

# PLANNING COMMISSION AGENDA

## ***REGULAR MEETING***

**Date: October 12, 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

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Thursday, October 12, 2017

6:30 PM

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### 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.*

#### **1 CONSENT CALENDAR**

##### **Page 5**

Consideration of the September 14, 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 September 14, 2017. "

**Staff Person:** Senior Office Specialist Denise Bossard

**Attachments:** [A1 - 09-14-2017 PC MINUTES](#)

## 2 **PUBLIC HEARINGS**

### **Page 9**

Consideration of a General Plan Amendment GPA17-00002 and Specific Plan Amendment SPLA17-00003 (Applicant: City of Hesperia; APNs: 0357-561-05, 06, 07, 08, 09, 18, 19; 59, 67 and 70)

#### **Recommended Action:**

It is requested that the Planning Commission review and make a recommendation regarding Resolution Nos. PC-2017-30 and PC-2017-31, recommending that the City Council approve General Plan Amendment GPA16-00002 in conjunction with Specific Plan Amendment SPLA 17-00003 to add approximately 65 gross acres, currently within the City's Sphere of Influence, to the Main Street and Freeway Corridor Specific Plan and to amend the zoning from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO).

**Staff Person:** Associate Planner Ryan Leonard

**Attachments:** [Staff Report](#)

[A1 - General Plan Map](#)

[A2 - Aerial photo](#)

[A3 - County General Plan Land Uses](#)

[A4 - Planned Capital Improvements](#)

[A5 - Negative Declaration and Initial Study](#)

[A6 - Resolution No. PC-2017-30](#)

[A7 -Resolution No. PC-2017-31](#)

[A7.1 Resolution Exhibit A](#)

## 3 **NEW BUSINESS**

### **Page 55**

Consideration of a Review and Recommendation - Ordinance to Regulate Marijuana Related Activities

#### **Recommended Action:**

City Council requests that the Planning Commission adopt Resolution No. PC-2017-32, to revise the eligible area for delivery dispensaries within City of Hesperia (DCA17-00005).

**Staff Person:** Principal Planner Dave Reno

**Attachments:** [Staff Report](#)

[A1 - Expanded Eligible Deliberly Service Locations](#)

[A2 - MJ Related Activity Exp area pc res](#)

[A - CIBP MMJ Expanded Eligible Area](#)

**PRINCIPAL PLANNER'S REPORT**

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

**D. DRC Comments****Page 61**

Development Review Committee Agendas: September 6, 2017, September 20, 2017 and October 4, 2017

**Staff Person:** Principal Planner Dave Reno

**Attachments:** [DRC Agendas 09-06-2017, 09-20-2017 & 10-04-2017](#)

**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, October 12, 2017 at 5:30 p.m. pursuant to California Government Code §54954.2.*

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Denise Bossard,  
Planning Commission Secretary

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# City of Hesperia Meeting Minutes Planning Commission

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

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Thursday, September 14, 2017

6:30 PM

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## 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: August 10, 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 August 10, 2017.**

**Sponsor:** Senior Office Specialist Denise Bossard

**Motion by Vice Chair Cody Leis to approve the Draft Minutes from the Regular Meeting held on August 10, 2017, as amended to include the complete verbiage of Vice Chair Cody Leis's statement regarding Item #6, Seconded by Commissioner Joline Hahn, 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

**PUBLIC HEARINGS:**

2. **Consideration of Conditional Use permit CUP17-00009 and Variance VAR17-00001; (Applicant: Verizon Wireless; APN: 3064-481-22)**

**Recommended Action:**

**It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-27 and PC-2017-28, approving CUP17-00009 and VAR17-00001.**

**Sponsor:** Senior Planner Stan Liudahl

Senior Planner Stan Liudahl presented CUP16-00009 and VAR17-00001.

The Commission asked questions with discussions ensuing.

Chair Tom Murphy opened the Public Hearing at 6:44 pm.

Applicant Tim Miller, Consultant for Verizon Wireless, spoke on the project.

Commissioner Joline Hahn thanked Mr. Miller for the detail he provided on the monopine.

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

**Motion by Commissioner Joline Hahn to adopt Resolution No. PC-2017-27 and PC-2017-28, approving CUP17-00009 and VAR17-00001, 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

3. **Consideration of Development Code Amendment DCA17-00007 reorganizing the animal regulations for ease of use by the public; (Applicant: City of Hesperia; Area affected: City-wide)**

**Recommended action:**

**It is recommended that the Planning Commission adopt Resolution No. PC-2017-29; recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00007, reorganizing the animal regulations for ease of use by the public.**

**Sponsor:** Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga presented DCA17-00007.

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

There were no public comments.

Chair Tom Murphy closed the Public Hearing at 6:56 pm.

**Motion by Vice Chair Cody Leis to adopt Resolution No. PC-2017-29 recommending that the City Council introduce and place on first reading an ordinance approving DCA17-00007, reorganizing the animal regulations for ease of use by the public, 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

**PRINCIPAL PLANNER'S REPORT:**

**D. DRC Comments**

Principal Planner Dave Reno briefed the Commission on 34 single family permits received so far this fiscal year, as well as the Chirco- Mancinelli 100 unit duplex project, the Aldi and Eagle grand openings, and a Revised Site Plan for the former Heilig-Meyers building.

Commissioner Hahn noted that there was an award-winning wine available at Aldi at a relatively inexpensive price.

**E. Major Project Update**

**PLANNING COMMISSION BUSINESS OR REPORTS:**

Commissioner Heywood commented that heading east from the freeway on Ranchero Road was much better with the new paving and striping.

Vice Chair Tom Murphy expressed the same sentiments as Commissioner Heywood regarding Ranchero Road.

Principal Planner Dave Reno briefed the Commission on the Balsam/Main Street raised medium project with discussions ensuing.

Commission Joline Hahn inquired of Principal Planner Dave Reno if there were any new road projects coming up, specifically 7<sup>th</sup> Avenue. Mr. Reno stated that the 2<sup>nd</sup> version of the dirt management paving program is looking at 9<sup>th</sup> and 10<sup>th</sup> streets. Mr. Reno wasn't certain about 7<sup>th</sup> Avenue. Mr. Reno expanded on how the City looks at prioritizing road paving.

**ADJOURNMENT:**

Meeting adjourned at 7:04 pm until Thursday, October 12, 2017

Cody Leis,  
Vice Chair

By: Denise Bossard,  
Commission Secretary

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**DATE:** October 12, 2017  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Ryan Leonard, AICP, Associate Planner  
**SUBJECT:** General Plan Amendment GPA17-00002 and Specific Plan Amendment SPLA17-00003; Applicant: City of Hesperia; APNs: 0357-561-05, 06, 07, 08, 09, 18, 19; 59, 67 and 70

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### **RECOMMENDED ACTION**

It is requested the Planning Commission review and make a recommendation regarding Resolution Nos. PC-2017-30 and PC-2017-31, recommending that the City Council approve GPA17-00002 and SPLA17-00003.

### **BACKGROUND**

This item initiates proceedings to annex approximately 65 gross acres that is generally located on the south side of Rancho Road approximately 800 feet east of Mariposa Road. The subject area is located within the City's Oak Hills Sphere of Influence and is immediately adjacent to the City's boundary (Attachment 1).

The 65 gross acres encompasses 10 individual parcels that are developed with three 5.0 mg water tanks and four single family homes. The remainder of the site is vacant. The land to the north and south includes single family residential development. Railroad tracts exist immediately to the east followed by vacant land. The land to the west is currently under construction for commercial development (Attachment 2).

The subject area is located within the Oak Hills Community Plan. The Community Plan is recognized by both the City and County and was adopted as a supplement to the City and County General Plans. The entire 65 gross acres is designated Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) on the City's General Plan Land Use Map. On the County's General Plan Land Use Map approximately 50 acres is zoned "Oak Hills/Rural Living" and approximately 15 acres is designated as "Oak Hills/Neighborhood Commercial" (Attachment 3).

Prior to the City annexing the property, State law requires that the property be pre-zoned. The proposed applications, GPA17-00002 and SPLA 17-0003 are intended to fulfill this requirement. GPA17-00002 and SPLA17-00003 will add approximately 65 gross acres to the Main Street and Freeway Corridor Specific Plan and will amend the City's zoning from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO). The PIO zoning is proposed on approximately 10 gross acres that is currently developed with three 5.0 mg water tanks, while the RC zoning is proposed on the remaining 55 gross acres. It is important to note that GPA17-00002 and SPLA17-00003 will only establish what the zoning will be upon annexation, and will only be effective if and when annexation occurs.

## ISSUES/ANALYSIS

Prior to consideration by LAFCO of an application for annexation, the City must pre-zone the proposed annexation area in accordance with the City's General Plan. GPA17-00002 and SPLA17-00003 are proposed to pre-zone the 65 gross acres by amending the City's General Plan Land Use Map to change the zoning of the property from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO).

The pre-zoning effort establishes the future land uses for the area consistent with the City's General Plan and Main Street and Freeway Corridor Specific Plan land use designations in a manner necessary to satisfy LAFCO requirements for an annexation application. Until annexation occurs, the pre-zoning will not affect the land uses or modify existing land development requirements for the properties within the proposed annexation area. The County designations and requirements remain in place and in full effect. Furthermore, annexation of this area will be subject to future public hearings and review by the Planning Commission, City Council and ultimately by LAFCO.

The proposed Regional Commercial (RC) designation is planned on 55 gross acres and is appropriate as the subject area is adjacent to Rancho 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 Rancho Road, commercial uses along this roadway are appropriate, as demonstrated by the County having already zoned approximately 15 acres for commercial uses. In addition, the proposed Regional Commercial (RC) zoning designation would provide a development pattern that is consistent with the existing commercial uses at the Rancho Road freeway interchange immediately adjacent to the west. The proposed Public Institutional Overlay (PIO) is planned on the remaining 10 gross acres and is appropriate as the subject parcel is already developed with three 5.0 mg water tanks.

**Traffic Impacts:** The primary issue associated with changing the land uses from RR-2 ½ to RC is traffic. While no specific development is proposed at this time, staff prepared the following development scenario to estimate a commercial development's impacts upon traffic. The maximum buildout from both residential and commercial developments, at the maximum intensity permitted by each zone, was analyzed to compare trip generations from both development scenarios. The RR-2 ½ zone, which is the current zoning, allows a density of 0.0 – 0.4 dwelling units per acre (du/ac). The maximum floor area permitted in the RC zone, which is the proposed zoning, is 0.23. The 65 gross acre project area has vacant areas as well as parcels developed with single family residences; approximately 10 gross acres is developed with three 5.0 mg water tanks. Assuming only 55 gross acres of the project area could be developed with commercial uses in the future, the RC zone allows a maximum building footprint of 551,034 square feet. In addition, the maximum allowable number of units possible under the RR-2 ½ zone is 22. This information was used to present a maximum build-out scenario in Table 1. This table shows a comparison of trips generated by a maximum residential development within the RR-2 ½ zone and maximum commercial development within the RC zone.

