APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES



ATTACHMENT 2



APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD

APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES



GENERAL PLAN MAP

ATTACHMENT 3



APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD

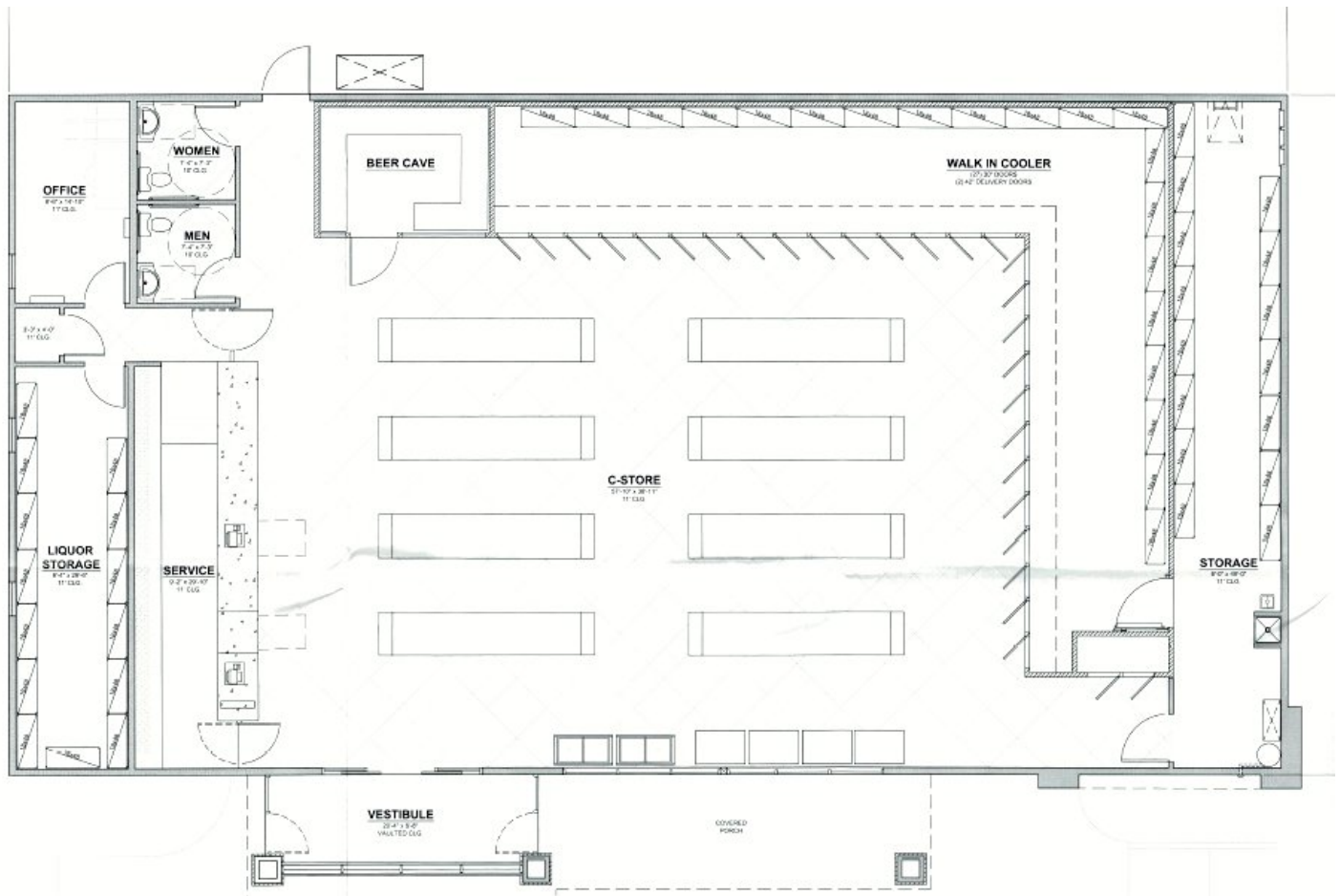
APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD

APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES



FLOOR PLANS

ATTACHMENT 5



FRONT - SOUTH ELEVATION

APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

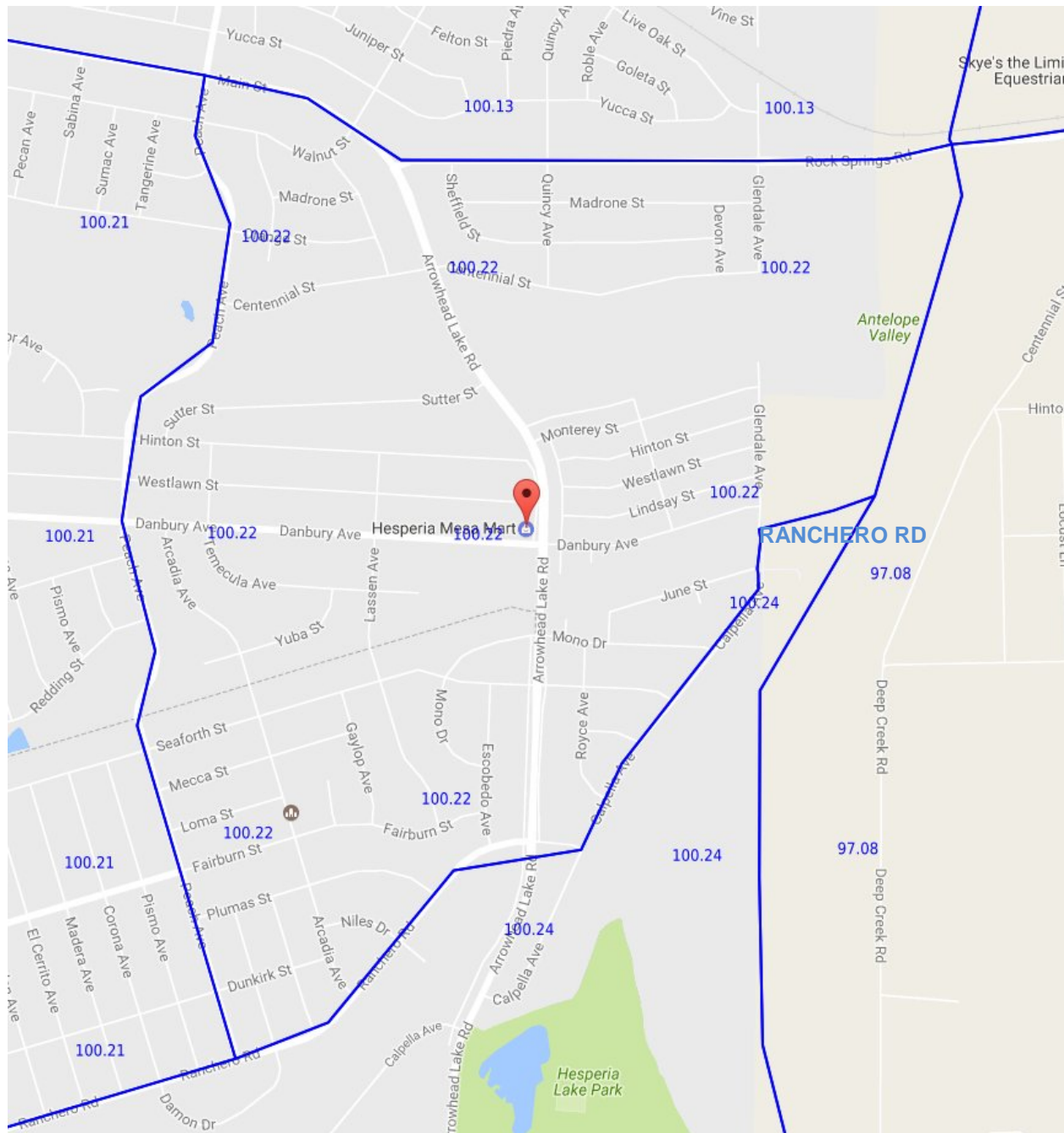
LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET
WEST OF ARROWHEAD LAKE ROAD

APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES

COLOR ELEVATION

ATTACHMENT 6



APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD

APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES



CENSUS TRACT MAP

ATTACHMENT 7

RESOLUTION NO. PC-2017-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE WHICH INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION ON AN APPROXIMATELY 0.4 GROSS ACRE PARCEL LOCATED ON THE NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD (CUP17-00005)

WHEREAS, Maida Holdings, LLC has filed an application requesting approval of CUP17-00005 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 0.4 gross acres located on the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road and consists of Assessor's Parcel Number 0398-303-18; and

WHEREAS, the Application, as contemplated, proposes to construct a 4,990 square foot convenience store which includes the sale of beer, wine and liquor for off-site consumption (type 21); and

WHEREAS, Maida Holdings, LLC has also filed an application requesting approval of a Minor Exception, ME17-00003 to allow a reduction of three parking spaces; and

WHEREAS, the 0.4-acre site is currently vacant; the property to the east is occupied by a gas station with a convenience store, the properties to the west and south are vacant and the properties to the north are improved with single family residences; and

WHEREAS, the subject property as well as the properties to the east, west and south are within the Convenience Commercial (C1) zoning designation and the properties to the north are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on June 8, 2017, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 8, 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 because the site can accommodate all proposed improvements in conformance with the Development Code.
- (b) The proposed sale of beer and wine for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan and Development Code. The sale of alcoholic beverages is consistent with the allowable uses within the Convenience Commercial (C1) zone with approval of a conditional use permit.
- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Convenience Commercial (C1) zone with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. Further, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning and Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the Convenience Commercial (C1) zone of the Development Code. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (e) The site for the proposed use will have adequate access based upon its frontage along Danbury Avenue. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. A convenience store that includes the sale of beer, wine and liquor for off-site consumption is an allowable use within the Convenience Commercial (C1) zone with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP17-00005, subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 8th day of June 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP17-00005

Approval Date: June 08, 2017

Effective Date: June 20, 2017

Expiration Date: June 20, 2020

This list of conditions applies to: Consideration of a Conditional Use Permit CUP17-00005 to construct a 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21) on 0.4 gross acres within the Convenience Commercial (C1) zone located on the north side of Danbury Avenue approximately 170 feet west of Arrowhead Lake Road (Applicant: Mike Maida; APN: 0398-303-18) .

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

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

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EROSION CONTROL. The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (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

MINOR EXCEPTION. These conditions are concurrent with Minor Exception ME17-00003 becoming effective. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

EROSION CONTROL. The Developer shall provide an Erosion and Sediment Control Plan, prepared using the City's ESCP Template, with the improvement plans submittal per City Standards. A City-approved SWPPP developed pursuant to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities may substitute for the ESCP. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

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

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

OVERFLOW-OUTFALL. Each project shall be designed such that the outfall(s) for discharges from the project site in excess of design capacity and or in excess of the 100-year, 24-hr

design storm is are routed to a public street, storm drain, drainage channel, or natural watercourse.