**Table 1-Maximum Buildout Scenario**

	No. of Trips		
	RR-2 ½ zone (22 units)	RC (551,034 sq. ft.)	Increase
<b>Weekday (daily)</b>	209	23,529	23,320
<b>AM Peak Hour</b>	17	529	512
<b>PM Peak Hour</b>	22	2,044	2,022
<b>Saturday Peak Hour</b>	20	2,656	2,636

As discussed in the Initial Study and shown in Table 1 above, a change in land use from RR-2 ½ to RC will result in an increase of 23,320 daily vehicle trips. However Rancho Road is identified in the General Plan as a special street and major arterial roadway with six lanes (plus turn pockets) at ultimate build out. At build out, Rancho Road will have a daily trip capacity of 46,100 vehicles. Therefore, sufficient capacity would exist along Rancho Road to handle the increased traffic as a result of the change in land use.

**Utilities:** The site is in close proximity to existing water and other utility systems. As a part of the City’s annexation of the freeway corridor south of Highway 395 to the summit at Oak Hills in 2004, the City is required to construct water and sewer infrastructure to serve this corridor. The City’s FY 2017-18 Capital Improvement Program includes plans for the construction of a 16-inch water line along Rancho Road that would extend across the frontage of the annexation area from a new pump station at Plant 30 (Plant 30 is proposed within the annexation area; see Attachment 4). Although they are not connected, sewer lines were also installed within Mariposa Road and Rancho Road as part of the Rancho Road Interchange project.

**Environmental:** Approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 5) prepared for this project concludes that there are no significant adverse impacts associated with this project.

**Conclusion:** The project conforms to the goals and policies of the City’s General Plan. The pre-zoning is intended to establish the future zoning for the area in a manner necessary to satisfy LAFCO requirements. City services to this area will be discussed in the plan for services that will be prepared for the annexation.

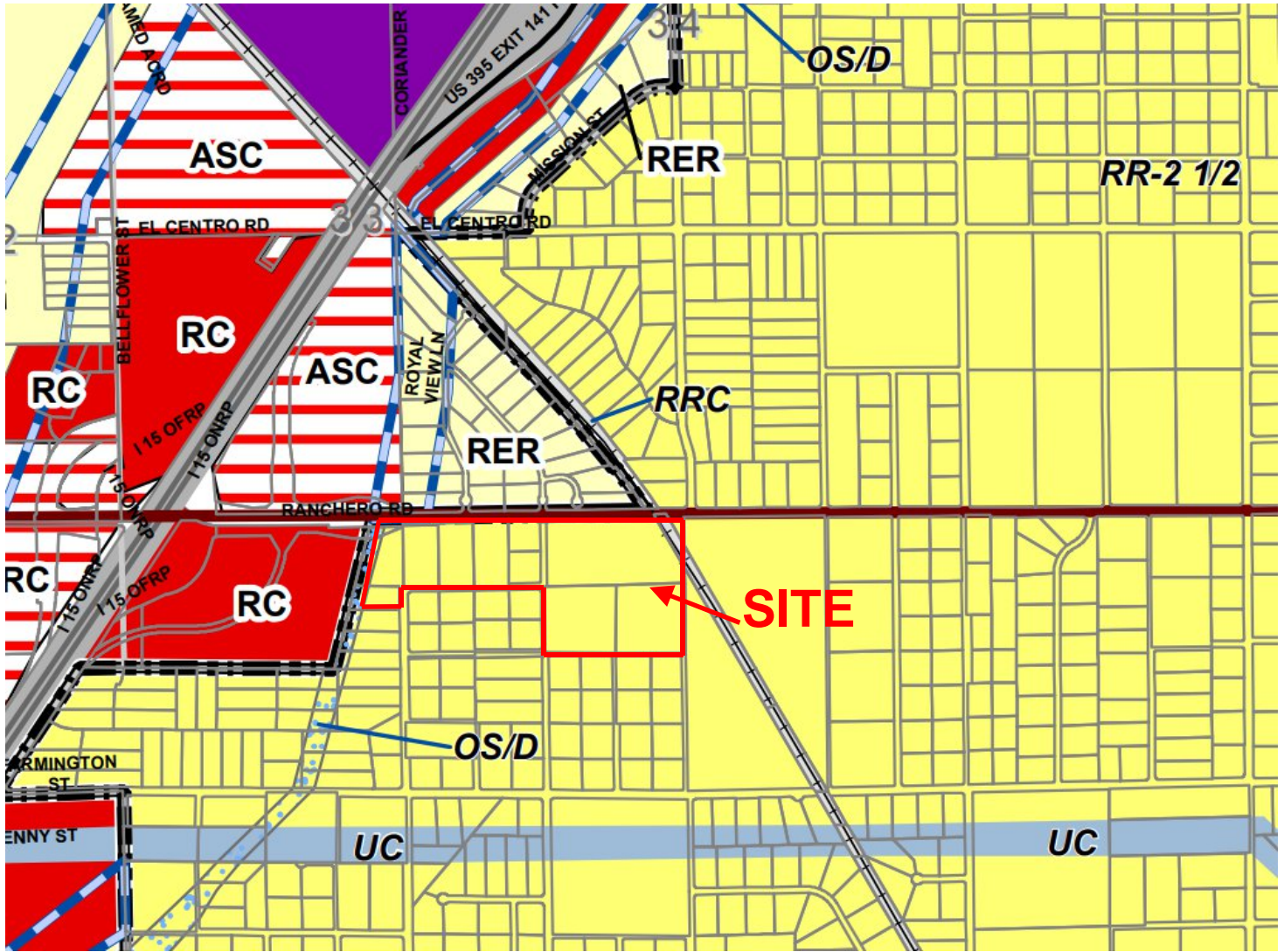
**ALTERNATIVE(S)**

1. Provide alternative direction to staff.

**ATTACHMENT(S)**

1. General Plan
2. Aerial photos
3. County General Plan Land Uses
4. Planned Capital Improvements
5. Negative Declaration ND17-00005 and its initial study
6. Resolution No. PC-2017-30 (GPA17-00002)
7. Resolution No. PC-2017-31 (SPLA17-00003)

# ATTACHMENT 1



**APPLICANT(S):** CITY OF HESPERIA

**FILE NO(S):** GPA17-00002 & SPLA17-00003

**LOCATION:** SOUTH SIDE OF RANCHERO ROAD APPROXIMATELY 800 FEET EAST OF MARIPOSA ROAD

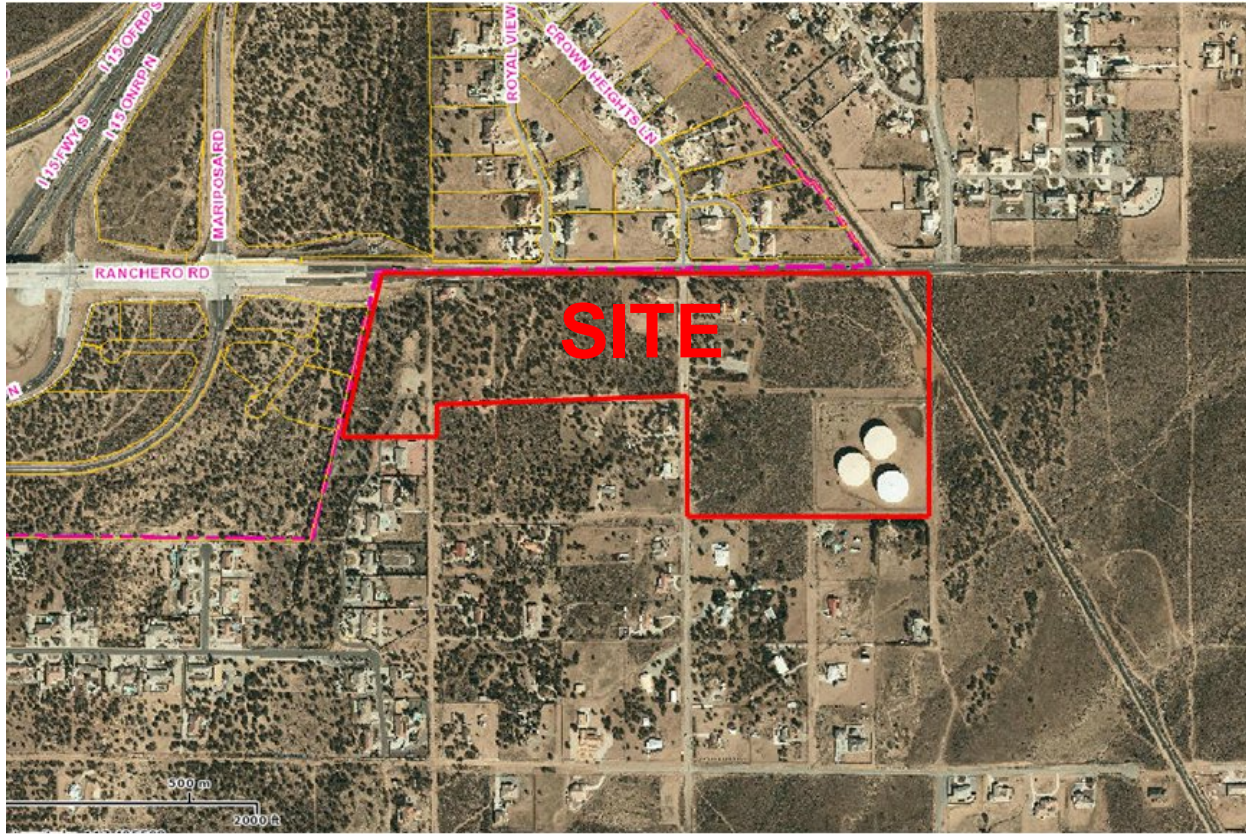
**APN(S):**  
0357-561-05, 06, 07,  
08, 09, 18, 19; 59,  
67 and 70

**PROPOSAL:** GENERAL PLAN AMENDMENT GPA17-00002 IN CONJUNCTION WITH SPECIFIC PLAN AMENDMENT SPLA17-00003 TO ADD APPROXIMATELY 65 GROSS ACRES, CURRENTLY WITHIN THE CITY'S SPHERE OF INFLUENCE, TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO AMEND THE ZONING FROM RURAL RESIDENTIAL WITH A 2.5 ACRE MINIMUM LOT SIZE (RR-2 1/2) TO REGIONAL COMMERCIAL (RC) AND PUBLIC/INSTITUTIONAL OVERLAY (PIO)