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

1. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.

2. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.

3. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for

Low Impact Development Best Management Practices; available online at : <http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

PERCOLATION TEST-PRIVATE SEPTIC SYSTEM. The applicant shall submit results of percolation test(s), performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for private sewage disposal systems. Alternatively, in-lieu of conducting a percolation test onsite, the applicant may use the most restrictive percolation test for a site in proximity to the subject property in designing the sewage disposal systems. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY 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
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DANBURY STREET. Saw-cut (2-foot min.) and match-up asphalt pavement on Danbury Street across the project frontage, based on City's 80-foot Secondary Arterial Roadway Standard. The curb face will match existing. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Commercial driveway approaches per City standards.
- F. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- G. Cross sections every 50-feet per City standards.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- I. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
- J. Bus stop will be relocated in accordance with VVTA requirements.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ALLEY. Remove and replace existing A.C. pavement (full width) from westerly property line to new commercial drive approach at Outer Lake Arrowhead Road. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. Concrete longitudinal gutter from westerly property line to proposed commercial drive approach.
- B. Full width AC pavement per "R" value testing with a traffic

index to match the soils report from westerly property line to proposed commercial drive approach per City standards.
C. Provide a commercial drive approach per city standards.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

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

C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 2,000 GPM for a two hour duration at 20 psi residual operating pressure. Fire Flow is based on a 4,999 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES REPORT. As required by the South Central Coastal Information Center Records Search letter, an archaeological survey shall be conducted by a qualified archaeologist and the report shall be submitted to the Planning Department prior to approval of a grading permit. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

disturbance. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. School Fees (B)

COMPLETED
IN COMPLIANCE

COMPLIED BY

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

A. Development Impact Fees (B)

B. Utility Fees (E)

COMPLETED
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

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of one point 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 SURFACE. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85 compaction and or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP

Templates and (2) fully executed and recorded with the San Bernardino County Assessor-Recorder-County Clerk's office. A copy of the recorded WQMP Maintenance Agreement must be received before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY
MYEAGER

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

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]

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

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

ATTACHMENT 8

RESOLUTION NO. PC-2017-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES ON AN APPROXIMATELY 0.4 GROSS ACRE PARCEL LOCATED ON THE NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD (ME17-00003)

WHEREAS, Maida Holdings, LLC has filed an application requesting approval of Minor Exception 17-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 0.4 gross acres located on the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road and consists of Assessor's Parcel Number 0398-303-18; and

WHEREAS, Maida Holdings, LLC has also filed an application requesting approval of a Conditional Use Permit, CUP17-00005 to construct a 4,990 square foot convenience store which includes the sale of beer, wine and liquor for off-site consumption (type 21); and

WHEREAS, The Development Code requires the proposed development to have 25 parking spaces, and with approval of the Minor Exception the proposal would be permitted to have 22 parking spaces; and

WHEREAS, the 0.4-acre site is currently vacant; the property to the east is occupied by a gas station with a convenience store, the properties to the west and south are vacant and the properties to the north are improved with single family residences; and

WHEREAS, the subject property as well as the properties to the east, west and south are within the Convenience Commercial (C1) zoning designation and the properties to the north are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on June 8, 2017, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced June 8, 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 proposed site design maintains consistency with the Design Guidelines in the Development Code which requires front and rear yard setbacks, landscaping along the project frontage and supports parking in the rear of the building. The proposed site design is not able to accommodate three additional parking spaces without reducing the size of the building.
- (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 the intended use of the property is a convenience store and it can be reasonably expected that the patrons frequenting the site will stay for short durations and will not occupy the required parking spaces for extended periods of time which will result in a parking demand reduction.
- (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 zone as the adjacent site is currently developed with a gas station and convenience store that is also deficient in parking spaces.
- (d) The granting of the Minor Exception would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because staff analyzed the adjacent site which is currently developed with a gas station and convenience store and determined that it is deficient by two parking spaces. Furthermore, the proposed project is consistent with all other applicable codes and ordinances adopted by the City of Hesperia.
- (e) The granting of the Minor Exception will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, because a three parking space deficiency does not have the potential to disrupt parking, traffic, or properties in the vicinity.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Minor Exception ME17-00003.

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

ADOPTED AND APPROVED on this 8th day of June 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

April 21, 2017

Sara Kassab
18920 Danbury Avenue
Hesperia, CA 92307
Email: SARAKASSAB8@GMAIL.COM
Phone: (619) 820-3126

The City of Hesperia City Council
The City of Hesperia, CA
9700 Seventh Avenue
Hesperia, CA 92345

Cc: Planning Department/Economic Development: Dave Reno and Lisa Lamere,
Via Email: llamere@cityofhesperia.us dreno@cityofhesperia.us

Dear Respectable Members:

Please accept this as a formal objection letter to the granting of an alcoholic Liquor license (Off Sale – 21) to the proposed premises at the ±17,000 SF property known as 0398-303-18, on Danbury Avenue, Hesperia, CA.

There is a petition circulating among the residents of Hesperia and will be provided to you shortly to demonstrate the City of Hesperia resident's opposition to the proposed liquor license issuance/convenience liquor store located to be constructed at the property known as 0398-303-18 on Danbury Avenue.