## GENERAL PLAN MAP

# ATTACHMENT 2



**APPLICANT(S):** CITY OF HESPERIA

**FILE NO(S):** GPA17-00002 & SPLA17-00003

**LOCATION:** SOUTH SIDE OF RANCHERO ROAD APPROXIMATELY 800 FEET EAST OF MARIPOSA ROAD

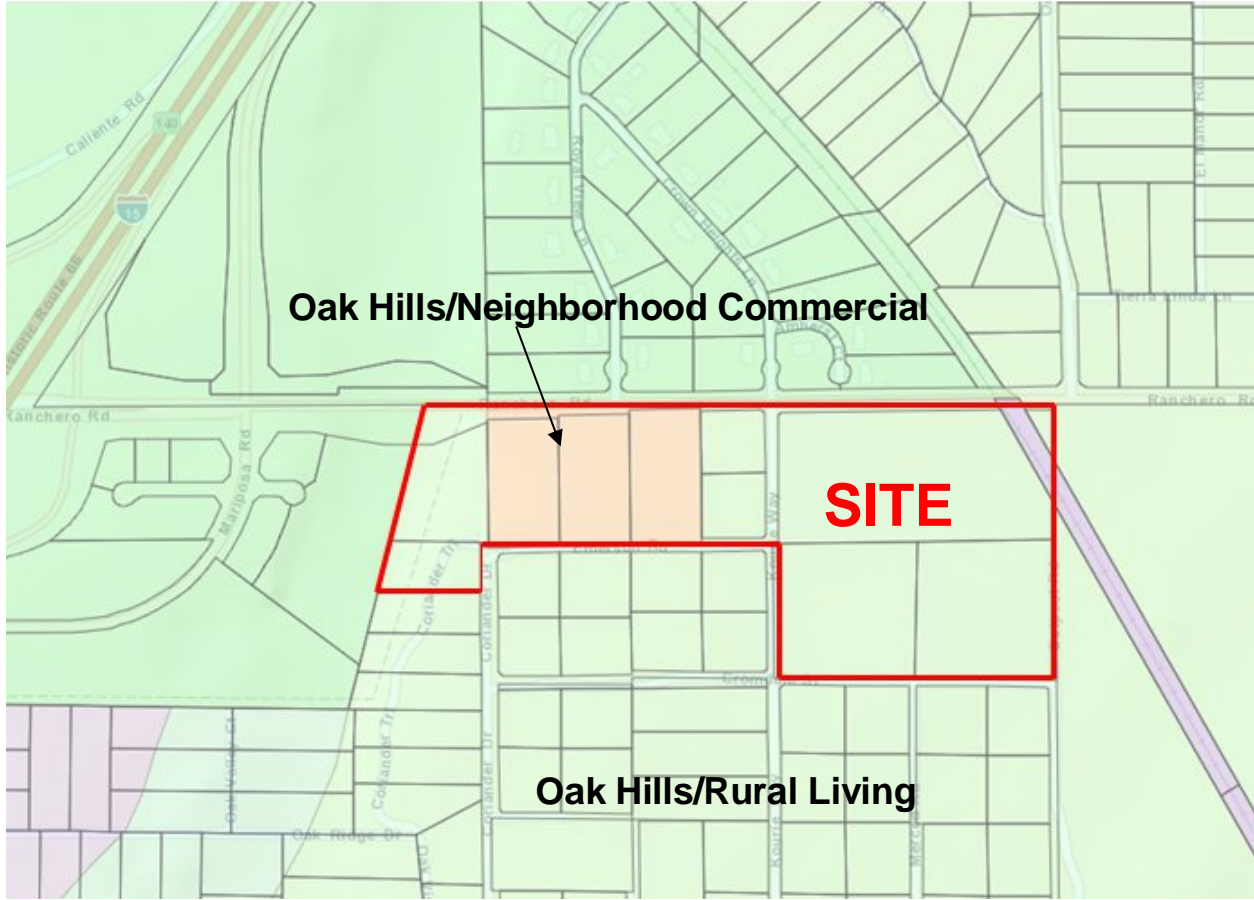
**APN(S):**  
0357-561-05, 06, 07,  
08, 09, 18, 19; 59,  
67 and 70

**PROPOSAL:** GENERAL PLAN AMENDMENT GPA17-00002 IN CONJUNCTION WITH SPECIFIC PLAN AMENDMENT SPLA17-00003 TO ADD APPROXIMATELY 65 GROSS ACRES, CURRENTLY WITHIN THE CITY'S SPHERE OF INFLUENCE, TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO AMEND THE ZONING FROM RURAL RESIDENTIAL WITH A 2.5 ACRE MINIMUM LOT SIZE (RR-2 ½) TO REGIONAL COMMERCIAL (RC) AND PUBLIC/INSTITUTIONAL OVERLAY (PIO)



## AERIAL PHOTO

# ATTACHMENT 3



**APPLICANT(S):** CITY OF HESPERIA

**FILE NO(S):** GPA17-00002 & SPLA17-00003

**LOCATION:** SOUTH SIDE OF RANCHERO ROAD APPROXIMATELY 800 FEET EAST OF MARIPOSA ROAD

**APN(S):**  
0357-561-05, 06, 07,  
08, 09, 18, 19; 59,  
67 and 70

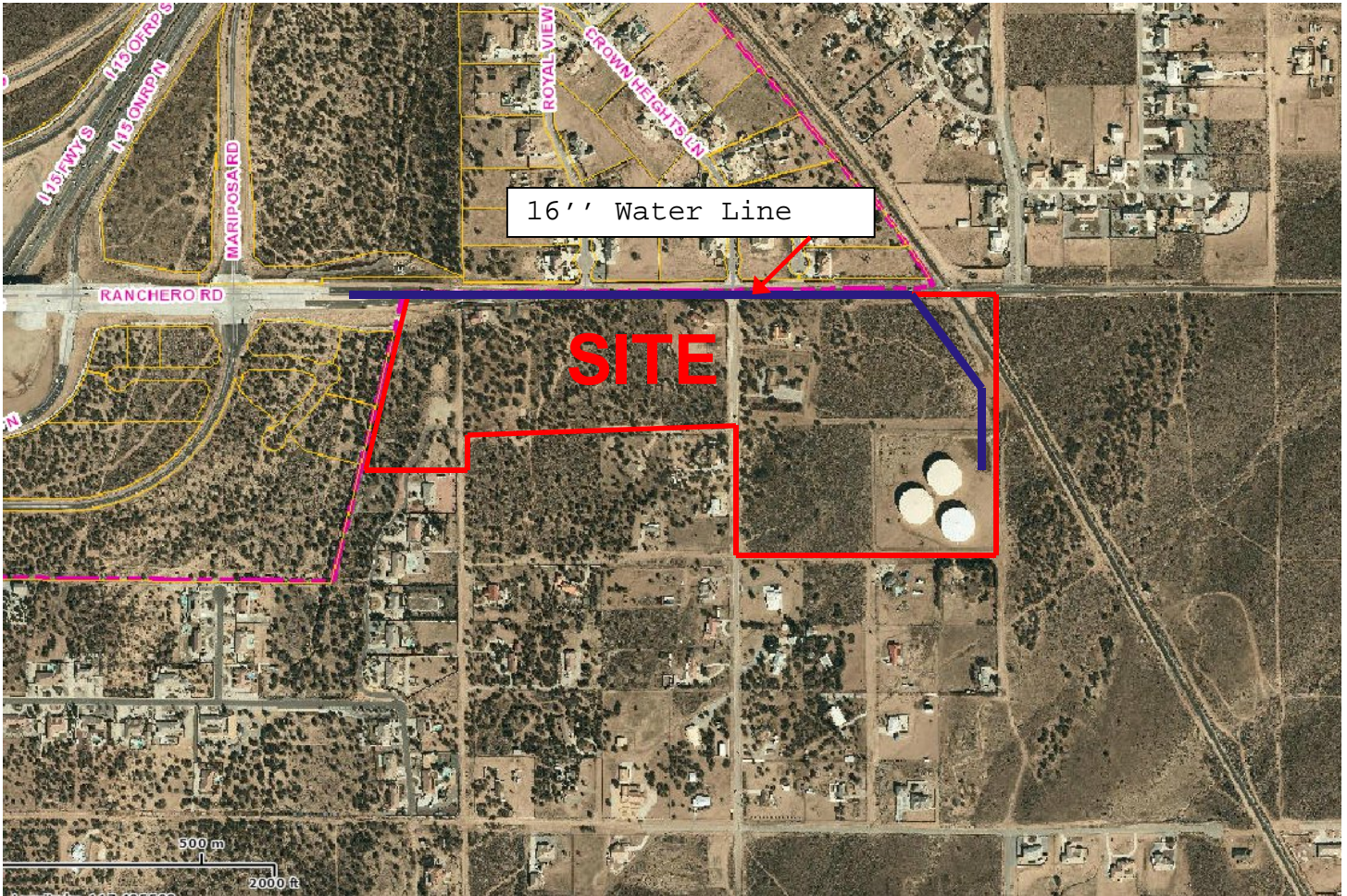
**PROPOSAL:** GENERAL PLAN AMENDMENT GPA17-00002 IN CONJUNCTION WITH SPECIFIC PLAN AMENDMENT SPLA17-00003 TO ADD APPROXIMATELY 65 GROSS ACRES, CURRENTLY WITHIN THE CITY'S SPHERE OF INFLUENCE, TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO AMEND THE ZONING FROM RURAL RESIDENTIAL WITH A 2.5 ACRE MINIMUM LOT SIZE (RR-2 ½) TO REGIONAL COMMERCIAL (RC) AND PUBLIC/INSTITUTIONAL OVERLAY (PIO)



## COUNTY ZONING MAP



# ATTACHMENT 4



**APPLICANT(S):** CITY OF HESPERIA

**FILE NO(S):** GPA17-00002 & SPLA17-00003

**LOCATION:** SOUTH SIDE OF RANCHERO ROAD APPROXIMATELY 800 FEET EAST OF MARIPOSA ROAD

**APN(S):**  
0357-561-05, 06, 07,  
08, 09, 18, 19; 59,  
67 and 70

**PROPOSAL:** GENERAL PLAN AMENDMENT GPA17-00002 IN CONJUNCTION WITH SPECIFIC PLAN AMENDMENT SPLA17-00003 TO ADD APPROXIMATELY 65 GROSS ACRES, CURRENTLY WITHIN THE CITY'S SPHERE OF INFLUENCE, TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO AMEND THE ZONING FROM RURAL RESIDENTIAL WITH A 2.5 ACRE MINIMUM LOT SIZE (RR-2 ½) TO REGIONAL COMMERCIAL (RC) AND PUBLIC/INSTITUTIONAL OVERLAY (PIO)



## PLANNED CAPITAL IMPROVEMENTS

## Attachment 5

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

NEGATIVE DECLARATION ND-2017-05  
Preparation Date: September 11, 2017

Name or Title of Project: General Plan Amendment GPA17-00002 and Specific Plan Amendment SPLA 17-00003

Location: Generally located on the south side of Rancho Road approximately 800 feet east of Mariposa Road and includes APNs: 0357-561-05, 06, 07, 08, 09, 18, 19; 59, 67 and 70.

Entity or Person Undertaking Project: City of Hesperia.