We have an interest in this application that is greater than the general public because we are concerned that the granting of yet another liquor license within this neighbourhood will adversely affect the health and well-being of the community. As you can see from the attached demographics population exhibit, the population within the One Mile radius is 5,087; The population within the TWO Mile radius is 16,970. The construction of the proposed premises will make it the 5th (FIFTH) liquor/convenience store with an alcoholic off-sale 21 license within this TWO (2) mile radius.

We don't have preprinted letters or form letters containing general statements in opposition to this new development/license, we have the residents' voices and we have FACTS!!!

1. Within a TWO-MILE Radius from the subject proposed premises (0398-303-18), there ARE 16,970 POPULATION and already FOUR ESTABLISHMENTS that are licensed with a 21-OFF SALE LIQUOR LICENSE to serve them:
- 2.

1. Hesperia Mesa Mart Gas and Liquor store (AKA Kwik Serv): 18920 Danbury Avenue, Hesperia, CA 92345

Distance: NEXT DOOR to proposed PREMISES (APN: 0398-303-18). In operation since 2000.

2. Circle K – Gas and Liquor - 8197 I Ave, Hesperia, CA (760) 948-4080

Distance: 1.8 MILES to proposed PREMISES (APN: 0398-303-18) / 3 Minutes. In operation since 1989.

3. Junny's Market - 8150 I Ave, Hesperia, CA 92345 (760) 983-5968

Distance: 1.9 MILES to proposed PREMISES (APN: 0398-303-18) / 4 Minutes. In operation since 2011.

4. Liquor Market in the Shopping Center known as 8125 I Ave, Hesperia, CA 92345

Distance: 1.9 MILES to proposed PREMISES (APN: 0398-303-18) / 4 Minutes. In operation since 2008.

3. Please refer to the ESRI demographic information which exhibits the population within a (ONE) 1-mile radius in 2016 centered from the Gas station/liquor store (Hesperia Mesa Mart (AKA Kwik Serv) 18920 Danbury Avenue, Hesperia, CA 92345), which is next door to the proposed premises known as 0398-303-18.
 1. As you can see the population within the One Mile radius is 5,087.
 2. As you can see the population within the TWO Mile radii is 16,970.
 3. **If a 5th (FIFTH) liquor/convenience store with an alcoholic off-sale 21 license is opened, we will have one store for every 3,394 = OVERSATURATION AND DOES NOT SERVE THE PUBLIC CONVENIENCE.**

The proposed premises subject (APN: 0398-303-18) to this application is located next door to an existing gas station/liquor store, and if an alcoholic off-sale 21 license is granted, it will be the 5th (FIFTH) liquor/convenience store with an alcoholic off-sale 21 license to serve a population of 19,970 as shown in the population exhibit. This neighbourhood within a 2-mile radii population of 16,970 will definitely be OVER-Concentrated and WILL NOT serve Public Convenience. Quite the contrary; it will encourage and advance misdeeds and criminal misconduct...and will definitely not promote public welfare. If this 5th (FIFTH) liquor/convenience store with an alcoholic off-sale 21 license is opened, we will have one store for every 3,394.

Having the 5th (FIFTH) liquor/convenience store with an alcoholic off-sale 21 license within a two-mile radius and next door directly will undoubtedly present competition for the existing establishment known as Hesperia Mesa Mart (Kwikserv) located at 18920 Danbury Ave, Hesperia, CA 92345. It is not so much the competition that the owners are concerned about; rather, when a market becomes oversaturated, fierce competition will drive prices down to a level that will increase irresponsible alcohol consumption, but also draw customers from other areas seeking low prices. The residents of this neighbourhood all know each other and are used to each other and are comfortable with interacting together. The draw of outsiders frequenting the area seeking lower alcohol and Tobacco prices will only increase the probability and occurrences of Public nuisance and crime.

It is the responsibility of the governing body to manage and ensure the safe and responsible sale, supply and consumption of alcohol; thereby minimizing the harm from excessive and inappropriate drinking, including crime, disorder, public nuisance and negative public health outcomes by LIMITING and CONTROLLING the density (or total number) of licensed premises with off-sale licenses in such a small area; four existing alcoholic Off-Sale 21 licenses in a population of 16,970 within a 2-mile radius! The granting of a 5th (FIFTH) liquor/convenience store with an alcoholic off-sale 21 license to serve a population of 16,970 will also be CONTRARY TO AND DIVERGENT FROM the purpose in your intent to enact "Ordinance No. 2015- 04, prohibiting the sale of single-serve alcoholic beverages for off-site consumption and declaring the same a public nuisance" in your pursuit of amenity and good order in the community.

I bring your attention to a study commissioned by the lobby group [Alcohol Concern](#) and published by The Guardian US"

(<https://www.theguardian.com/society/2011/sep/05/alcohol-concern-off-licences-drinking-problems>) in 2011. "The article is Titled: Alcohol Concerns blames too many off-licences for under-age drinking." "Study shows the number of off-licenses locally has impact on young people ending up in hospital for drink-related problems . It suggests that for every two off-licenses per 100,000 population, one under-18 year-old was admitted to hospital for alcohol poisoning or intoxication between 2006 and 2009. The numbers could be higher, say researchers from the University of the West of England, because the cause of a teenage drinker's hospital admission is not always clear. The research also excludes young people who are admitted as a result of an injury – whether a fight, a fall or a car accident – which is drink-related." Please see full publication attached.