Description of Project: Consideration of General Plan Amendment GPA17-00002 in conjunction with Specific Plan Amendment SPLA17-00003 to add approximately 65 gross acres, currently within the City's Sphere of Influence, to the Main Street and Freeway Corridor Specific Plan and to amend the zoning from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO). The PIO zoning is proposed on approximately 10 gross acres currently developed with three 5.0 mg water tanks, while the RC zoning is proposed on the remaining 55 gross acres.

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

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: September 14, 2017 through October 13, 2017.

Adopted by the Planning Commission: October 12, 2017

Attest:

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DAVE RENO, AICP, PRINCIPAL PLANNER

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

**PROJECT DESCRIPTION**

1. **Project Title:** General Plan Amendment GPA17-00002 and Specific Plan Amendment SPLA17-00003
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:** Generally located on the south side of Rancho Road approximately 800 feet east of Mariposa Road and includes APNs: 0357-561-05, 06, 07, 08, 09, 18, 19; 59, 67 and 70.
5. **Project Sponsor:** City of Hesperia  
**Address:** 9700 Seventh Avenue  
Hesperia CA, 92345
6. **General Plan & Zoning:** The project site is currently within the City's Sphere of Influence and is designated Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) in the City's General Plan.

7. **Description of project:**

Consideration of General Plan Amendment GPA17-00002 in conjunction with Specific Plan Amendment SPLA17-00003 to add approximately 65 gross acres, currently within the City's Sphere of Influence, to the Main Street and Freeway Corridor Specific Plan and to amend the zoning from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO). The PIO zoning is proposed on approximately 10 gross acres currently developed with three 5.0 mg water tanks, while the RC zoning is proposed on the remaining 55 gross acres.

8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

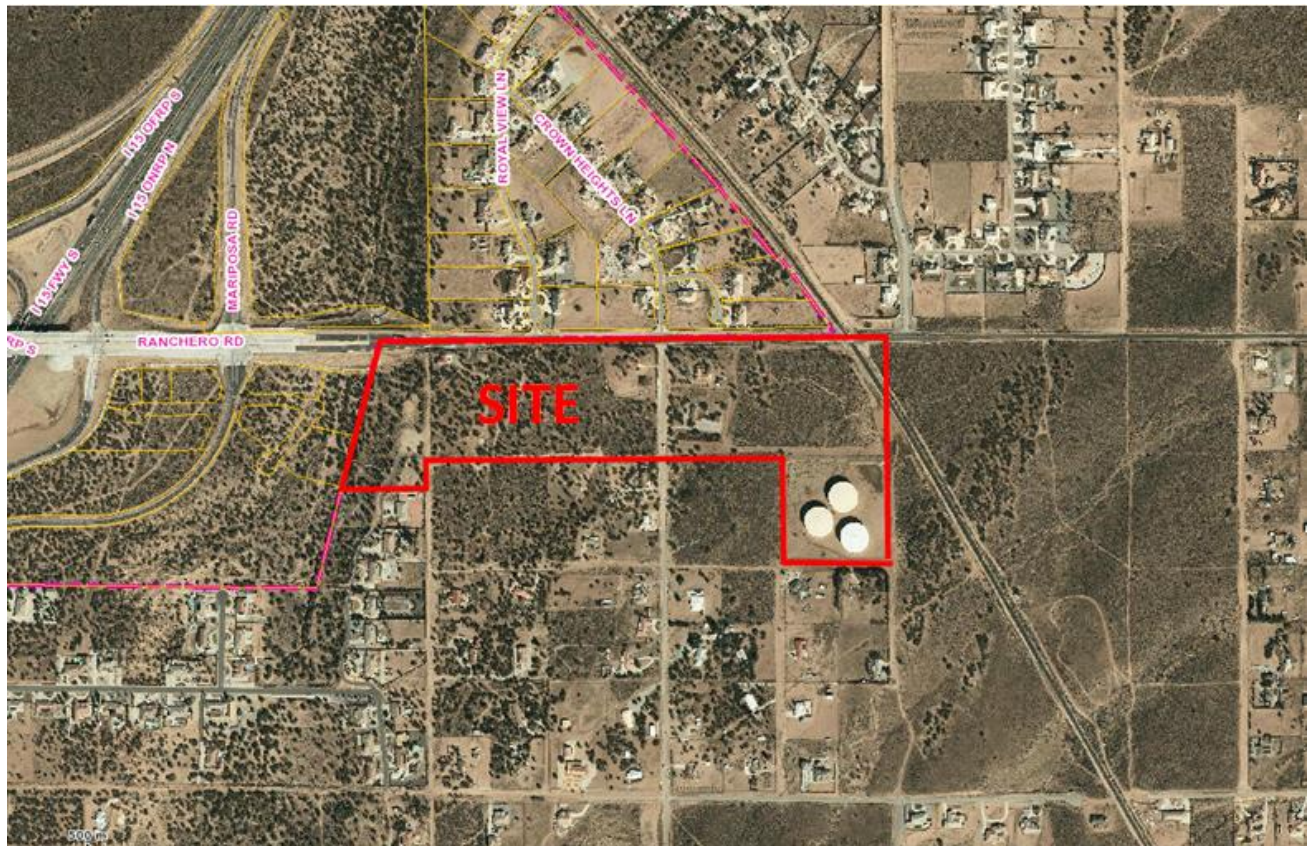
The 65 gross acre project site encompasses 10 individual parcels that are developed with three 5.0 mg water tanks and four single family homes. The remainder of the site is vacant. The land to the north and south includes single family residential development. Railroad tracts exist immediately to the east of the site followed by vacant land. The land to the west is currently under construction for commercial development.

The properties to the north are within the City's Sphere of Influence and have a General Plan land use designation of Rural Estate Residential (RER). The land to the south and east is also within the City's Sphere of Influence and has a General Plan land use designation of Rural Residential with a 2.5 acre minimum lot size (RR-2 ½). The land to the west is located within the City and is within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

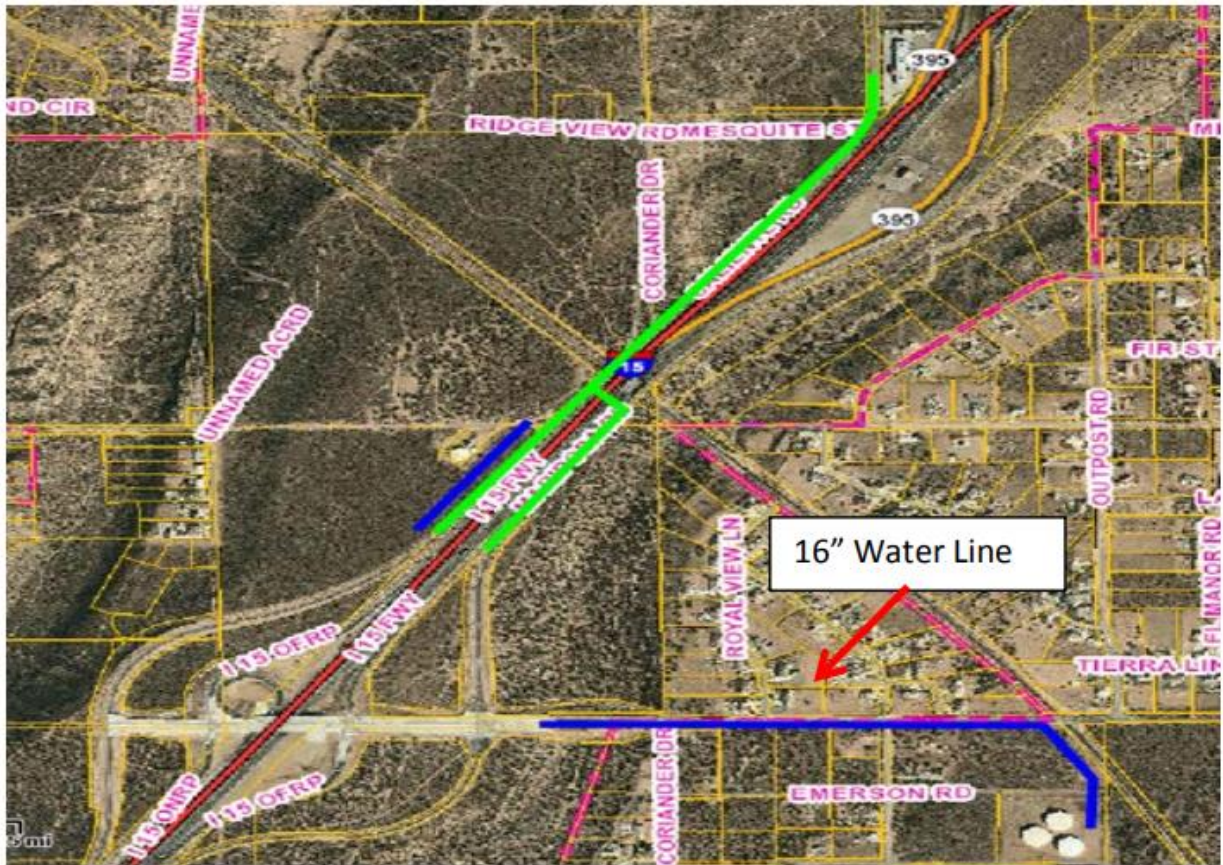
9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.)

This project is subject to review and approval by the City, San Bernardino County, the Local Agency Formation Commission for San Bernardino County (LAFCO) and the Hesperia Water District, and the Hesperia Unified School District.

### Exhibit A- Project Location



### Exhibit B- Planned Water Improvements





**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:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	"De minimis"
	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.	
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
	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.	
	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  
 Ryan Leonard, AICP, Associate Planner, Hesperia Planning Division

Date



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

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

**Comments.**

The City contains many scenic views of the Mojave Desert, the Mojave River, the San Bernardino and San Gabriel mountains, as well as of the Summit Valley area. The General Plan Update Environmental Impact Report (GPUEIR) addressed the scenic vistas and focuses on preservation of natural open space to protect sensitive environments and specific amenities like washes, bluffs, Joshua tree forests and juniper woodlands **(4)**. The properties associated with the proposed General Plan and Specific Plan Amendment are not located in a sensitive environment. Given the existing land uses nearby, its development will not substantially degrade the existing visual character or quality of the site and its surroundings. The project is not considered a scenic vista or resources, nor is any local roadways or highways considered a scenic road way. A state scenic highway does not traverse the City **(3)**. State Highways 138 and 173 are eligible for being designated scenic highways within the southern portion of the City. The project site is not in proximity to this area. The City does not contain any registered historic buildings.

Any future development will be subject to development standards of the Specific Plan **(5)**, which limit the building height and provide for minimum yard, maximum floor area ratio and architectural standards as implemented through the development process. The Development Code requires that any light created by any development not exceed 0.5 foot-candle illumination at the site boundary abutting a street **(6)**. Further, all lights shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update, which identifies the impact of development in accordance with the General Plan as less than significant **(8)**. Based upon these regulations, any development will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed General Plan and Specific Plan Amendment will not have a significant negative impact upon aesthetics.

<b>II. AGRICULTURE AND FOREST RESOURCES.</b> 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 <b>(2 &amp; 8)</b> ?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract <b>(8, 9 &amp; 10)</b> ?				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)) <b>(10)</b> ?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use <b>(1, 10 &amp; 11)</b> ?				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 <b>(1, 9 &amp; 10)</b> ?				X

**Comments.**

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

The soil at this location is 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 primarily located within the western portion of the City within an urban area and is surrounded by urban 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.

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 <b>(15, 16 &amp; 17)?</b>				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation <b>(15, 16 &amp; 17)?</b>			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) <b>(15, 16 &amp; 17)?</b>			X	
d) Expose sensitive receptors to substandard pollutant concentrations <b>(2, 15 &amp; 16)?</b>			X	
e) Create objectionable odors affecting a substantial number of people <b>(1, 2, 15 &amp; 16)?</b>				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 on the project site and immediately abutting the site **(1)**; however no development is being proposed at this time. Any future development and its impacts on to sensitive receptors would need to be further evaluated during the development review process. This General Plan Amendment and Specific Plan Amendment will not violate any air quality standards or expose residences to substandard pollutant concentrations.

The Mojave Desert Air Quality Management District (MDAQMD) has published a number of studies that demonstrate that the Mojave Desert Air Basin (MDAB) can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years **(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)**.

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.. 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 development (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). However due the unpredictability of the burrowing owl, a pre-construction survey shall be conducted by a City approved, licensed biologist, as part of review of any new entitlement, as well as no more than 30 days prior to commencement of grading.

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 within a developed portion of the City. Consequently, approval of the project will not have an impact upon biological resources.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (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.**

The site is not on the list of previously recorded cultural resources (24). This list, which was compiled as part of the 2010 General Plan Update, was compiled from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San Bernardino County. Past records of paleontological resources were also evaluated as part of the General Plan. This research was compiled from records found at the Archaeological Information Center located at the San Bernardino County Museum. Based upon this review, paleontological resources are not expected to exist on the project site. The Cultural Resources Sensitivity Map indicates that a majority of the site has a low sensitivity potential for containing cultural resources, while a small portion of the site has a medium sensitivity for containing cultural resources (26). Since no development is proposed at this time, approval of the General Plan Amendment and Specific Plan Amendment will not have an impact upon cultural resources.

In the event that human remains are discovered during future grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA). Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands (27).

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 July 3, 2017 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.

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 <b>(29, 30 &amp; 31)</b> .				X
ii) Strong seismic ground shaking <b>(32 &amp; 33)</b> ?				X
iii) Seismic-related ground failure, including liquefaction <b>(12 &amp; 32)</b> ?				X
iv) Landslides <b>(32)</b> ?				X
b) Result in substantial soil erosion or the loss of topsoil <b>(12)</b> ?				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 <b>(12 &amp; 32)</b> ?				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 <b>(12)</b> ?				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 <b>(12)</b> ?				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)**.

Any new development must be built in compliance with the Hesperia Municipal Code and the Building Code, which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil.

Regardless of the General Plan land use designation, each lot shall meet these standards. Consequently, there will be no impact upon geology and soils associated with the proposed General Plan and Specific Plan Amendment.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment <b>(35)</b> ?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases <b>(35, 36 &amp; 37)</b> ?			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)**. Any new development will need to be consistent with the City’s CAP. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

Approval of the proposed General Plan and Specific Plan Amendment would result in an increase in vehicular trips. This increase in traffic impact is analyzed further within Section XV. Transportation/Traffic.

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 <b>(2 &amp; 38)</b> ?				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 <b>(2 &amp; 38)</b> ?				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 <b>(2)</b> ?				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 <b>(2)</b> ?				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 <b>(39)</b> ?				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 <b>(39)</b> ?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan <b>(40)</b> ?				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 <b>(41 and 42)</b> ?				X

**Comments.**

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

- National Priorities List [www.epa.gov/superfund/sites/query/basic.htm](http://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](http://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](http://www.epa.gov/enviro/html/rcris/rcris_query_java.html). Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.

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

No development is proposed at this time; however, any use which includes hazardous waste as part of its operations will be prohibited within 500 feet of a school **(18)**. In addition, 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. Consequently, HMBP compliance will provide sufficient safeguards to prevent health effects. The General Plan and Specific Plan Amendment will not pose a significant health threat to any existing or proposed schools.

Approval of the project will not conflict with air traffic nor emergency evacuation plans. The site is not near Hesperia Airport, and is therefore, not within a restricted use zone associated with air operations **(39)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter **(40)** and will not interfere with emergency evacuation plans.

The site is located within an urbanized area and is not in an area susceptible to wildland fires. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest **(41 & 42)**. Consequently, approval of the General Plan and Specific Plan Amendment will not have any impact upon or be affected by hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements <b>(43 &amp; 44)</b> ?				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) <b>(45 &amp; 46)</b> ?				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 <b>(47)</b> ?				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 <b>(5 &amp; 47)</b> ?				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 <b>(48)</b> ?				X

f) Otherwise substantially degrade water quality <b>(48)</b> ?				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 <b>(2, 41, 49 &amp; 50)</b> ?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows <b>(2, 41 &amp; 50)</b> ?				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 <b>(2, 10 &amp; 50)</b> ?				X
j) Inundation by seiche, tsunami, or mudflow <b>(41)</b> ?				X

**Comments.**

If future development disturbs more than one-acre of land area, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(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.

Any future development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff **(2)**. Any future development is required to retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16 **(51)**. The site is also not within a Flood Zone, based upon the latest Flood Insurance Rate Maps **(50)**. At the time of development the City will require a retention facility to 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. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins **(53)**. 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)**. However, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the

overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment “to secure supplemental water as necessary to fully implement the provisions of this Judgment.” Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City’s Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA’s legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(55)**.

The Hesperia Water District (HWD) is the water purveyor for the City. The UWMP indicates that the City is currently using less than half of its available water supply, and that supply is projected to exceed demand beyond the year 2030 **(46)**. The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Prior to development of the property, approval of a site plan review, conditional use permit, or other land use application is required. Consequently, approval of the proposed General Plan and Specific Plan amendments will have no direct impact upon hydrology or water quality.

<b>X. LAND USE AND PLANNING.</b> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community <b>(1)</b> ?				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 <b>(10)</b> ?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan <b>(23)</b> ?				X

**Comments.**

This General Plan and Specific Plan Amendment will change the zoning of the property from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC). No development proposal is associated with this General Plan and Specific Plan Amendment. Any new development will be evaluated as part of the City’s development process and will be subject to CEQA. Such development must be consistent with the Main Street and Freeway Corridor Specific Plan and the City’s General Plan.

The proposed Regional Commercial (RC) designation can be justified, as the site is adjacent to Rancho 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 Rancho Road, commercial uses along this roadway are certain to occur and would provide for a consistent development pattern, continuing to the existing commercially designated property to the west.

A General Plan and Specific Plan Amendment from RR-2 ½ to RC will result in additional vehicular trips to this area. While no specific development is proposed at this time, the proposed project is projected to generate a total of approximately 23,320 daily (weekday) 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. Inasmuch as the project will result in an increase in land use intensity beyond that currently allowed by the adopted General Plan Land Use plan, impact of development beyond that identified in the General Plan PEIR can be addressed by the application of design standards, architectural requirements, and performance standards to be applied when individual uses are reviewed and approved.

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 six miles west of this specific plan within the developed portion of the City. Therefore, the General Plan and Specific Plan Amendments 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 <b>(10 &amp; 60)</b> ?				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 <b>(10 &amp; 60)</b> ?				X

**Comments.**

According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(57)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with any new commercial development will be from traffic caused by arriving and departing vehicles (employees, customers, and vehicle service), especially semi-trucks as well as operational activities associated with future commercial uses; however, no development is proposed at this time.

Construction noise levels associated with any future construction activities will be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. Any future development must adhere to the requirements of the City of Hesperia Noise Ordinance **(57)**. The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

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

The project site is not in proximity to the Hesperia Airport. The project is not impacted by any safety zones associated with this private airport **(60)**. The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts **(7)**. The noise impact generated by this General Plan and Specific Plan Amendment is not significant.

<b>XIII. POPULATION AND HOUSING.</b> 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) <b>(1 &amp; 2)</b> ?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere <b>(1)</b> ?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere <b>(1)</b> ?				X

**Comments.**

The project consists of a General Plan and Specific Plan Amendment to change the zoning of the property from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) **(2)**. Residential development at a maximum density of one dwelling unit per 2.5 gross acres 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.

The proposed action will remove 55 gross acres of residential uses<sup>1</sup> from the General Plan Land Use and Zoning Map **(2)**. Therefore, approval of the proposed project would eliminate the potential for 26 single family residences in this area with approval of this General Plan and Specific Plan Amendment. The 65 gross acres has vacant areas as well as parcels developed with single family residences. The affected area is currently occupied by 4 single family residences. However no development is proposed as a part of the General Plan and Specific Plan Amendment. The project will not displace any existing housing necessitating the construction of a substantial amount of replacement housing elsewhere.

The site is in close proximity to existing water and other utility systems **(62)**. Further, as a part of the City’s annexation of the freeway corridor south of Highway 395 to the summit at Oak Hills in 2004, the City is required to construct water and sewer infrastructure to serve this corridor. This work will include the construction of new water and wastewater pipelines in Mariposa Road and Caliente Road from around the 395/I-15 Junction to the southern City limits, a new pump station at Plant 30, a new 5 MG water tank to service pressure zone 5 (a new pressure zone), and a new hydro-pneumatic booster station to serve pressure zone 6 (a new pressure zone) (See exhibits B and C). Although they are not connected, sewer lines were also installed within Mariposa Road and Ranchoero Road as part of the Ranchoero Road Interchange project. As a result, development of the site would not require significant extension of major improvements to existing public facilities. Consequently, the proposed project will not have a significant impact upon population and housing.

<b>XIV. PUBLIC SERVICES.</b>	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact

<sup>1</sup> The total project site is 65 gross acres, however 10 acres of the site is currently developed with three 5.0 mg water tanks.

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 <b>(62 &amp; 63)</b> :			X	
Fire protection? <b>(63)</b>			X	
Police protection? <b>(63)</b>			X	
Schools? <b>(63)</b>			X	
Parks? <b>(63)</b>			X	
Other public facilities? <b>(63)</b>			X	

**Comments.**

The affected area is served by water lines **(62)**, and although they are not connected, sewer lines were installed within Mariposa Road and Rancho Road as part of the Rancho Road Interchange project. Any development must construct full street improvements comprised of curb, gutter, and sidewalk along the project frontage as part of development of the use. Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site **(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 General Plan and Specific Plan Amendment upon public services is less than significant.

<b>XV. RECREATION.</b>	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 <b>(2)</b> ?				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 <b>(2)</b> ?				X

**Comments.**

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

<b>XVI. TRANSPORTATION / TRAFFIC.</b> 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 <b>(65)</b> ?			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 <b>(66 &amp; 67)</b> ?			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 <b>(39)</b> ?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) <b>(1, 2 &amp; 66)</b> ?				X
e) Result in inadequate emergency access <b>(2)</b> ?				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 <b>(68)</b> ?				X

**Comments.**

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).

A General Plan and Specific Plan Amendment from RR-2 ½ to RC will result in additional vehicular trips to this area. While no specific development is proposed at this time, the following development scenario was considered to estimate a commercial development’s impacts upon traffic. The maximum buildout from both residential and commercial developments, at the maximum intensity permitted by each zone, was analyzed to compare trip generations from both development scenarios. The RR-2 ½ zone, which is the current zoning, allows a density of 0.0 – 0.4 dwelling units per acre (du/ac). The maximum floor area permitted in the RC zone, which is the proposed zoning, is 0.23. The 65 gross acre project site has vacant areas as well as parcels developed with single family residences; approximately 10 gross acres of the project site is developed with three 5.0 mg water tanks. Assuming only 55 gross acres of the project site could be developed in the future, the RC zone allows a maximum building footprint of 551,034 square feet. In addition, the maximum allowable number of units possible under the RR-2 ½ zone is 22. This information was used to present a maximum build-out scenario in Table 1. This table shows a comparison of trips generated by a maximum residential development within the RR-2 ½ zone and maximum commercial development within the RC zone.

**Table 1-Maximum Buildout Scenario**

	No. of Trips		
	RR-2 ½ zone (22 units)	RC (551,034 sq. ft.)	Increase
<b>Weekday (daily)</b>	209	23,529	23,320
<b>AM Peak Hour</b>	17	529	512
<b>PM Peak Hour</b>	22	2,044	2,022
<b>Saturday Peak Hour</b>	20	2,656	2,636

Further, Rancho Road is identified in the General Plan as a special street and major arterial roadway with six lanes (plus turn pockets) at ultimate build out. At build out, Rancho Road will have an ADT capacity of 46,100. Therefore, at build out sufficient capacity exists along Rancho Road to handle the increased traffic as a result of the General Plan and Specific Plan amendments.

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

The GPUEIR recommends annual adoption of a Capital Improvement Program (CIP) and establishment of Development Impact Fees (DIF). Accordingly, the City adopts a CIP every year and has an established Traffic Impact Mitigation Fee Program as part of the Development Impact Fee to fund the construction of traffic improvements to maintain adequate levels of service. The Development Impact Fees are imposed on new development and collected as part of the building permit process. Any future developer will be required to pay all applicable City Development Impact Fees and fees will be used to fund the City’s CIP.

The project site is over five miles from the Hesperia Airport and is not within an airport safety zone (60). Consequently, the project will not cause a change in air traffic patterns, nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport, nor the Apple Valley Airport.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation and circulation impacts (64).

<b>XVII. UTILITIES AND SERVICE SYSTEMS.</b> 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 <b>(71)</b> ?				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 <b>(47 &amp; 66)</b> ?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed <b>(45 &amp; 46)</b> ?				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 <b>(72)</b> ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs <b>(73 &amp; 75)</b> ?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste <b>(75)</b> ?				X

**Comments.**

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment “to secure supplemental water as necessary to fully implement the provisions of this Judgment.” Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City’s Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA’s legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(46)**.

The Hesperia Water District (HWD) is the water purveyor for the City. The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 **(72)**. The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Approval of the proposed General Plan and Specific Plan Amendment will not cause any development. Therefore, it will not increase the amount of wastewater. Prior to development of the property, approval of a site plan review, conditional use permit, or other land use application is required. At that time, development on the subject property will be connected to the existing Hesperia Water District water system.

Further, as a part of the City’s annexation of the freeway corridor south of Highway 395 to the summit at Oak Hills in 2004, the City is required to construct water and sewer infrastructure to serve this corridor. This work will include the construction of new water and wastewater pipelines in Mariposa Road and Caliente Road from around the 395/I-15 Junction to the southern City limits, a new pump station at Plant 30, a new 5 MG water tank to service pressure zone 5 (a new pressure zone), and a new hydro-pneumatic booster station to serve pressure zone 6 (a new pressure zone) (see Exhibits B and C). Although they are not connected, sewer lines were also installed within Mariposa Road and Ranchoero Road as part of the Ranchoero Road Interchange project. As a result, development of the site would not require significant extension of major improvements to existing public facilities.

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 63 percent of the solid waste within the City is being recycled (73 & 74). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the General Plan and Specific Plan Amendment will not cause a significant negative impact upon utilities and service systems.

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

Since no development is proposed with this project, no mitigation measures are required at this time. However future projects will require project specific mitigation measures based upon site specific analysis.

**Authority:** Public Resources Code Sections 21103 and 21107.

**REFERENCES**

- (1) Aerial photos of the City of Hesperia taken in Spring 2016.
- (2) General Plan Amendment GPA17-00002 and SPLA17-00003 applications and related materials.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (4) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (5) Section G of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, pages 204 thru 209.
- (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.

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- (9) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2.
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- (10) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
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- (11) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
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- (12) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31 and Page 44.
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- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
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- (14) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- 
- (15) Air Quality Section of the 2010 City of Hesperia General Plan Update, pages CN-47 thru CN-50.
- 
- (16) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
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- (17) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
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- (18) California Health and Safety Code Section 25232 (b) (1) (A-E).
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- (19) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
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- (20) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34
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- (21) Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-5.
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- (22) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, Exhibit CN-7.
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- (23) Section 3.0 of the 2010 City of Hesperia General Plan Conservation Element, Exhibit CN-3.
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- (24) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, C-1 thru C-34.
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- (25) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibit 5h.
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- (26) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
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- (27) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- 
- (28) Native American Heritage Commission (NAHC) letter dated August 2, 2017 in response to SB-18 consultation and to provide a list of tribes for consultation.
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- (29) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1.
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- (30) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-4 thru 1-79.
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- (31) Section 1.3 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-12 thru 1-13.
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- (32) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
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- (33) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
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- (34) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
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- (35) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
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- (36) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- 
- (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.
- 
- (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.
- 
- (42) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
- 
- (43) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
- 
- (44) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
- 
- (45) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
- 
- (46) Mojave Water Agency letter dated March 27, 1996.
- 
- (47) Not used
- 
- (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.
- 
- (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.
- 
- (52) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
- 
- (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) Not used.
- 
- (56) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10 and CN-20.
- 
- (57) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
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- (58) Section 16.20.125 of the Hesperia Municipal Code, pages 467 thru 468.
- 
- (59) Section 3.11 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.11-25 thru 3.11-51.
- 
- (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.
- 
- (62) Current Hesperia water and sewer line maps.
- 
- (63) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
- 
- (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.
- 
- (65) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 70.
- 
- (66) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
- 
- (67) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
- 
- (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.
- 
- (69) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, figure 6-1.
- 
- (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.
- 
- (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 3<sup>rd</sup> quarter 2014.
- 
- (74) 2014 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- 
- (75) California Integrated Waste Management Act (AB 939).
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# ATTACHMENT 6

## RESOLUTION NO. PC-2017-30

**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 ADDING APPROXIMATELY 65 GROSS ACRES, CURRENTLY WITHIN THE CITY'S SPHERE OF INFLUENCE, TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO AMEND THE ZONING FROM RURAL RESIDENTIAL WITH A 2.5 ACRE MINIMUM LOT SIZE (RR-2 ½) TO REGIONAL COMMERCIAL (RC) AND PUBLIC/INSTITUTIONAL OVERLAY (PIO) GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHERO ROAD APPROXIMATELY 800 FEET EAST OF MARIPOSA ROAD (GPA17-00002)**

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

**WHEREAS**, the City of Hesperia has filed an application requesting approval of GPA17-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 65 gross acres that is within the City's Sphere of Influence designated Rural Residential with a minimum lot size of 2.5 acres (RR-2<sup>1/2</sup>) generally located on the south side of Rancho Road approximately 800 feet east of Mariposa Road and consists of Assessor's Parcel Numbers 0357-561-05, 06, 07, 08, 09, 18, 19, 59, 67 and 70; and

**WHEREAS**, The Cortese-Knox-Hertzberg Local Government Reorganization Act requires that property to be annexed must be pre-zoned to a zoning designation that is consistent with the City's General Plan prior to completion of the annexation; and

**WHEREAS**, the Application, as contemplated, proposes to add approximately 65 gross acres that is currently within the City's Sphere of Influence to the Main Street and Freeway Corridor Specific Plan and to amend the zoning from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO). The PIO zoning is proposed on approximately 10 gross acres currently developed with three 5.0 mg water tanks, while the RC zoning is proposed on the remaining 55 gross acres; and

**WHEREAS**, The 65 gross acre project area encompasses 10 individual parcels that are developed with three 5.0 mg water tanks and four single family homes; the remainder of the site is vacant; and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on September 12, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur and Negative Declaration ND17-00005 was subsequently prepared; and

**WHEREAS**, on October 12, 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 October 12, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND17-00005 and the initial study which supports the 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 proposed General Plan Amendment is consistent with the goals, policies, and standards of the City General Plan.
- (d) The area of the proposed General Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. The proposed Regional Commercial (RC) designation is appropriate at this location as the subject area is adjacent to Rancho Road which is described in the General Plan as a special arterial roadway designed to link local traffic with Interstate 15. Given the regional significance of Rancho Road, commercial uses along this roadway are appropriate. In addition, the proposed Regional Commercial (RC) zoning designation would provide for a development pattern that is consistent with the existing commercial uses at the Rancho Road freeway interchange immediately adjacent to the west.
- (e) The proposed General Plan Amendment is reasonable and beneficial at this time because it will facilitate City infrastructure improvements that are currently planned within Oak Hills. The General Plan Amendment will upon annexation, provide a consistent development pattern with the existing commercial uses immediately adjacent to the west.
- (f) The proposed General Plan Amendment will not have a significant adverse impact on surrounding properties because until annexation occurs, the pre-zoning will not affect the land uses or modify existing land development requirements for the properties within the proposed annexation area. The County designations and requirements remain in place and in full effect. Furthermore, the future annexation of this area will be subject to future public hearings

and review by the Planning Commission, City Council and ultimately by LAFCO.

- (g) The proposed General Plan Amendment is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

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 GPA17-00002, amending the official General Plan and Zoning Map of the City of Hesperia to add approximately 65 gross acres, currently within the City's Sphere of Influence, to the Main Street and Freeway Corridor Specific Plan and Negative Declaration ND17-00005, 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 12<sup>th</sup> day of October 2017.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission

# ATTACHMENT 7

## RESOLUTION NO. PC-2017-31

**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 ADDING APPROXIMATELY 65 GROSS ACRES, CURRENTLY WITHIN THE CITY'S SPHERE OF INFLUENCE, TO THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TO AMEND THE ZONING FROM RURAL RESIDENTIAL WITH A 2.5 ACRE MINIMUM LOT SIZE (RR-2 ½) TO REGIONAL COMMERCIAL (RC) AND PUBLIC/INSTITUTIONAL OVERLAY (PIO) GENERALLY LOCATED ON THE SOUTH SIDE OF RANCHERO ROAD APPROXIMATELY 800 FEET EAST OF MARIPOSA ROAD (SPLA17-00003)**

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

**WHEREAS**, the City of Hesperia has filed an application requesting approval of SPLA17-00003 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 65 gross acres that is within the City's Sphere of Influence designated Rural Residential with a minimum lot size of 2.5 acres (RR-2<sup>1/2</sup>) generally located on the south side of Rancho Road approximately 800 feet east of Mariposa Road and consists of Assessor's Parcel Numbers 0357-561-05, 06, 07, 08, 09, 18, 19, 59, 67 and 70; and

**WHEREAS**, The Cortese-Knox-Hertzberg Local Government Reorganization Act requires that property to be annexed must be pre-zoned to a zoning designation that is consistent with the City's General Plan prior to completion of the annexation; and

**WHEREAS**, the Application, as contemplated, proposes to add approximately 65 gross acres that is currently within the City's Sphere of Influence to the Main Street and Freeway Corridor Specific Plan and to amend the zoning from Rural Residential with a 2.5 acre minimum lot size (RR-2 ½) to Regional Commercial (RC) and Public/Institutional Overlay (PIO). The PIO zoning is proposed on approximately 10 gross acres currently developed with three 5.0 mg water tanks, while the RC zoning is proposed on the remaining 55 gross acres; and

**WHEREAS**, The 65 gross acre project area encompasses 10 individual parcels that are developed with three 5.0 mg water tanks and four single family homes; the remainder of the site is vacant; and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on September 12, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur and Negative Declaration ND17-00005 was subsequently prepared; and

**WHEREAS**, on October 12, 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 October 12, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND17-00005 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Specific 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 proposed Specific Plan Amendment is consistent with the goals, policies, and standards of the City General Plan.
- (d) The area of the proposed Specific Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. The proposed Regional Commercial (RC) designation is appropriate at this location as the subject area is adjacent to Rancho Road which is described in the General Plan as a special arterial roadway designed to link local traffic with Interstate 15. Given the regional significance of Rancho Road, commercial uses along this roadway are appropriate. In addition, the proposed Regional Commercial (RC) zoning designation would provide for a development pattern that is consistent with the existing commercial uses at the Rancho Road freeway interchange immediately adjacent to the west.
- (e) The proposed Specific Plan Amendment is reasonable and beneficial at this time because it will facilitate City infrastructure improvements that are currently planned within Oak Hills. The Specific Plan Amendment will upon annexation, provide a consistent development pattern with the existing commercial uses immediately adjacent to the west.
- (f) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties because until annexation occurs, the pre-zoning will not affect the land uses or modify existing land development requirements for the properties within the proposed annexation area. The County designations and requirements remain in place and in full effect. Furthermore, the future annexation of this area will be subject to future public hearings

and review by the Planning Commission, City Council and ultimately by LAFCO.

- (g) The proposed Specific Plan Amendment is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby recommends that the City Council adopt Specific Plan Amendment SPLA17-00003, amending the official General Plan and Zoning map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND17-00005, 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 12<sup>th</sup> day of October 2017.

\_\_\_\_\_  
Tom Murphy, Chair, Planning Commission

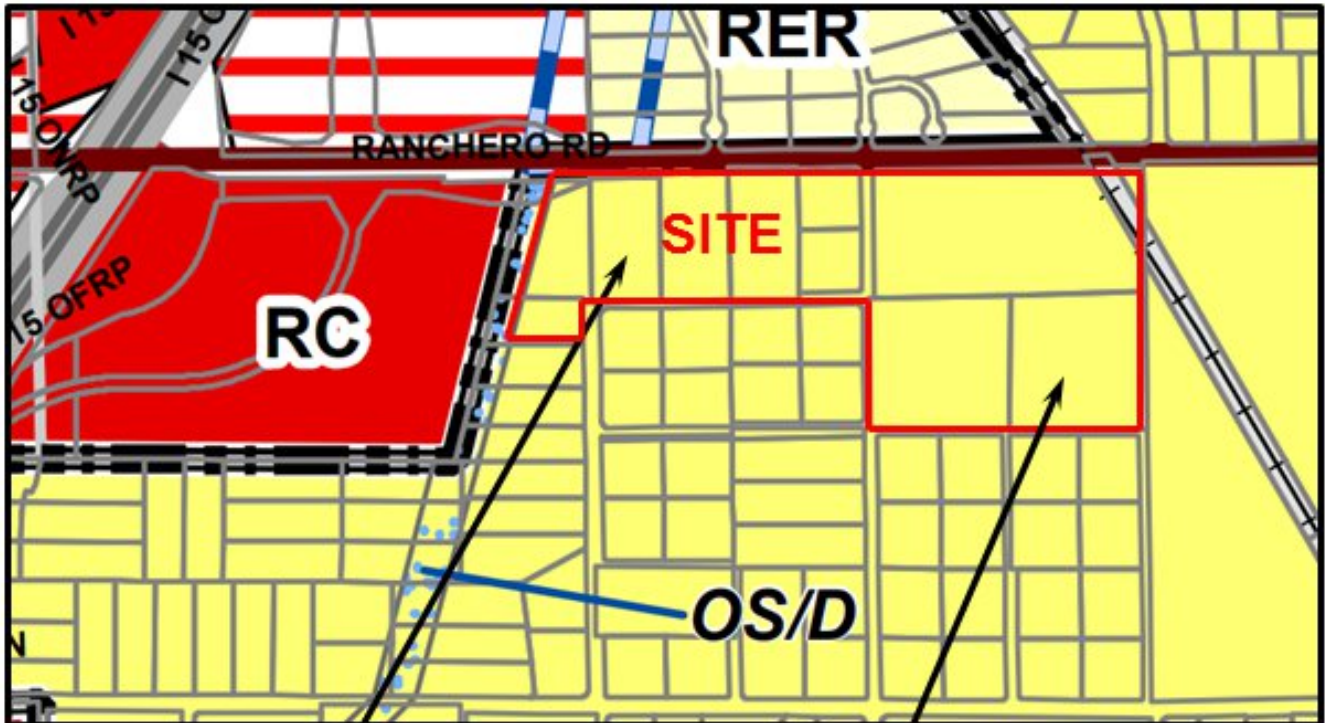
ATTEST:

\_\_\_\_\_  
Denise Bossard, Secretary, Planning Commission

# EXHIBIT "A"

SPLA17-00003

Applicant: City of Hesperia



PARCELS PROPOSED TO BE CHANGED FROM RR 2 ½ TO RC

PARCEL PROPOSED TO BE CHANGED FROM RR 2 ½ TO PIO

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**DATE:** October 12, 2017  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**SUBJECT:** Review and Recommendation - Ordinance to Regulate Marijuana Related Activities

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## **RECOMMENDED ACTION**

The City Council requests that the Planning Commission adopt Resolution No. PC-2017-32, to revise the eligible area for delivery dispensaries within the City of Hesperia. (DCA17-00005)

## **BACKGROUND**

On July 13, 2017, the Planning Commission adopted Resolution No. 2017-14, recommending that the City Council adopt regulations regarding marijuana related activities. All Adult (recreational) related uses are to be prohibited. The City will also regulate personal cultivation at a residence. All outdoor cultivation is prohibited and the six plants permitted under state law must be confined to a locked and secured room or outbuilding, located on the property.

Persons conducting indoor cultivation shall register the address of the residence and pay a fee as determined by the City Council. Said registration shall be renewed annually. If the person is not the property owner, than written permission from the property owner shall be provided as part of the application. Written permission shall also be renewed annually.

All medically related uses are also prohibited, except for delivery services to medical patients. All persons currently holding a doctor's recommendation must renew their recommendation from a bona fide doctor to be eligible to continue to use medical marijuana under the MMRSA.

Delivery services must be located in the General Industrial (GI) zone and the Limited Manufacturing (I-1) and General Manufacturing (I-2) designations. All activities must be indoors and all loading and delivery must take place to the rear of the building. Deliveries must be made to residential addresses and no walk-up services are permitted. As no retail sales are allowed, no display of merchandise is permitted. There will be no outward appearance of the business, other than the name, address and phone number. Delivery vehicles shall not display markings or logos and drivers shall not wear uniforms or dress conspicuously.

## **ISSUES/ANALYSIS**

On September 19, 2017, the City Council voted to remand the ordinance back to the Planning Commission to consider expanding the eligible area for cannabis delivery service businesses. The City Council discussed adding a portion of the Commercial Industrial Business Park zone district, located south of Smoke Tree Street, between Santa Fe Avenue, East and I Avenue (Attachment 1). This additional area would also be subject to the distance limitations specified in the ordinance. Therefore, only portions of this area would become eligible.

Portions of this land are undeveloped, but there are a variety of existing buildings that may be suitable to accommodate a delivery service. Staff prepared a revision to the portion of the marijuana ordinance pertaining to the eligible area described above (Attachment 2). The Planning Commission is requested to review this additional area and return a recommendation to the City Council prior to adoption of the ordinance.

**Environmental:** As no other portion of the ordinance is being reconsidered at this time, Approval of the revised Development Code amendment is exempt from CEQA per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and Specific Plan Amendment are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the amendments are exempt if they do not propose to increase the intensity of development allowed in the General Plan.

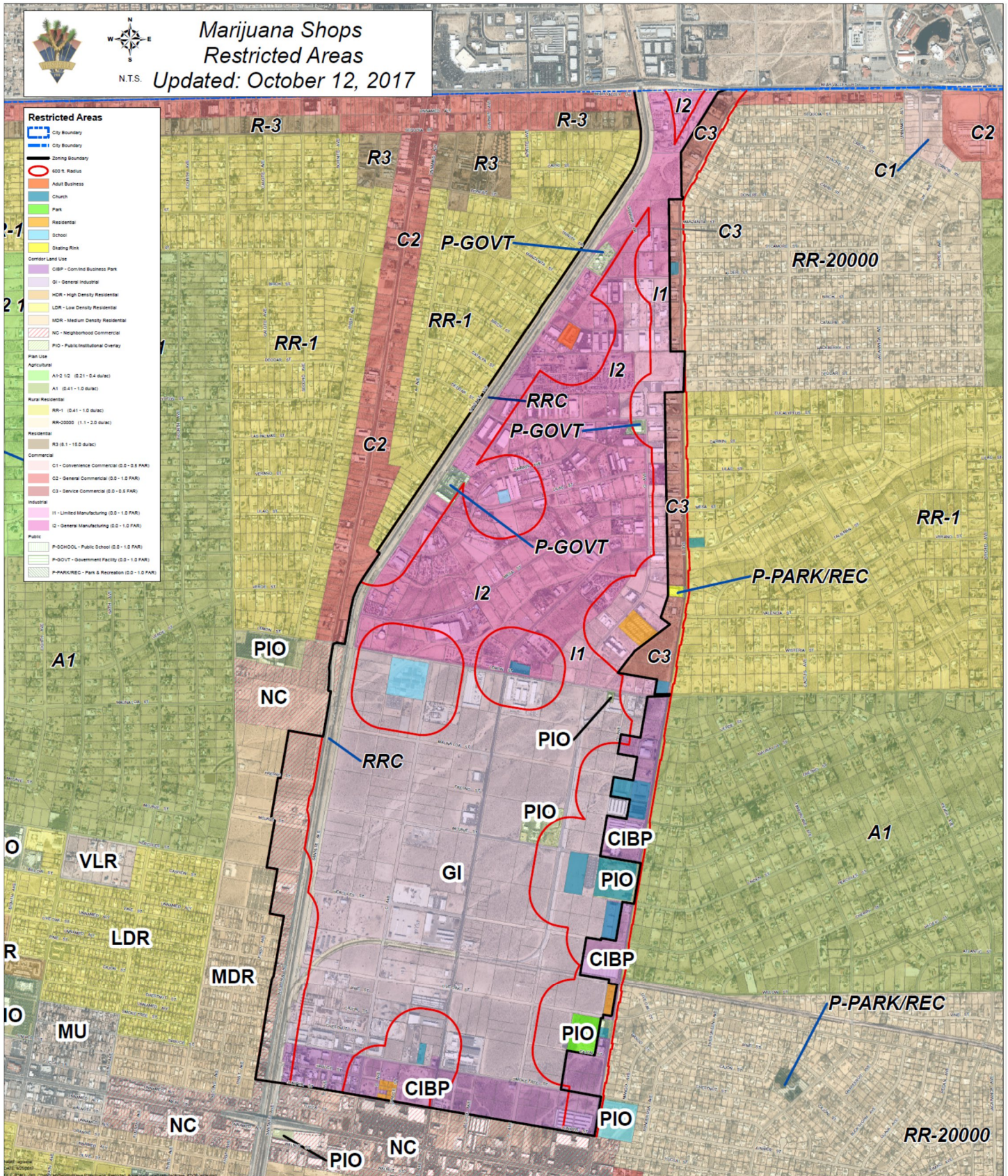
#### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

#### **ATTACHMENT(S)**

1. Revised map of eligible delivery service locations
2. Resolution No. PC-2017-32, with revised Exhibit "A"

# ATTACHMENT 1



## ATTACHMENT 2

### RESOLUTION NO. PC-2017-32

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ELIGIBLE AREA FOR CANNABUS DELIVERY DISPENSARIES AND BY FINDING AN EXEMPTION FROM CEQA (DCA17-00005)**

**WHEREAS**, pursuant to the City's express statutory authority and its police power, the City has the authority to prohibit and/or regulate commercial cannabis activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the AUMA and/or the MCRSA, by adding a new Article XIV (Cannabis Related Uses and Prohibited Activities) to the Hesperia Municipal Code; and

**WHEREAS**, On September 19, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to marijuana related activities and remanded the portion of this ordinance pertaining to eligible locations for medical cannabis delivery dispensaries to the Planning Commission for review and recommendation; and

**WHEREAS**, this proposed revision to the Ordinance will expand eligible locations for medical cannabis delivery dispensaries to a portion of the Commercial Industrial Business Park (CIBP) zone bounded by Smoketree Street, I Avenue, Santa Fe Ave, East, and Juniper Street, subject to all other provisions and restrictions of the ordinance; and

**WHEREAS**, On October 12, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public meeting pertaining to eligible locations for medical cannabis delivery dispensaries and concluded said hearing on that date; and

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

**NOW THEREFORE**, THE PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

1. All of the facts set forth in the Recitals, Part A of this Resolution, are true, correct and are adopted as findings.
2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Resolution is consistent with the goals and objectives of the adopted General Plan.
3. Based upon substantial evidence presented to this Commission during the above-referenced October 12, 2017, meeting, including public testimony and written and oral staff reports, this Commission has determined that the amendment will enable the City to regulate marijuana related activity in accordance with state laws.
4. This Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and

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

5. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Commission recommends that the City Council adopt Development Code Amendment DCA17-00005, as amended, to revise regulations regarding eligible locations for medical cannabis delivery dispensaries, as shown on Exhibit "A."

6. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of October 2017.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission

## EXHIBIT "A"

Text to be added is shown in red:

### **Sec. 16.16.470 - Conditions for Establishment and Operation of a Delivery Dispensary**

The establishment and operation of a delivery dispensary is subject to the following conditions:

- (1) A delivery dispensary shall only be permitted within the General Industrial (G-I) zone district or the Limited Manufacturing (I-1) or General Manufacturing (I-2) General Plan designations.
- (2) A delivery dispensary shall be permitted within the Commercial Industrial Business Park (CIBP) zone district, and only within the area bounded by Smoke Tree Street, "I" Avenue, Juniper Street and Santa Fe Avenue East, and subject to the distance restrictions defined in this section.
- (3) The maximum floor area of any delivery dispensary shall be 10,000 square feet.
- (4) A delivery dispensary shall be located at least 600 feet from any residence, any residential or agricultural zone, any place of worship, school, park, playground, day care center or other location where children regularly congregate.
- (5) A delivery dispensary must be located at least 600 feet from any other delivery dispensary, adult business, liquor store, hookah lounge, massage facility, or residential care facility.
- (6) The distance between any two delivery dispensaries shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each delivery service. The distance between any delivery dispensary and any residential or agricultural zone, any place of worship, school, park, playground, day care center, or other location where children regularly congregate, shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the delivery dispensary office to the closest property line of the residential or agricultural zone, any place of worship, school, park, playground, day care center or other location where children regularly congregate.
- (7) Where the 600-foot distance as measured from any of the uses listed above, except for a school, day care center or youth center, and the measurement crosses a property line, the entire property and any structures located therein, are deemed eligible for the location of a delivery service.
- (8) The delivery dispensary shall be operated in accordance with all City codes, as well as the Medical Cannabis Regulation and Safety Act (including but not limited to Section 19340 of the Business and Professions Code), the Compassionate Use Act, and the Medical Marijuana Program Act.



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, September 6, 2017**

**A. PROPOSALS:**

**1. FARSHAD KHOSRAVI; (TTE17-00014)**

**Proposal:** Consideration of a first Extension of Time for Tentative Tract TT14-00002 (TT-18941) to create 12 single-family residential lots on 2.49 gross acres.

**Location:** 300 feet south of Hollister Road, on the west side of Afton Avenue (0413-081-07)

**Planner:** Daniel Alcayaga

**Acton Taken:** Administrative Approval

**2. LUIS BAUTISTA; (SPRR17-00009)**

**Proposal:** Consideration of a Revised Site Plan Review to allow outdoor display of up to three vehicles for sale.

**Location:** 16303 Main Street (0413-081-07)

**Planner:** Daniel Alcayaga

**Acton Taken:** Administrative Approval

**3. CRESTLINE REFRIGERATION; (SPRR17-00010)**

**Proposal:** Consideration of a Revised Site Plan Review to allow a contractor's office use within a non-conforming building that has been vacant for more than 12 months.

**Location:** 15970 Yucca Street (0413-032-17)

**Planner:** Stan Liudahl

**Acton Taken:** Administrative Approval

**4. DONALD MEIERHOFF; (ME17-00007)**

**Proposal:** To allow the rear and interior side yard setbacks to be reduced from 30 feet to 24 feet for a proposed 2,000 square foot metal building.

**Location:** 17848 Verde Street (0411-011-11)

**Planner:** Stan Liudahl

**Acton Taken:** Administrative Approval

**5. HEBER A. LOZOYA; (ME17-00008)**

**Proposal:** Consideration of a Minor Exception to exceed the five percent accessory building area limitation.

**Location:** 9310 San Pablo Ave (0411-421-03)

**Planner:** Ryan Leonard

**Acton Taken:** Administrative Approval

**6. FARMDALE HOMES LLC; (TTE17-00015)**

**Proposal:** Consideration of a second Extension of Time for Tentative Tract TT-17959 to create 31 single-family residential lots on 15.6 gross acres.

**Location:** 218 feet south of the southwest corner of Rancho Road and Farmdale Avenue (3097-161-06)

**Planner:** Ryan Leonard

**Acton 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, September 20, 2017**

**A. PROPOSALS:**

**1. JEANETTE RODRIQUEZ; (ME17-00009)**

**Proposal:** Consideration of a Minor Exception to exceed the 20' height limitation for freestanding signs.

**Location:** 16190 Main Street (0413-044-23)

**Planner:** Daniel Alcayaga

**Acton Taken:** Administrative Approval

**2. FOUNTAINHEAD DEVELOPMENT; (SPRR17-00008)**

**Proposal:** Consideration of a Revised Site Plan Review in conjunction with Tentative Parcel Map TPMN17-00001 to construct a 1,860 square foot Starbuck's coffee shop with a drive-thru lane and outdoor seating on 0.8 gross acres.

**Location:** North side of Main Street, 140 feet west of Jellico Avenue (0410-133-50)

**Planner:** Stan Liudahl

**Acton Taken:** Administrative Approval



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**AMENDED AGENDA**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345**

**BEGINNING AT 10:00 A.M.  
WEDNESDAY, OCTOBER 4, 2017**

**A. PROPOSALS:**

**1. LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT; (GPA17-00001 AND CUP17-00008)**

**Proposal:** Consideration of a General Plan Amendment to change the designation of the subject property from Rural Residential with a minimum lot size of 2.5 acres (A1-2 1/2) to Public (P-GOVT) on 320 acres in conjunction with a Conditional Use Permit to construct a solar farm on approximately 4.7 gross acres of an existing 98 gross acre parcel.

**Location:** East side of Lake Arrowhead Road, approximately 4,000 feet south of Hesperia Lake Park (0397-013-22)

**Planner:** Daniel Alcayaga

**Action Taken:** Forwarded to Planning Commission Meeting of November 9, 2017

**2. SOHAL INVESTMENTS LLC; (SPRR17-00011)**

**Proposal:** Consideration of a Revised Site Plan Review to allow a food commissary for food trucks within a 1,362 square foot tenant space.

**Location:** 8853 Three Flags Ave (3039-361-10)

**Planner:** Ryan Leonard

**Action Taken:** Administrative Approval

**3. SOHAL INVESTMENTS LLC; (CUP17-00010)**

**Proposal:** Consideration of a Conditional Use Permit to allow beer, wine and liquor in conjunction with a restaurant (Type 47).

**Location:** 8853 Three Flags Ave (3039-361-10)

**Planner:** Ryan Leonard

**Action Taken:** Forwarded to Planning Commission Meeting of November 9, 2017

4. **LARRY SCOTT; (ME17-00010)**

**Proposal:** Consideration of a Minor Exception to allow a 20 percent increase in the allowable 25 percent rear yard encroachment for an RV carport.

**Location:** 7148 Danbury Avenue (0397-231-24)

**Planner:** Stan Liudahl

**Acton Taken:** Administrative Approval

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