I ask that the City Council responsibly assess and weigh the potential harm arising by the existence of excessive off-sale licenses for alcohol licenses, including crime, damage, death, disease, disorderly behavior, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive existence of too many off-sale (21) alcohol licenses; and any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behavior, illness, or injury of any kind.

I would like to appear before the City Council during the public hearing for this project. Thank you and I look forward to receiving your response. I requested the application reference number from the Planning Department so I can refer to it in this letter, but I have not yet received it. Please call me with any questions.

Respectfully,

Sara Kassab

OBJECTION PETITION
Granting of A Fifth (5th) Off-Sale (21)
Alcoholic License Establishment on Danbury Avenue
APN: 0398-303-18 / ±17,000 SF lot

April 21, 2017

The City of Hesperia City Council
9700 Seventh Avenue
Hesperia, CA 92345

Cc: Planning Department/Economic Development: Dave Reno and Lisa Lamere

We, the residents of Hesperia, object to the granting of an Off-Sale (21) alcohol licence to the proposed premises at the 17,000 SF property known as APN: 0398-303-18, located on Danbury Avenue, Hesperia, CA.

We have an interest in this application that is greater than the general public because we are concerned that the granting of yet another liquor license within this neighbourhood will adversely affect the health and well-being of our community. Here are the facts:

1. Within a ONE POINT NINE (1.9) -MILE Radius from the subject proposed premises (0398-303-18), there are already FOUR ESTABLISHMENTS that are licensed with a 21-OFF SALE LIQUOR LICENSE:

1. Hesperia Mesa Mart Gas and Liquor store (AKA Kwik Serv):
18920 Danbury Avenue, Hesperia, CA 92345

2. Circle K - Gas and Liquor - 8197 I Ave, Hesperia, CA (760)
948-4080

3. Junny's Market - 8150 I Ave, Hesperia, CA 92345
(760) 983-5968

4. Liquor Market in the Shopping Center known as 8125 I Ave,
Hesperia, CA 92345

2. Please refer to the ESRI demographic information which exhibits the population within a (ONE) 1-mile radius in 2016 centered from the Gas station/liquor store (Hesperia Mesa Mart (AKA Kwik Serv) 18920 Danbury Avenue, Hesperia, CA 92345), which is next door to the proposed premises known as 0398-303-18.

1. As you can see the population within the One Mile radius is 5,087.
2. As you can see the population within the TWO Mile radii is (16,970) Per Pop.

The proposed premises subject (APN: 0398-303-18) to this application is located next door to an existing gas station/liquor store, and if an alcoholic off-sale 21 license is granted, it will be the 5th (FIFTH)

City of Hesperia *forces that is (1 store For 3394 person*
Page 106
Planning Commission

liquor/convenience store with an alcoholic off-sale 21 license to serve a population of _____ as shown in the population exhibit. This neighbourhood within a 2-mile radii population of _____ will definitely be OVER-Concentrated and WILL NOT serve Public Convenience nor Public Well-being of the surrounding neighbourhood and residences. Quite the contrary; it will encourage and advance misdeeds and criminal misconduct...and will definitely not promote public welfare.

It is the responsibility of the governing body to manage and ensure the safe and responsible sale, supply and consumption of alcohol; thereby minimizing the harm from excessive and inappropriate drinking, including crime, disorder, public nuisance and negative public health outcomes in our neighborhoods, for the sake of our families and our children's future.

We object to the application for an alcohol license on grounds that adding a FIFTH (5th) off-sale liquor licence in our neighbourhood will cause over-concentration of liquor stores in an area that is a dense in residences, is not a major highway with heavy traffic, filled with families and children. **We further ask that the local governing body ESTABLISH for us that there is truly a NEED for a FIFTH (5th) off-sale (21) license establishment in our small neighbourhood of 8,000 to serve our PUBLIC CONVENIENCE.**

The contact person for this petition is:

Sara Kassab
18920 Danbury Avenue
Hesperia, CA 92345
(619) 820-3126

Objectors (please print clearly)

| Name | Address | Signature |
|-----------------------|-------------------|-----------------|
| 1. Tom R. Lilk | 8145 Mono dr | |
| 2. Brandly Bacci | 19005 Westlawn St | |
| 3. Delapoz | 2-14092 Lakota Rd | |
| 4. SUSIE FORD | 7952 MONO DR | |
| 5. Marcus Ford | 2952 MONO DR. | |
| 6. Keremei Lumpkin | 1918 Danbury Dr. | Keremei Lumpkin |
| 7. Ray Sundahl | 18217 Danbury | Ray D |
| 8. Julie Findling | 8834 Lilford ave | Julie Findling |
| 9. Sergio Torres | 8180 SOLANA CT | |
| 10. RICHARDS Torres | 7355 WINGSON AVE | |
| 11. MITTIE MORIN | 16575 WESTLAWN ST | |
| 12. Daniel Paez | 7848 El Estero | |
| 13. Wm. S. Lopez | 7324 COBBLEH | Wm. S. Lopez |
| 14. | 18302 Wmest St | |
| 15. | 18057 PALM DR. | Antonio Flores |
| 16. | 19127 Lindsay St | |
| 17. | 15446 Buena Vista | |
| | 19189 Westlawn St | |

18. Melissa S 19176 Danbury Ave Melissa S
19. Chris Cardoza 19176 Danbury Ave Chris 9-21-17
20. Daryl Grapp 7981 Lassen Ave Hesperia CA 92345
21. Richard K. 18586 Westlawn St Hesperia 92345
22. James S. 19075 Seaford St Hesperia 92345
23. J. K. 18655 CENTENNIAL HESPERIA 92345
24. Gwenn Hess 18759 Rocksprings Rd Hesperia 92345
25. Aaron Opie 7737 Langdon Ave Hesperia CA 92345
26. Melissa Perez 6957 Arrowhead Rd Hesperia 92345
27. Michael Obrien 14076 Westlawn St Hesperia CA 92345
28. DAVID Wilson 19166 DANBURY AVE Hesperia CA 92345
29. Jackie Neff 19216 LINDSEY ST HESPERIA CA 92345
30. Christina DeLaTorre 18643 Westlawn St. Hesperia CA 92345
31. Melissa Espinoza 1874 Mesquite St. Apple Valley CA 92345
32. David Bump 18707 Plains St Hesperia CA 92345
33. Bonnie Patten 18798 Danbury Hesperia 92345
34. Aaron Vicary 7583 Calpella Ave Hesperia, CA 92345
35. Cheryl Merritt 18755 Hinton Ave Hesperia 92345
36. Gilberto Lopez 19101 Lindsey St Hesperia CA 92345
37. Jennifer Smith 8633 Arrowhead Hesperia 92345
38. ANDY TORRES 18967 CENTENNIAL ST HESPERIA 92345
39. Justin Jiggetts 17802 QUANTICO RD Hesperia 92345
40. Sarah Clayton 19270 Danbury Hesperia 92345
41. Kyrene Causey 19096 Westlawn St. Hesperia 92345
42. Timothy J. 8168 Calpella, HESPERIA CA 92345
43. Nason Hartley 19096 WESTLAWN HESPERIA CA 92345
44. HELENE REFOZA 19199 DANBURY AVE HESPERIA CA 92345
45. Olivia Finic 19189 Westlawn St CA 92345
46. Matt Davis 77990 Arrowhead Hesperia 92345
47. Bryan Verberne 17741 Hinton St Hesperia 92345
48. Jim K. 19002 13268 Helman St Hesperia 92345
49. Brandon Elsvick 19275 Lindsey St Hesperia 92345
50. Malia Greer 17901 CHASTOT STREET Hesperia 92345
51. Chas. Flores 7391 Oxford Ave Hesperia, CA 92345
52. Phil Hutter 18472 Danbury Ave. Hesperia 92345
- Phil Hutter 19065 SEAFORTH ST HESPERIA 92345

Name

Address

signator

53. ~~Doreen Noessel~~ 16880 Danbury Hesperia 92345
54. ~~Phillip Hufadist~~ 19065 Seaforth
55. Yvonne Mueller 18435 Temecula Ave Hesperia CA 92345
56. ~~Nadu Collins Zerk~~ 19224 Hinton St Hesperia Danbury
57. Raymond Cunningham 8332 Arrowhead Lake Rd Ray Cunningham
58. JOANNA STIS 8168 Calpella Ave (92345)
59. Casey Thomas 19093 Monterey St Hesperia 92345
60. Kurt Leroy 7591 CALPELLA AV HESPERIA
61. Eddie Watten 19175 LINDSEY ST
62. TIEREN WICK P655 Santa Fee
63. Miranda Hayward 19127 Danbury Ave Hesperia
64. Keith Stork 5858 Arrowhead Rd Hesperia
65. Steve Dames 7312 Annham
66. Cam Creighton 7370 Lyons Ave Hesperia
67. Roberta Navarro 8855 Calpella Ave Hesperia
68. Laurie Gertz 19010 Lindsay 92345
69. Cynthia K. INDETER 18215 MOORE ST
70. Aaron McCarthy 18706 TEMECULA AVE
71. Carlos Benitez MONA ST
72. Robert Malt 9431 LONDONO
73. Cristina Stratton 8132 Paisley Ave. Hes.
74. KAYLO STOROSTWA 18450 Temecula Ave
75. Tricia Murphy 18847 Seaforth Ave
76. Daniel Schmidt 18847 Seaforth Ave
77. JEAN BEAVERS 18272 DANBURY AVE
78. Brent Wooten 9174 Glendale Ave
79. Jerry Harg 18588 Buick St
80. Blundy Foster 8820 Arrowhead Lake Rd
81. Martin Luwan 9719 Hickory Ct
82. Megan Garfield 19161 Westlawn St. 92345
83. Cammy Paul 18016 Hinton St
84. Victor 7620 El Cerrito Ave VICTOR ELIAS 909-734-2849

- 88 DAN CASTELLO 18822 ROCKSPRINGS RD - HESPERIA, CA. 92345
- 89 Aaron Smith 18807 Fairburn St Hesperia Ca. 92345
- 90 Julie Adair 19047 Lindsay St. Hesp. 92345
- 91 Charles Downing 18738 Yucca St Hesperia 92345
- 92 Brian Buttersfield 5551 Knoll Ct Hesperia 92345
- 93 Kevin Merritt 8301 Arcadia Hesp 92345
- 94 Kevin Sorenson 18550 Centennial St Hesp. 92345
- 95 Nick Johnson 18710 Juniper St Hesperia, 92345
- 96 Cody Bonhamer 7974 Lassen Ave. Hesperia 92345
- 97 Joshua McGookin 9310 9th ave Hesperia
- 98 Wendy Murphy 19236 Lindsay Hesperia
- 99 Jaime Bates 19236 Lindsay Hesperia
- 100 John Guglielmi 19260 Hinton St Hesperia
- 101 Kamara Hay 8315 Windsor Hesperia
- 102 Jackie Day 8315 Windsor Ave Hesperia
- 103 Josh Clark 18578 DANBURY AVE HESPERIA
- 104 Aretta Stephen 19142 Sheffield St Hesperia
- 105 Paul Albe 18934 Madison St
- 106 Billy Smith 18450 Temple Ave
- 107 Lewis Riser 7927 ESCOBEDO AVE HESPERIA 92345
- 108 JAMES LARSEN 19010 LINDSAY ST, HESPERIA 92345
- 109 Adrian Plowre 16770 Mesquite St Hesperia CA
- 110 Mark Brewer 9907 Jacaranda Ave Hesperia CA
- 111 Jessica Alvis 19275 Monterey St Hesp.
- 112 Ondray Alvis 19275 Monterey St HESD
- 113 Katherine Gray 8218 Pismo Ave Hesp. Katarine Gray
- 114 Ruby Evans 18916 Hinton St Hesp CA 92345
- 115 Gwen Williams 8111 Calpella Ave Hesperia
- 116 Jimmy McGee 8111 Calpella Ave Hesperia, CA
- 117 Monica Quarles 19065 Rocksprings rd Hesperia
- 118 Leichen Luna 19172 Hinton Street Hesperia, CA
- 119 Larnal Orta 18690 Tuleton St Hesperia Ca
- 120 SEAN Waiter 19252 Westlawn St Hesperia
- 121 Priscilla Sanchez 18019 Hinton St
- Henry Diaz 19026 Lindsay St

liquor/convenience store with an alcoholic off-sale 21 license to serve a population of _____ as shown in the population exhibit. This neighbourhood within a 2-mile radii population of _____ will definitely be OVER-Concentrated and WILL NOT serve Public Convenience nor Public Well-being of the surrounding neighbourhood and residences. Quite the contrary; it will encourage and advance misdeeds and criminal misconduct...and will definitely not promote public welfare.

It is the responsibility of the governing body to manage and ensure the safe and responsible sale, supply and consumption of alcohol; thereby minimizing the harm from excessive and inappropriate drinking, including crime, disorder, public nuisance and negative public health outcomes in our neighborhoods, for the sake of our families and our children's future.

We object to the application for an alcohol license on grounds that adding a FIFTH (5th) off-sale liquor licence in our neighbourhood will cause over-concentration of liquor stores in an area that is a dense in residences, is not a major highway with heavy traffic, filled with families and children. **We further ask that the local governing body ESTABLISH for us that there is truly a NEED for a FIFTH (5th) off-sale (21) license establishment in our small neighbourhood of 8,000 to serve our PUBLIC CONVENIENCE.**

The contact person for this petition is:

Sara Kassab
18920 Danbury Avenue
Hesperia, CA 92345
(619) 820-3126

Objectors (please print clearly)

| Name | Address | Signature |
|----------------------|--------------------------------|-------------|
| 1. Todd Kruger | 8018 E Sepulveda | [Signature] |
| 2. Luis Puellos | 19007 Danbury Ave Hesperia | [Signature] |
| 3. Jacob Cruz | 4504 Allegra Vista St Hesperia | [Signature] |
| 4. Racquel Carbone | 5811 Peach Ave Hesperia | [Signature] |
| 5. Janet Carney | 14094 West Lawn St Hesperia | [Signature] |
| 6. Brianna McCormick | 13530 Diamond Hesperia | [Signature] |
| 7. Raymond Ortega | 14046 Centennial St Hesperia | [Signature] |
| 8. JACK MORENO | 18995 HIXTON ST HESPERIA | [Signature] |
| 9. ELIZABETH CABRERA | 19231 WEST LAWN | [Signature] |
| 10. Miguel Pineda | 19152 GEMINO | [Signature] |
| 11. Mike Garcia | 18525 Orange St. | [Signature] |
| 12. Mark Taliaferro | 14136 Hinton St Hesperia | [Signature] |
| 13. Hilary Quinn | 19370 Rocksprings Rd Hesperia | [Signature] |
| 14. James Lightner | 8240 Calpella Ave Hesperia | [Signature] |
| 15. TRAVIS LEACH | 17401 Aspen St Hesperia | [Signature] |
| 16. [Signature] | 9200 Glendale Ave Hesperia | [Signature] |
| 17. René Hernandez | 15829 Mecca St Hesperia CA | [Signature] |

liquor/convenience store with an alcoholic off-sale 21 license to serve a population of _____ as shown in the population exhibit. This neighbourhood within a 2-mile radii population of _____ will definitely be OVER-Concentrated and WILL NOT serve Public Convenience nor Public Well-being of the surrounding neighbourhood and residences. Quite the contrary; it will encourage and advance misdeeds and criminal misconduct...and will definitely not promote public welfare.

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We object to the application for an alcohol license on grounds that adding a FIFTH (5th) off-sale liquor licence in our neighbourhood will cause over-concentration of liquor stores in an area that is a dense in residences, is not a major highway with heavy traffic, filled with families and children. **We further ask that the local governing body ESTABLISH for us that there is truly a NEED for a FIFTH (5th) off-sale (21) license establishment in our small neighbourhood of 8,000 to serve our PUBLIC CONVENIENCE.**

The contact person for this petition is:

Sara Kassab
18920 Danbury Avenue
Hesperia, CA 92345
(619) 820-3126

Objectors (please print clearly)

| Name | Address | Signature |
|----------------------------|--------------------------------------|-------------|
| 1. Sergio Abreu | 18631 Plumas St Hesperia ca 92345 | [Signature] |
| 2. Melanie Gibbens | 18559 Wisteria Ct Hesperia 92345 | [Signature] |
| 3. Brent Ventimiglia | 17936 Hinton St. Hes. 92345 | [Signature] |
| 4. LARRY BIRGE | 18841 RANCHERO Rd. HESPERIA CA 92345 | [Signature] |
| 5. Jacob L. Block | 19108 Monterey St. Hesperia ca. | [Signature] |
| 6. ROBERT HARRIS | 18822 WESTMIN HESPERIA CA 92345 | [Signature] |
| 7. [Signature] | 14414 Yukina & Hesperia | [Signature] |
| 8. Juan Carlos Gonzalez JR | 19278 Hinton St Hesperia CA 92345 | [Signature] |
| 9. Kristine Kingston | 8030 Capella alpine Hesperia | [Signature] |
| 10. Allen Witoria | 1010 Monterey St Hesperia | [Signature] |
| 11. Britny Kuminkose | 19972 Juniper rd Hesperia | [Signature] |
| 12. Joseph Wiles | 19972 Juniper rd Hesperia | [Signature] |
| 13. SHENA SNIPER | 18300 HINTON ST HESPERIA | [Signature] |
| 14. RUBEN RAMON | 18992 Hesperia | [Signature] |
| 15. JAY DALER | 7166 DORR ST HESPERIA | [Signature] |
| 16. Ishleu Brown | 4670 SAN PABLO AVE Hesperia | [Signature] |
| 17. GUY DENTON | 4670 SAN PABLO HESPERIA | [Signature] |

18. Deborah Welch - 18876 Felton St. Hesperia
19. Robert Tarang
20. Jason Jewell 18811 Hinton St Hesperia
21. Robert Hipsher 18310 Danbury Ave Hesperia
22. Richard Tarr 18871 Hinton St Hesperia
23. Andy Brunschath 18564 Centennial St. Hesperia, CA. 92345
24. Ethan McGwire 6719 Deep Creek A.U. 9230
25. Wade Kempton 7442 Juniper Dr. A.U. CA 92303
26. Robert Finner 19133 Danbury Hesperia CA 92345
27. Kris Bell Tri Bu 5843 Arrowhead Crd Hesperia
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30. Gary Murphy 4670 San Dario Hesperia Gary Murphy
31. Anna Bell 22400 Moreno Rd Av Anabur
32. Mark Maynor 18101 Hwy 173 Hesp Mark Maynor
33. Bruce Kibbe 18677 Hinton St Hesperia Bruce Kibbe
34. Chris Van Ooten 14468 Silent Spring St Hesperia
35. Cindy Hendricks 19000 Monterey St. Hesp. Cindy Hendricks
36. Kirsten Hahn 18825 Sutter St. Hesp.
37. Hunter Kelner 1095 Carlynn Ave Apple Valley
38. Mike Kratz 21340 Tussing Ranch rd Apple Valley
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18. Eric Lays 18920 Rockspurs Rd 

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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, MAY 17, 2017**

A. PROPOSALS:

1. MIKE MAIDA; (CUP17-00005)

Proposal: Consideration of a Conditional Use Permit to construct a 4,999 square foot convenience store to include beer, wine and liquor sales (type 21) on 0.5 acres.

Location: 170 feet west of Arrowhead Lake Road on the north side of Danbury Avenue (0398-303-18)

Action Taken: Forwarded to the June 8th Planning Commission Meeting

Planner: Ryan Leonard

2. MAIN PLACE, LP; (SPRE17-00003)

Proposal: Consideration of a seventh extension of time for SPR-2008-02, to construct a 21,400 square foot retail center on 2.5 gross acres.

Location: North side of Main Street, 350 feet west of Eleventh Avenue (0408-181-32)

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 31, 2017**

A. PROPOSALS:

1. DAVIS DEVELOPMENT GROUP; (TTE17-00007)

Proposal: Consideration of an extension of time for Tentative Tract TT-17679 to create nine single-family residential lots on 2.5 gross acres.

Location: Southwest corner of Hollister Street and Afton Avenue (3057-05-142)

Planner: Ryan Leonard

Action Taken: Administrative Approval

2. DAVIS DEVELOPMENT GROUP; (TTE17-00008)

Proposal: Consideration of a second extension of time for TT-17680 to create 17 single-family residential lots on 5.0 gross acres.

Location: North side of Hollister Street, between Joshua Tree Avenue and Knight Avenue (3057-051-19)

Planner: Stan Liudahl

Action Taken: Administrative Approval

3. DAVIS DEVELOPMENT GROUP; (TTE17-00009)

Proposal: Consideration of an extension of time for Tentative Tract TT-17681 to create 20 single-family residential lots on 5.0 gross acres.

Location: Southwest corner of Hollister Street and Afton Avenue (3057-051-09)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

4. FRONTIER COMMUNITIES; (SPR16-00006 & SPLA16-00004)

Proposal: Consideration of a Site Plan Review in conjunction with a Specific Plan Amendment from Regional Commercial (RC) to High Density Residential (HDR) to construct a two-story, 168-unit multiple family residential development on 10.7 gross acres.

Location: 1,650 feet east of Mariposa Road on the north side of Live Oak Street (0405-072-59)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval