

PLANNING COMMISSION

REGULAR MEETING

Date: November 8, 2018

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

Cody Leis, Vice Chair

Rusty Caldwell, Commissioner

Joline Hahn, Commissioner

Jim Heywood, Commissioner

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

Jeff Codega, 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 Jeff Codega, 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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AGENDA
HESPERIA PLANNING COMMISSION

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

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

CALL TO ORDER - 6:30 PM

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

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

JOINT PUBLIC COMMENTS

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

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

CONSENT CALENDAR

- 1. Page 5** Consideration of the September 12, 2018 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 13, 2018.

Staff Person: Administrative Secretary Erin Baum

Attachments: 09-13-2018 PC MINUTES

PUBLIC HEARINGS

2. Page 9 Consideration of Development Code Amendment DCA18-00002 modifying Article III (Additional Uses), Article IX (Commercial and Industrial Land Use Designations) and Article X (Commercial and Industrial Development Standards) of Chapter 16.16 of the Development Code pertaining to personal storage. The Development Code Amendment is categorically 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; Applicant: Topaz Ranchero, LLC; Area affected: City-wide

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-17; recommending that the City Council introduce and place on first reading an ordinance approving DCA18-00002, amending the regulations pertaining to personal storage.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: Staff Report
Resolution No. 2018-17
Exhibit 'A'

3. Page 21 Consideration of a Tentative Tract map to create 18 single family residential lots zoned R1-18,000 on 10 gross acres located on the southeast corner of Ryeland Road and Crockett Avenue (Applicant: Cubit Engineering; APN: 0397-161-32)

Recommended Action:

That the Planning Commission adopt Resolution PC No. 2018-18, approving TT18-00001 (TT-21043).

Staff Person: Associate Planner Chris Borchert

Attachments: Staff Report
Tract Map
General Plan Map
Aerial
Initial Study / Mitigated Negative Declaration
Resolution

4. Page 67 Consideration of Development Code Amendment DCA18-00003 & Title 8 amendment pertaining to Minor Exceptions regarding fence heights, and approved fencing materials (Area: City Wide; Applicant: City of Hesperia)

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-16; recommending that the City Council introduce and place on first reading an ordinance approving DCA18-00003, amending the fence height exception, fencing material and fencing maintenance regulations.

Staff Person: Associate Planner Chris Borchert

Attachments: Staff Report

[Resolution PC-2018-16](#)

Exhibit A

PRINCIPAL PLANNER'S REPORT

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

D. DRC Comments

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, Erin Baum, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, , 2018 at 5:30 p.m. pursuant to California Government Code §54954.2.

Erin Baum,
Planning Commission Secretary

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City of Hesperia

Meeting Minutes

Planning Commission

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

Thursday, September 13, 2018

6:30 PM

AGENDA

HESPERIA PLANNING COMMISSION

CALL TO ORDER - 6:31 PM

A. Pledge of Allegiance to the Flag

Pledge of Allegiance led by Vice Chair Cody Leis

B. Invocation

Invocation led by Commissioner Joline Hahn.

C. Roll Call

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

JOINT PUBLIC COMMENTS

Chair Tom Murphy opened the Joint Public Comments at 6:32
There were no Public Comments
Chair Tom Murphy closed the Joint Public Comments at 6:33

CONSENT CALENDAR

1. Consideration of the July 12, 2018 Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on July 12, 2018.

Sponsors: Executive Secretary Erin Baum

Motion by Commissioner Joline Hahn to approve Draft Minutes from the Regular Meeting held on July 12, 2018, 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

PUBLIC HEARINGS

2. Consideration of Conditional Use Permit CUP18-00003 to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 8.3 gross acres within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of US Highway 395 and Phelan Road (APNs 3064 401 07 & 08; Applicant: Pipeline Petroleum Banning LLC).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-14 recommending that the City Council approve CUP18 00003.

Sponsors: Senior Planner Ryan Leonard

Senior Planner Ryan Leonard presented CUP18-00003.

Chair Tom Murphy opened the Public Hearing at 6:43

There were no Public Comments

Harry Hedy, of Hedy Design and Associates representing the applicant, spoke in favor of the project and answered Commission questions.

Chair Tom Murphy closed the Public Hearing at 6:51

Motion by Commissioner Joline Hahn to adopt Resolution PC-2018-14 recommending that the City Council approve CUP18-00003, 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 Conditional Use Permit CUP18 00005 to allow a 12,000 square foot diesel exhaust fluid (DEF) manufacturing facility within the General Industrial (GI) Zone of the Main Street and Freeway Corridor Specific Plan on one gross acre located at the terminus of Chestnut Street, west of 'C' Avenue. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In fill Development Projects (Applicant: Robert Jacobson; APNs: 0410 091 13, 28 & 29).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-15 approving Conditional Use Permit CUP18-00005 to allow a 12,000 square foot diesel exhaust fluid (DEF) manufacturing facility.

Sponsors: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga presented CUP18-00005.

Chair Tom Murphy opened the Public Hearing at 7:03

There were no Public Comments

Mark Rowan with Merrill Johnson, representing the project Engineer, spoke in favor of the project and answered Commission questions.

Chair Tom Murphy closed the Public Hearing at 7:09

Motion by Vice Chair Cody Leis to adopt Resolution PC-2018-15 approving CUP18-00005, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

Principal Planner Jeff Codega gave a brief report on upcoming projects.

PLANNING COMMISSION BUSINESS OR REPORTS

No reports given.

ADJOURNMENT

Meeting adjourned at 7:20 pm until Thursday, October 11, 2018.

Tom Murphy
Chair

By: Erin Baum,
Planning Commission Secretary

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City of Hesperia STAFF REPORT



DATE: November 8, 2018

TO: Planning Commission

FROM: Jeff Codega, Principal Planner

BY: Daniel Alcayaga, Senior Planner

SUBJECT: Development Code Amendment DCA18-00002 amending the regulations pertaining to personal storage; Applicant: Topaz Ranchero, LLC; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2018-17; recommending that the City Council introduce and place on first reading an ordinance approving DCA18-00002, amending the regulations pertaining to personal storage.

BACKGROUND

Personal storage facilities are currently allowed in the Service Commercial (C3), Limited Industrial (I1), and General Industrial (I2) designations, as well as the Commercial/Industrial Business Park (CIBP) and General Industrial (GI) Zones of Main Street and Freeway Corridor Specific Plan. Pursuant to Section 16.16.365(H), a new personal storage facility cannot be permitted within 660 feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway. This distance limitation was established because storage facilities generate little sales tax and the City desired to keep such uses away from prime commercial real estate. The City has traditionally not permitted such facilities in residential and agricultural zones/designations.

Personal storage facilities are not allowed in the Regional Commercial (RC), Auto Sales Commercial (ASC), Office Park (OP), Office Commercial (OC), Pedestrian Commercial (PC), Neighborhood Commercial (NC), and the Mixed Use (MU) Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

In Section 16.16.060 (Uses provided for in any zone or land use district) certain uses are allowed in any zone subject to approval of a site plan review or a conditional use permit. Such uses include schools and churches. The proposed amendment adds personal storage to the list of uses allowed in any zone subject to a conditional use permit (CUP). Storage facilities will continue to be not permitted in areas where the Specific Plan prohibits such uses and where prohibited pursuant to Section 16.16.365(H).

ISSUES/ANALYSIS

The applicant, Topaz Ranchero, LLC, requests a development code amendment to allow personal storage facilities on their property, which is currently designated as Public (P). In addition, there have been other requests to establish storage facilities in different zones from which they are not currently permitted. By amending Section 16.16.060 (Uses provided for in any zone or land use district), it will open up zones from where personal storage facilities can be

permitted. Storage facilities would be allowed in the Convenience Commercial (C1), General Commercial (C2) and Public (P) zones, as well as the Public/Institutional Overlay (PIO) zone of the Main Street and Freeway Corridor Specific Plan. In any residential zone, personal storage facilities would be allowed if proposed on a lot size of 2 1/2 acres or larger, unless the facility is proposed as part of a subdivision. This minimum lot size for residential zones would limit placing such facilities in the majority of established residential neighborhoods. Personal storage facilities will not be permitted in the Medium Density Residential (MDR) zone, unless part of a collateral component of a multi-family residential project. Requiring a CUP will make the process a discretionary action, so the Planning Commission would still have to determine the use is appropriate in the neighborhood and has proper access.

The distance limitation that new personal storage can be from Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway will remain in place. Staff agrees with the policy that prime land should be reserved for retailers that will generate sales tax, but can be allowed in areas outside prime commercial areas. Storage facilities are low impact uses, and do not create a lot of noise, odors, and traffic. "Mini storage" facility, as it is currently referenced in the code, will change to a "personal storage" facility, and a definition has been added.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment.

Conclusion: The Development Code Amendment complies with the General Plan. Making personal storage facilities subject to a conditional use permit will provide the City the opportunity of determining whether such use is appropriate in a particular neighborhood with proper access.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. PC-2018-17, with Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2018-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT PERTAINING TO PERSONAL STORAGE (DCA18-00002)

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

WHEREAS, the City proposes to amend Article III (Additional Uses), Article IX (Commercial and Industrial Land Use Designations) and Article X (Commercial and Industrial Development Standards) of Chapter 16.16 of the Development Code pertaining to personal storage;

WHEREAS, the City finds that it is necessary to amend the regulations, as the amendment would open up areas that would permit personal storage facilities, while at the same time making the process by which to approve personal storage a discretionary decision. Through the conditional use permit (CUP) process, the City will have the opportunity to determine if the use is appropriate for the neighborhood and if sufficient access is provided to the property; and

WHEREAS, the proposed Development Code amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA18-00002, amending the personal storage regulations as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 8th day of November 2018

ATTEST:

Tom Murphy, Chair, Planning Commission

Secretary, Planning Commission

EXHIBIT “A”

The following are modifications to Chapter 16.16 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

ARTICLE III. - ADDITIONAL USES

16.16.060 - Uses provided for in any zone or land use district.

A. Land uses listed in Section 16.16.060(A)(2) may be permitted or conditionally permitted in any zone or land use designation subject to the land use entitlement established in Table 1 and when one or more of the conditions cited in Section 16.16.060(A)(1) have been met. Land uses approved with a site plan review (SPR) shall be in accordance with the provisions in Chapter 16.12, Article II; and land uses approved with a conditional use permit (CUP) shall be in accordance with the provisions in Chapter 16.12, Article III.

1. Condition of Uses.

- The location of land use is determined by other land uses which are directly supported by the proposed use; or
- The land use is part of the community or regional infrastructure; or
- The location of the proposed use is determined by the location of raw materials in their natural state such as mineral deposits, natural vegetation and energy sources; or
- The character of the proposed use is such that it requires a remote location away from other land uses; or
- The land use is deemed essential or desirable to the public convenience or welfare.

2. Land Uses Permitted Subject to Land Use Approval. The additional uses in this section are provided in a table format and apply to all land use designations or districts in the city, including specific plan areas. Land uses are listed in the first (vertical) column of the table and required land use entitlements in the top (horizontal) row. An "X" in the corresponding column represents the required entitlement process. Footnotes are also provided and considered part of this Development Code.

Table 1

| | SPR | CUP |
|--|-----|-----|
| GENERAL USES: | | |
| Cemeteries, including pet cemeteries ¹ | X | |
| Solid waste disposal sites, rubbish incinerators and recycling centers | | X |
| Sewer treatment plants and sewage disposal sites | | X |
| Electrical generating stations, as defined in Section 16.08.208 ² | X | X |
| Solar or wind farms, as defined in Section 16.08.771 ^{3 & 4} | | X |
| Radio and television stations or towers providing broadcast services | | X |

| | | |
|--|---|----------|
| Racetracks or stadiums | | X |
| Campgrounds, not exceeding a density of four sites per acre | X | |
| Natural resources (i.e. mineral deposits and natural vegetation together with the necessary buildings, apparatus or appurtenances incidental thereto) | | X |
| Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus or appurtenances incidental thereto, including, but not limited to, train stations and bus stations ⁵ | | X |
| Carpool facilities | X | |
| Testing ranges, airports, landing strips, launching/testing facilities and other aerospace-type uses ⁴ | | X |
| <u>Personal Storage</u> ⁸ | | <u>X</u> |
| INSTITUTIONAL USES: | | |
| Schools and universities ^{2 & 6} | X | X |
| Conference centers ² | X | X |
| Hospitals | | X |
| Churches | X | |
| Rehabilitation centers ⁷ | | X |
| Organizational camps ⁷ | | X |
| PUBLIC UTILITIES AND PUBLIC SERVICE USES: | | |
| Temporary and permanent governmental facilities and enterprises (federal, state and local) where buildings and/or property are publicly owned or leased | | X |
| Reservoirs, pumping plants | X | |
| Temporary support facilities associated with the construction of highways and other public facilities including, but not limited to, batch plants and equipment storage yards | X | |
| Electrical substations, as defined in Section 16.08.209 ² | X | X |
| Central communication office | X | |
| Microwave and repeater huts | X | |
| Towers and satellite receiving stations | | X |
| SPORT ORIENTED RECREATIONAL USES: | | |
| Sky diving jump sites, and recreational camps | X | |
| Rifle and archery ranges (indoor/outdoor) | | X |
| Off-road vehicle parks | | X |
| Golf courses, country clubs | | X |
| Hunting and fishing clubs | | X |

Notes:

1. Cemeteries shall not be allowed in the R3 land use designation.
2. Projects in nonresidential designations shall require approval of a SPR. Projects in residential and agricultural designations shall require approval of a CUP.
3. Solar or Wind farms shall be subject to Section 16.16.036, Alternative Energy Technology Standards.
4. These uses shall not be allowed in residential and agricultural land use designations or districts.
5. Bus stations shall not be allowed in the PC District of the Main Street and Freeway Corridor Specific Plan.
6. A CUP shall be required in areas specified by the Main Street and Freeway Corridor Specific Plan.
7. These uses shall be subject to Section 16.16.072, Residential care facilities, group homes, and sex offender residency.
- 8. Shall be subject to Section 16.16.365 (H). Personal storage shall not be allowed in Zones prohibited by the Main Street and Freeway Corridor Specific Plan**

16.16.315 - Permitted uses and permit requirements.

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

Key to Permit Requirements

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

16.16.320 - Commercial and industrial uses.

| | Land Use Designations | | | | |
|--|-----------------------|----|----|----|----|
| Land Uses | C1 | C2 | C3 | I1 | I2 |
| A. Art studio/gallery (including photo) | R | R | R | R | |
| B. Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.) ¹ | | R | R | R | R |

| | | | | | |
|---|----------------------|----------------------|---------------------|---------------------|---------------------|
| C. Auction service, exchange or barter | | | R | R | R |
| D. Automotive parking | R | R | | | |
| E. Bank and financial institution/service | R | R | | | |
| F. Bar, saloon, cocktail lounge and tavern | | CUP | | | |
| G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.) | | R | R | R | R |
| H. Catering establishment | | R | R | R | R |
| I. Cemetery | R | R | R | R | R |
| J. Club or lodge (non-profit), fraternal or religious association | CUP | R | | | |
| K. Composting plant | NP | NP | NP | NP | CUP |
| L. Contractors and building trades | R | R | R | R | R |
| M. Equipment sales and rental — Indoors | | R | R | R | |
| N. Grocery store (not including off-sale alcohol ⁷) | R | R | R | NP | NP |
| O. Health and fitness club | R | R | R | R | R |
| P. Heavy equipment sales and rental | | | | R | R |
| Q. Helicopter landing and take-off pad | | CUP | | CUP | CUP |
| R. Historical and monument site | R | R | R | R | R |
| S. Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores) | R | R | R | | |
| T. Hospital | | CUP | CUP | CUP | CUP |
| U. Hotel/motel | | R | | | |
| V. Impound/towing ² | NP | NP | NP | CUP | CUP |
| W. Industrial uses (includes outdoor storage ³) | NP | NP | NP | P | P |
| X. Institutional uses | R | R | R | R | R |
| Y. Kennel — Boarding of domestic animals | | CUP | CUP | R | R |
| Z. Laboratory — Research | | CUP | | R | R |
| AA. Machine shop/repair | | | | R | R |
| BB. Manufactured housing (sales) | | | | R | R |
| CC. Manufacturing/warehouse (includes outdoor storage ³) | | | | R | R |
| DD. Medical services (not including hospitals) | | R | R | NP | NP |
| EE. Microwave and radio communication towers and facilities | | | R | R | R |
| FF. <u>Personal</u> Mini-storage ² | NP
CUP | NP
CUP | R
CUP | R
CUP | R
CUP |

| | | | | | |
|--|-----|-----|----|----------------|----------------|
| GG. Mortuary, not include crematory | | R | | | |
| HH. Museum, library and reading room | R | R | R | | |
| II. Off-sale alcohol establishment (ABC type 20 & 21 licenses) ⁷ | CUP | CUP | | | |
| JJ. Office/professional buildings | R | R | R | R ⁵ | R ⁵ |
| KK. Parking/storage of recreational vehicles | | | R | R | R |
| LL. Personal services (e.g., spas, salons, and massage facilities) | R | R | R | | |
| MM. Planetarium, aquarium, botanical garden and zoo | | R | | | |
| NN. Publishing and printing | | R | R | R | |
| OO. Processing (recycling) facility ⁴ | NP | NP | NP | CUP | CUP |
| PP. Recreational facility — Commercial | | R | R | R | |
| QQ. Recycling center — Large collection facility ⁴ | NP | NP | NP | NP | CUP |
| RR. Repair shop — Small items | R | R | R | R | R |
| SS. Restaurant (sit down and takeout), including outdoor dining ² | R | R | R | | |
| TT. Retail sales (not including off-sale alcohol ⁷) | R | R | R | R ⁶ | R ⁶ |
| UU. School — Trade, community college, university | | R | R | R | R |
| VV. School — Specialty non-degree (e.g., dance and martial arts) | R | R | R | R | R |
| WW. Semi-truck repair and storage | | | | CUP | CUP |
| XX. Shopping center (not including off-sale alcohol ⁷) | R | R | R | | |
| YY. Terminal (bus and truck) | | CUP | | CUP | CUP |
| ZZ. Theater | NP | NP | NP | NP | NP |
| AAA. Upholstery and furniture repair/refinishing | | R | R | R | R |
| BBB. Vehicle fuel station ² | R | R | R | | |
| CCC. Vehicle parts and accessories sales | | R | R | | |
| DDD. Vehicle repair facility — Major | | R | R | R | R |
| EEE. Vehicle repair facility — Minor | | R | R | R | R |
| FFF. Vehicle sales/rentals and leasing — new and used ² | | R | | | |
| GGG. Vehicle wash facility ² | | R | R | R | |
| HHH. Veterinary services — Clinics and small animals hospitals (short term boarding) | R | R | R | | |
| III. Warehousing and wholesale distribution center | | | | R | R |
| JJJ. Wrecking yard ² | NP | NP | NP | NP | CUP |

Notes:

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

16.16.365 - Specific land use standards.

- H. ~~Personal Mini-storage.~~ **Personal storage means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property. Personal Mini-storage** facilities are subject to a **conditional use permit** ~~site plan review~~ and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures, drainage facilities and landscaping;
2. The site shall be completely enclosed with a six foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use;
3. No business activity shall be conducted other than the rental of storage spaces for inactive storage use or the sale of unclaimed articles by the landlord;
4. All storage shall be located within a fully enclosed structure(s);
5. No flammable or otherwise hazardous materials shall be stored on-site;
6. Residential quarters for a manager or caretaker may be provided in the development;
7. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking;
8. Boats, recreational vehicles, campers, trailers, etc., may be stored on-site if located behind buildings and not visible from the public right-of-way;
9. Storage facilities located **within or** adjacent to **residentially or agriculturally zoned properties** ~~residential designations~~ shall have their hours of operation restricted to seven a.m. to nine p.m., Monday through Saturday, and nine a.m. to nine p.m. on Sundays;
10. ~~Personal Mini-storage~~ storage facilities shall not be permitted within six hundred sixty (660) feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway; and
11. ~~Storage facilities may be developed in conjunction with a residential development, provided that the facility is for the sole use of the residents, is designed as an integrated part of the project and may not contain garages or parking spaces that exceed the dwelling units within the associated residential development.~~ **For residentially or agriculturally zoned properties, the minimum lot size to have a personal storage facility shall be two and half**

acres, unless designed as part of a subdivision. Personal storage shall not be allowed in the MDR zone of the Main Street and Freeway Corridor Specific Plan, unless designed as a collateral component of a multi-family residential project.

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DATE: November 8, 2018
TO: Planning Commission
FROM: Jeff Codega, AICP, Principal Planner
BY: Chris Borchert, Associate Planner
SUBJECT: Tentative Tract TT18-00001 (TT-20143); Applicant: Cubit Engineering; APN: 0397-161-32

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution PC No. 2018-18, approving TT18-00001 (TT-21043).

BACKGROUND

Proposal: A Tentative Tract Map to subdivide 10.0 gross acres into 18 single-family residential lots in the R1-18000 zone. The smallest lot within the subdivision is 18,310 square feet, the average lot size is 18,690 square feet, and the largest lot is 19,070 square feet in area.

Location: Southeast corner of Ryeland Road and Crockett Avenue (Attachment 1 & 3).

Current General Plan, Zoning and Land Uses: The site is within the R1-18000 (Single-Family Residence-18,000) General Plan designation and zoning. The surrounding properties are all vacant and have the same R1-18000 designation (Attachment 2 & 3).

ISSUES/ANALYSIS

Land Use: The R1-18000 General Plan designation allows densities between 2.1 and 2.4 dwelling units per acre. The tentative tract would create 18 single-family residential lots on 10 gross acres, resulting in a density of 1.8 dwelling units per acre. The subdivision includes a 14,275 square foot lot to be used as a retention basin. The tract will be developed in a single phase. All single-family residences within this subdivision will contain a minimum livable area of 1,400 square feet. The lots comply with the 18,000 square foot minimum lot size, as well as the 60-foot minimum lot width and the 100-foot minimum lot depth requirements.

Drainage: All drainage created on-site beyond that which has occurred historically would be detained within a detention/retention basin within the tract. The Hesperia Recreation and Park District and the City will maintain this lettered lot upon improvement completion and dedication to the City of Hesperia. The retention basin will be enclosed with a six-foot high decorative fence and wall. A four-foot high wrought iron fence will sit atop of a two-foot high decorative masonry wall along the street side, and by a six-foot high decorative wall along the sides bounded by private property.

Water and Sewer: While an 8" PVC sewer line exists at Krystal Elementary School, the 18,000 square foot lots are the minimum size that still allows the installation of a septic system in

compliance with Lahontan Water Quality Control Board regulations. A 12" distribution water main exists in Ryeland Road currently. The Developer will be required to design and install an 8" minimum PVC water main line in Crockett Avenue across the project to Truitt Avenue.

Street Improvements: The developer will be required to construct Crockett Avenue and Truitt Avenue south to provide access for the on-site street which cuts across the site between the two avenues. Existing paved access to the site will be primarily from Crockett Avenue.

Traffic: The project impacts on traffic are consistent with daily vehicle trips allowed by the current R1 General Plan designation. According to standard trip generation numbers published by the Institute of Traffic Engineers, approval of the proposed 18 lot subdivision would create an estimated 172 daily vehicle trips (9.57 daily trips per dwelling unit). The project will feed many of its trips to Ranchero Road, which continues to be improved to increase access to and from the freeway. Due to its size, the project alone will not result in changes to traffic patterns in the area. The existing roadway system, which will serve the tract, can support growth and development in this area.

Schools and Parks: The development is about 1/4 mile southwest from Krystal Elementary School, and 1 mile southwest of Ranchero Middle School. It is 2.5 miles south of Sultana High School and 5 miles east of Oak Hills High School. The project is 2.5 miles from Lime Street Park, 3 miles from Hesperia Lake Park and 3.5 miles from Maple Park.

Environmental: A Mitigated Negative Declaration (MND) has been prepared for TT-20143 pursuant to the California Environmental Quality Act (CEQA) (Attachment 4). A biological assessment and a protected plant plan were required. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that all transplantable plants protected by the City's Ordinance will be handled in accordance with the City's Protected Plant Ordinance.

The applicant and the City consulted with the San Manuel Band of Mission Indians with regard to cultural resources. A Historical/Archaeological Resources Survey Report was submitted, consultation occurred and monitored test pits were completed. No cultural resources found within the project, however, four mitigation measures are included to ensure impacts that are less than significant.

The Notice of Intent to Adopt a Negative Declaration began the public review process on October 5, 2018, and the period ended November 5, 2018. The project proposes fewer homes than the maximum 2.4 dwelling units per acre allowed in the R1-18000 district. With mitigation measures proposed for all potential environmental issues, a Mitigated Negative Declaration is the appropriate environmental documentation.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code.

FISCAL IMPACT

Development will be subject to payment of development impact fees, housing construction will result in increased property tax revenues, however, increased development will eventually

require an increase in public services such as street maintenance, police and fire services.

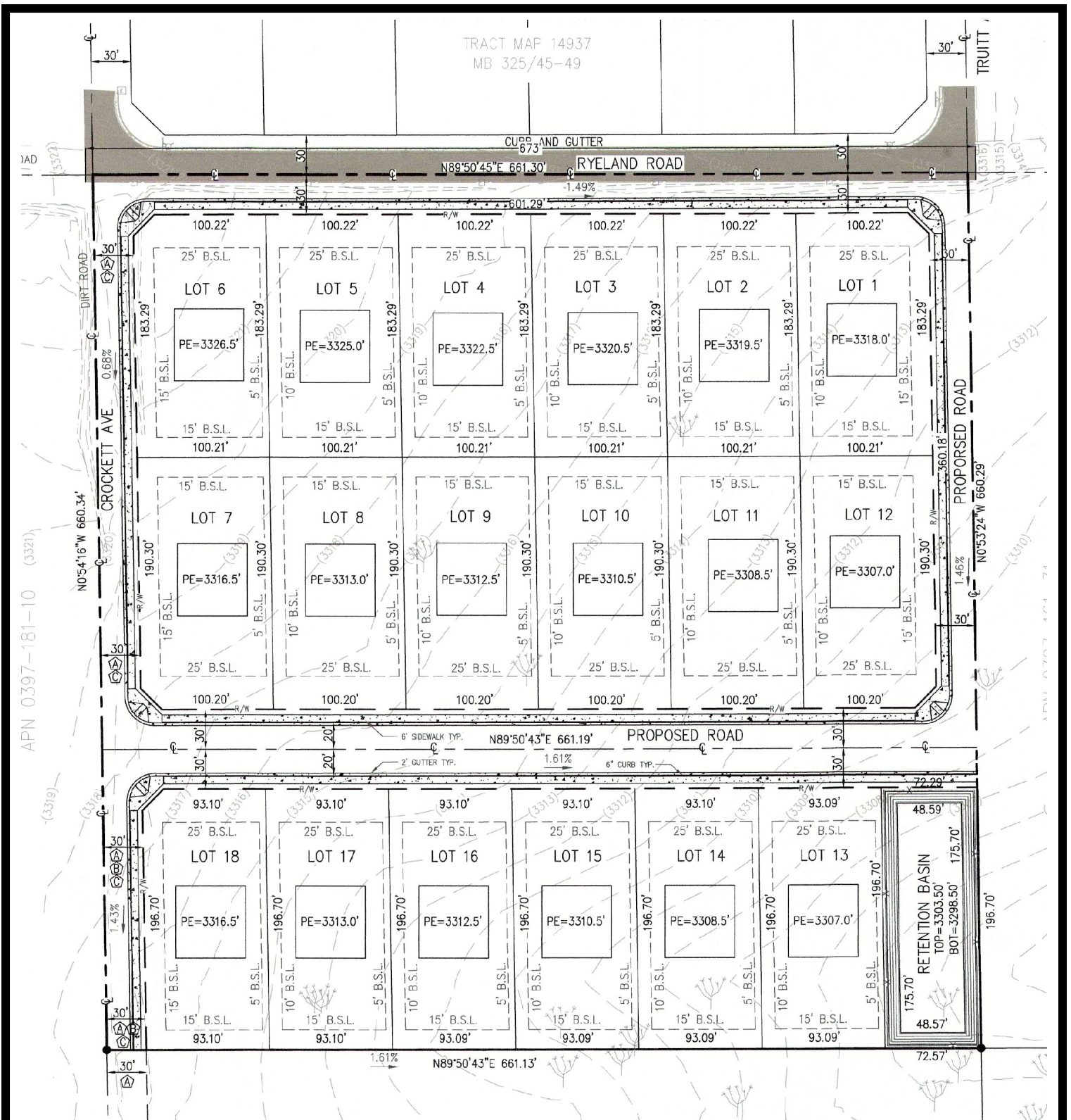
ALTERNATIVE

Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Tract TT18-0001 (TT-20143)
2. General Plan Land Use Map
3. Aerial Photo
4. Mitigated Negative Declaration
5. Resolution PC No. 2018-18, with list of conditions

ATTACHMENT 1



APPLICANT(S): CUBIT ENGINEERING FOR MACHSEH, LLC

FILE NO(S): TT18-00001

LOCATION: ON THE SOUTHEAST CORNER OF RYELAND ROAD AND CROCKETT AVENUE, SOUTH OF RANCHERO ROAD

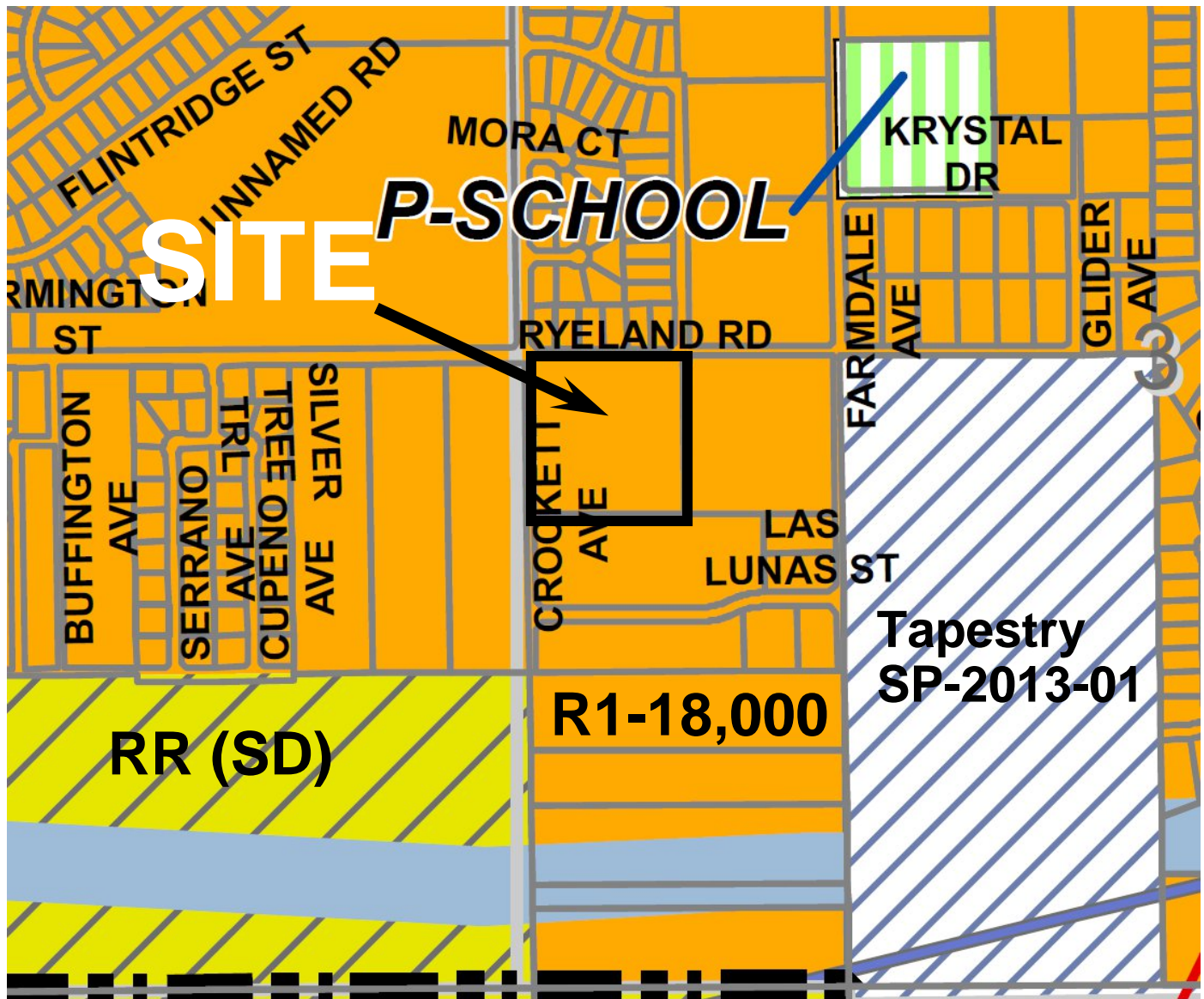
APN(S):
0397-161-32

PROPOSAL: CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 18 SINGLE FAMILY RESIDENTIAL LOTS ZONED R1-18,000 ON 10 GROSS ACRES (APPLICANT: CUBIT ENGINEERING; APN: 0397-161-32)

N

SITE PLAN

ATTACHMENT 2



APPLICANT(S): CUBIT ENGINEERING FOR MACHSEH, LLC

FILE NO(S): TT18-00001

LOCATION: ON THE SOUTHEAST CORNER OF RYELAND ROAD AND CROCKETT AVENUE, SOUTH OF RANCHERO ROAD

APN(S):
0397-161-32

PROPOSAL: CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 18 SINGLE FAMILY RESIDENTIAL LOTS ZONED R1-18,000 ON 10 GROSS ACRES (APPLICANT: CUBIT ENGINEERING; APN: 0397-161-32)

N

GENERAL PLAN & ZONING MAP

ATTACHMENT 3



APPLICANT(S): CUBIT ENGINEERING FOR MACHSEH, LLC

FILE NO(S): TT18-00001

LOCATION: ON THE SOUTHEAST CORNER OF RYELAND ROAD AND CROCKETT AVENUE, SOUTH OF RANCHERO ROAD

APN(S):

0397-161-32

PROPOSAL: CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 18 SINGLE FAMILY RESIDENTIAL LOTS ZONED R1-18,000 ON 10 GROSS ACRES (APPLICANT: CUBIT ENGINEERING; APN: 0397-161-32)



AERIAL PHOTO

ATTACHMENT 4

CITY OF HESPERIA INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

PROJECT DESCRIPTION

1. **Project Title:** Tentative Tract Map TT18-00001 (ND-2018-02)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345
3. **Contact Person:** Chris Borchert, Associate Planner
Phone number: (760) 947-1231
4. **Project Location:** On the southeast corner of Crockett Avenue and Ryeland Road (APN: 0397-161-32)
5. **Project Sponsor:** Machseh, LLC
Address: 16235 Crown Valley Drive
Apple Valley, CA 92307
6. **General Plan & zoning:** Residential, R-1 18000, Single family residential with an 18,000 square foot net minimum lot size.

The proposed Tentative Tract TT18-00001 will subdivide approximately 10 gross acres into 18 single family lots and a retention basin. Ryeland Road will be to the north and provide access for six lots; Crockett Avenue will continue south on the western edge of the property; Truitt Avenue will continue south along the eastern edge of the property; and a new street will bisect the southern third of the property, connecting Crockett and Truitt Avenues, and providing access to the remaining 12 single family lots. A retention basin is proposed on the very southeast corner of the property.

The south side of Ranchero Road has been developing through the years, and the recent completion of the Interstate 15 interchange will help to continue that development as a convenient commuter location. With Krystal Elementary School located about one quarter mile away to the northeast and Ranchero Middle School approximately one mile away to the northeast, it is also convenient for families.

The 18,000 square foot minimum represents the smallest lot size available which can utilize a septic system and not require a connection to sewer.

7. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) The project site, as well as the properties on all sides are currently vacant as shown on Attachment "A." Existing subdivisions of homes exist to the west, north and east roughly 680-1,500 feet away. The property directly to the north across Ryeland Road is approximately 30 acres and has been rough graded and streets installed. East and west of that property the land is vacant with native vegetation. Directly east of the site the property has been similarly cleared, is vacant with sparse vegetation. To the south and west is vacant with native vegetation. The area is an extension of the mesa to the northeast, with drainage corridors running to the west and south.
8. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) None.

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:

"De minimis"

| | | |
|---|--|--|
| | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | |
| X | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. | |
| | 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

Chris Borchert, 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 (1) ? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2) ? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1, 2, and 3) ? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (4) ? | | | X | |

Comments.

- a) The site is mostly vacant and appears to have been previously cleared of a majority of its native vegetation. As you can see on the aerial, the properties to the immediate west and south have a significant increase in vegetation than the site does. This lesser amount of plants has allowed for an increased use of the site by off-road vehicle activity. Additionally, the RR (SD) Special District zones

exist to the south and western vicinities which will help to prevent overdevelopment of areas of the city with topographical features. Therefore, the impact to scenic vistas or resources is less than significant.

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

c) This property is within the R-1 18000 zone district and results in a density of about 1.8 units per acre. (1). The proposed development is not adjacent to sensitive land uses, which are located to the north and east. The Development Code requires that any light created by the development not exceed 0.5 foot-candle illumination at the site boundary abutting a street or any property within a residential zone (4). In addition, all exterior lighting within this development shall be hooded and directed downward to reduce the impact upon the nighttime sky in accordance with the General Plan Update (5), which identifies the impact of development in accordance with the General Plan as less than significant. Based upon these regulations, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project will not have a significant negative impact upon aesthetics.

| II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Range Assessment Project and the Forest Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (6, 7 & 8) | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (8, 9 & 10)? | | | | X |
| c) Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (10 & 11)? | | | | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use (10 & 11)? | | | | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (9, 10 & 11)? | | | | X |

Comments.

a,b) As part of the evaluation of this land use entitlement, the potential impact upon prime farmland,

unique farmland, or farmland of statewide importance has been evaluated (9 & 10). Staff has reviewed the General Plan as well as those properties subject to the Williamson Act and the United States Soil Conservation Service Soil Survey of San Bernardino County, which identifies soils which are suitable for prime farmland, unique farmland, or farmland of statewide importance. The soil at this location is identified as Cajon sand, zero to two percent slopes and Hesperia loamy fine sand, two to five percent slopes (11). These soils are not conducive to farming and are mainly used for homestead development, grazing, and wildlife habitat. These soils are limited by slightly to high soil blowing hazard, excessively drained and sloped, high water intake rate, low available water capacity, and low fertility. The City contains few sites currently in agricultural use and only two properties within a Williamson Act contract. This action will not change the zoning of any properties designated as prime or unique farmland and will not negate any Williamson Act contract. Since the site is not farmland and is not conducive to farming, no impact will occur.

c,d,e) The City and its Sphere Of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes (12). The site is within the southern portion of the City and is designated as Mojavean Pinyon and Juniper woodlands, however, as described above, much of the native vegetation on the site was cleared some time ago. The biological survey lists juniper, annual bursage, Nevada jointfir, rabbitbrush, Joshua trees and brome grasses as the plants on site. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes (13). During the nineteenth century, juniper wood from Hesperia was harvested for use in fueling bakery kilns in Los Angeles. Use of juniper wood was discontinued when oil replaced wood in the early twentieth century (14). Local timber production has not occurred since that time. Therefore, this project will not have an impact upon forest land or timberland.

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

Comments.

a) 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).

b) All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD (17). Programs have been established in the Air Quality Attainment Plan which address emissions caused by area sources. Both short-term (construction) emissions and the long-term (operational) emissions associated with the development were considered. Short-term airborne emissions will occur during the construction phase related to demolition, site preparation, land clearance, grading, excavation, and building construction; which will result in fugitive dust emissions. Also, equipment emissions, associated with the use of construction equipment during site preparation and construction activities, will generate emissions.

c) The General Plan Update identifies large areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact to air quality upon build-out of the General Plan. Based upon this analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts (18). As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of commercial and residential development to the maximum allowable intensity permitted by the Land Use Plan was analyzed. The proposed residential tract does not exceed the maximum allowable traffic impact for the 10 acre property, based upon the 1.8 units per acre versus the 2.4 du/ac maximum density permitted within the R-1 18000 zoning. Consequently, this project will not exceed the development intensity analyzed as part of the GPUEIR.

d) 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. Krystal Elementary School is located about 1,800 feet downwind to the northeast, and a group of 10 existing homes are just south of the school, these are the closest sensitive receptors to the site (1). However, even if more homes are built before this tract begins construction, current requirements for watering during grading, cleaner burning engines coupled with lower idle times will result in a less than significant impact during construction. After construction, the 1.8 units per acre development will be below that proposed and analyzed in the GPUEIR and will not impact sensitive receptors.

e) Construction activities generally do not have the potential to generate a substantial amount of odors. The primary source of odors associated with construction activities are generated from the combustion of petroleum products by equipment. However, such odors are part of the ambient odor environment of urban areas. In addition, the contractor will be required to obtain all pertinent operating permits from the Mojave Desert Air Quality Management District (MDAQMD) for any equipment requiring AQMD permits.

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (19)? | | X | | |

| | | | | |
|--|--|---|---|---|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 19)? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1 & 19)? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1 & 19)? | | | X | |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (19 & 20)? | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (21)? | | | | X |

Comments.

a) Since the site contains native plant species, a General Biological Resources Assessment was conducted by RCA Associates, Inc. in May 2018 to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-shinned hawk (19). The biological report states that none of these, nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site in the future, RCA recommends the following mitigation measure: ***“CDFW 30-day pre-construction survey be performed immediately prior (i.e. 30 days or less) to the start of any future construction activities to determine if any owls have moved onto the site since the May 2018 surveys.”*** The mitigation measure is also listed on page 24. Since no candidate, sensitive or special status species occupy the site, and with the proposed mitigation measure ensuring none have occupied the site since the March 2018 survey, the impact is considered less than significant.

b,c) On page 9 of the General Biological Resources Assessment it states: “No sensitive habitats (e.g. wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations, except for the stream channel in the western portion of the site.”

d) The site is expected to be used by coyotes and hawks during periods of hunting, however, the Biological Resource assessment did not conclude that any known corridors exist on the property. Development of the site is not expected to substantially interfere with their movement as they adapt to, and exist with, development currently, therefore the impact is considered less than significant.

e) The Biological Resources Assessment points out that seven Joshua trees exist on the site, therefore, a protected plant plan was also prepared (69). The protected plant plan will ensure that the site's Joshua Trees, which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place. The grading plan for the project shall stipulate that all transplantable protected plants identified within the report will be relocated or protected in place. While this is a standard condition of approval on any project with protected plants, the following mitigation measure will ensure a less than significant impact: ***“Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as***

specified in the approved protected plant plan.” The mitigation measure is listed on page 24. With the proposed mitigation measure, the impact is less than significant.

f) The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities. The Southern Sycamore Alder Woodland and Mojave Riparian Forest vegetation communities exist within the Rancho Las Flores Specific Plan and vicinity (24). Consequently, approval of the proposed development will not have an impact upon biological resources, subject to the enclosed mitigation measures.

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

Comments.

a,b) Based on the GPUEIR Cultural Resource inventory, the site is within the Medium sensitivity and about one-quarter mile from high sensitivity to the west due to National Trails Highway. The site is not on the list of previously recorded cultural resources (25). This list, which was compiled as part of the 2010 General Plan Update, was created from the inventory of the National Register of Historic Properties, the California Historic Landmarks list, the California Points of Historic Interest list, and the California State Resources Inventory for San Bernardino County. A Phase 1 Cultural Resources Assessment was prepared by RCA Associates and is dated May 4, 2018. RCA also contacted the Native American Heritage Commission (NAHC) to complete a Sacred Lands File Search of the property, which returned negative results. Since this project is not exempt from the California Environmental Quality Act (CEQA), the City sent a letter dated July 31, 2018 giving three interested tribes the opportunity to consult pursuant to Section 21080.3.1 of the California Public Resources Code (AB 52). The San Manuel Band of Mission Indians responded, and after consultation a testing plan was agreed to by the tribe and the applicant. Holes were drilled across the site as shown on the plan, and no resources were uncovered. Since the site is within the area of the Serrano ancestral territory, if any are uncovered during grading or constructing, the following mitigation measures are proposed:

Prior to any and all ground-disturbing activity for the project, a pre-construction cultural resources sensitivity training shall take place for all on-site personnel to discuss the sensitivity of the project area to the San Manuel Band of Mission Indians (SMBMI). This training shall either be conducted by a member of the Cultural Resources Department for SMBMI, or by an archaeologist hired by the Applicant who is experienced with the cultural significance of Summit Valley/Hesperia.

In the event that pre-contact Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, ESA fencing shall be placed around the buffer, and a qualified archaeologist meeting Secretary of

Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the ESA fence may continue during this assessment period. Additionally, San Manuel Band of Mission Indians (SMBMI) Cultural Resources Department will be contacted if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find. SMBMI shall provide input to the archaeologist regarding the nature of the find, and the archaeologist shall complete an isolate/site record for the find and submit this document to the applicant and Lead Agency for dissemination to the San Manuel Band of Mission Indians.

In the event that pre-contact Native American cultural resources are discovered during project activities, a qualified archaeologist meeting Secretary of Interior standards shall be hired to develop, in consultation with the San Manuel Band of Mission Indians (SMBMI), an Archaeological Monitoring and Treatment Plan, which shall discuss the presence of an archaeologist for the remainder of project implementation, culturally appropriate treatment of all finds, and the need for continued good faith consultation between SMBMI and the Lead Agency.

If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

The City will also notify the tribes in writing of the Planning Commission and City Council meeting dates. This will ensure a less than significant impact to any potential resource(s).

c) The 2010 GPUEIR Paleontological Resource Findings and Sensitivity report that the Hesperia General Plan area has a low sensitivity for resources due to the young age of the soils deposited by the Mojave River and due to the coarse soil not being conducive to fossilization. A search of the Regional Paleontological Locality Inventory found that there are no previously known paleontological resources within the Hesperia General Plan Area, or within two miles of its boundary. Additionally, there are no unique geological features on the site or in the area. Therefore, this project is not expected to have an impact upon paleontological resources.

d) Human remains have the potential to exist on the project site inasmuch as the Cultural Resources Sensitivity Map indicates that the site has a medium sensitivity potential for containing cultural resources (26) and the site is within one-half mile of high sensitivity area to the northwest and to the south. This increased sensitivity comes from the use of the area historically with National Old Trails Highway to the west, Mojave Road to the east, and the site being within the historical range of Native American tribes. This situation is covered under Section (b) above, condition number 4, therefore, no further mitigation is necessary. Consequently, the impact of this project on human remains is less than significant with mitigation.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |

| | | | | |
|--|--|--|---|---|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (28, 29 & 30). | | | | X |
| ii) Strong seismic ground shaking (31 & 32)? | | | X | |
| iii) Seismic-related ground failure, including liquefaction (11 & 31)? | | | | X |
| iv) Landslides (31)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (11)? | | | | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (11 & 31)? | | | | X |
| d) Be located on expansive soil, as defined in section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property (11)? | | | | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (11)? | | | | X |

Comments.

a-i) According to Exhibit SF-1 of the General Plan Safety Element, no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone (28).

a-ii) The City and Sphere of Influence (SOI) is near several major faults, including the San Andreas, North Frontal, Cleghorn, Cucamonga, Helendale, and San Jacinto faults (28 & 32). The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. Southern California is seismically active and many locations could expose people to seismic ground shaking, however, the site does not appear to be in an area where the shaking would be any stronger than other areas.

a-iii,iv) The project site contains generally flat topography with slopes of between two and five percent. No large hills or mountains are located within the project site. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults (28). The project site is not located in an Alquist-Priolo Earthquake Fault Zone or within 500 feet of a fault (28 & 29).

b) The soil at this location is identified as Cajon sand, zero to two percent slopes and Hesperia loamy fine sand, two to five percent slopes (11). These soils are mainly used for homestead development, grazing, and wildlife habitat. These soils are limited by a slightly to high soil blowing hazard, excessively drained, high water intake rate, low available water capacity, and low fertility. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in some soil loss due to wind erosion, eventually the site will be fully developed with homes, landscaping and fenced yards which will help to lessen the amount (7). Typically, builders move straight from grading into home construction, keeping the impact to less than significant.

c,d,e) As a function of obtaining a building final, the proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (33), which ensures that the buildings will

adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that all structures will not be negatively affected by the soil. Similarly for septic systems, a percolation test is required to ensure that the soil can accommodate the proposed septic systems. Consequently, the impact upon geology and soils associated with the proposed project is considered less than significant.

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

Comments.

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

On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for greenhouse gas emissions, as required by Senate Bill 97 (Chapter 185, 2007). The Natural Resources Agency forwarded the adopted amendments and the entire rulemaking file to the Office of Administrative Law (OAL) on December 31, 2009. On February 16, 2010, OAL approved the Amendments, which became effective on March 18, 2010. This initial study has incorporated these March 18, 2010 Amendments.

Lead agencies may use the environmental documentation of a previously adopted Plan to determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements of the Plan or mitigation program under specified circumstances. As part of the General Plan Update, the City adopted a Climate Action Plan (CAP)(34). The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 28 percent below business as usual by 2020, consistent with AB 32.

a,b) The R1-18000 zone district allows up to 2.4 dwellings per acre. In its current design, the tract has a density of 1.88 units per acre, therefore the proposed project will not increase the greenhouse gas (GHG) emissions beyond that analyzed within the General Plan Update Environmental Impact Report (GPUEIR). The buildings will be equipped with energy efficient mechanical systems for heating and cooling. That, in combination with use of dual pane glass and insulation meeting current Building Code regulations (33) will cause a reduction in GHG emissions from use of less efficient systems, resulting in additional community emission reduction credits. Consequently, the impact upon GHG emissions associated with the proposed project is less than significant.

| VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (7 & 35)? | | | | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (7 & 35)? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 7)? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment (1)? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (9 & 36)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (36)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (37)? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (1 & 38)? | | | X | |

Comments.

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

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/. 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 <https://www.epa.gov/enviro/rcrainfo-overview>. 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 Storage Tanks (LUST)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are twelve LUST sites in the City of Hesperia, all of which are closed cases. The project site is not listed as a LUST 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>.

b,c) The construction process will bring a number of vehicles to the site, along with machines, tools and materials such as lumber, concrete, asphalt and others. Even if a vehicle or machine were to have its fuel tank ruptured, the resulting spill would not be significant to the environment or to people in the surrounding areas. These vehicles and machines would also emit hazardous emissions, however, the emissions quality has been improving to meet California standards, and construction is a temporary process with heavy vehicles being on the site usually less than two weeks for a project of this size. Additionally, Krystal Elementary School is just over one-quarter mile away from the site, making the impact less than significant.

e,f) The proposed project will not conflict with air traffic nor emergency evacuation plans. The site is approximately five miles from the Hesperia Airport to the southeast and is therefore not within a restricted use zone associated with air operations (38). Consequently, implementation of the project will not cause safety hazards to air operations.

g) While the site is near an elementary and middle school, which could be used as emergency shelters, the site is south of the majority of development and would not interfere with the ability of the majority of residents to get to those schools (37). Therefore, the impact is considered less than significant.

h) The areas primarily in close proximity to the San Bernardino National Forest are most susceptible to wildland fires (39). The site is located adjacent to natural area and may be susceptible to wildland fires. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. Residential housing tracts are proposed in the surrounding area, which when developed would remove most of the fuel to supply a wildland fire. Additionally, the nearest San Bernardino County Fire station is only 2.7 miles away, and as part of the County system, resources from all over could be utilized to prevent damage to property. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials.

| IX. HYDROLOGY AND WATER QUALITY. Would the project: | | | | |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Violate any water quality standards or waste discharge requirements (40 & 41)? | | | | X |

| | | | | |
|--|--|--|---|---|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (42 & 43)? | | | | X |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (38)? | | | | X |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (7 & 38)? | | | | X |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (44)? | | | | X |
| f) Otherwise substantially degrade water quality (44)? | | | X | |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (7, 45 & 46)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (7, 38 & 46)? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (7, 45 & 46)? | | | X | |
| j) Inundation by seiche, tsunami, or mudflow (7, 28)? | | | | X |

Comments.

a) Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance **(47)**. Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMPs) that will be implemented to prevent construction pollutants from contacting storm water. Obtaining the NPDES permit 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.

b) The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(42)**. Senate Bill SB 610 requires approval of a Water Supply Assessment (WSA) if any

individual development exceeds 500 dwelling units, the proposed tract only has 18 residential lots. The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP indicates that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (42). The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts. Therefore, the impact upon hydrology and water quality associated with this project is considered less than significant.

c,d,e,f) The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (48). Therefore, the project shall retain the drainage created on-site beyond that which has occurred historically within an approved drainage system in accordance with City of Hesperia Resolution 89-16. The proposed development is not allowed to concentrate or redirect stormwater flow. A retention basin is proposed to handle the sites increase in runoff (45), the project site is not impacted (7). The retention facilities required by the City for the development will ensure that no additional storm water runoff impacts the area and that any contaminants will be filtered from stormwater runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development.

g,h) Flood Insurance Rate Map 06071C Panel 6495H shows the site is within Flood Zone X "Other Areas" (46). This area has been determined to be outside 0.2% annual chance floodplain. Therefore, no impact will occur in these areas.

i) The City is downstream of three dams. These are the Mojave Forks, Cedar Springs, and Lake Arrowhead Dams. In the event of a catastrophic failure of one or more of the dams, the project site would not be inundated by floodwater (38). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River.

j) The City of Hesperia is located just north of the Cajon Pass at an elevation of over 2,500 feet above sea level, which is over 60 miles from the Pacific Ocean. As such, the City is not under threat of a tsunami, otherwise known as a seismic sea wave. Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche is a disturbance in an enclosed body of water such as a lake, reservoir or even a swimming pool caused by earthquake, landslide or other disturbance. The property is not near any bodies of water which would impact the property (48). The subject property exhibits a two to five percent slope and the water table is significantly more than 50 feet from the surface. Therefore, the mechanisms necessary to create a mudflow; a steep hillside with groundwater near the surface, does not exist at this location.

| X. LAND USE AND PLANNING. Would the project: | | | | |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (11 & 34)? | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (24)? | | | | X |

Comments.

a,b,c) The site, and all of the property surrounding it is vacant, and is zoned for residential as R1-18000 so it will be creating the community, not dividing one (1). The proposed residential tract complies with all requirements of the R1 zone, and there are no known plans, regulations or agencies in conflict. 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 (Rancho Las Flores) Specific Plan and vicinity (24). Therefore, the proposed project will have no impact upon land use and planning.

| XI. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (49)? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (49)? | | | | X |

Comments.

a,b) According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site (49). Known mineral resources within the City and sphere include sand and gravel, which are prevalent within wash areas and active stream channels. Sand and gravel is common within the Victor Valley. The mineral resources within the property are not unique locally or regionally and need not be preserved. Consequently, the proposed project would not have an impact upon mineral resources.

| XII. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (1, 7 & 50)? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50)? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (7 & 9)? | | | X | |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (50 & 51)? | | | X | |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (1 & 9)? | | | | X |

| | | | | |
|--|--|--|--|---|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (1 & 9)? | | | | X |
|--|--|--|--|---|

Comments.

a,b) Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site, typical for a residential subdivision. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft (50). Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. The low density nature of the 18 lots, and its location away from Ranchero Road and Main Street ensure there is no impact from excessive noise.

c) The impact of the residential uses upon the area will be minor, inasmuch as the lots are reserved for residential uses will create additional noise associated with truck and passenger vehicle traffic. The General Plan Update Environmental Impact Report (GPUEIR) accounts for the usual traffic in this area caused by commercial and residential activities. Although the project will increase noise levels in the area, due to increased vehicular traffic, the low density of the site will result in lower impacts than that analyzed in the GPUEIR. Therefore, noise mitigation is unnecessary.

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

e,f) The project site is approximately 1.25 miles east of the Hesperia Airport. At this distance, it is within the 2 mile radius of the Airport Notice Area. The tract map will be conditioned to require a noise avigation easement on each of the lots. This requirement is more a notification to potential homeowners that they may hear airplanes, more than it is regarding significant noise impacts. It is a light aircraft airport and therefore does not have the same noise generation levels that jet engines could have (9). The Airport Land Use Plans find that the airport does not generate significant noise impacts, and the site is in compliance with the low density residential recommended for the surrounding area. The project site is 15 miles from the Southern California Logistics Airport (SCLA) and 14 miles from the Apple Valley Airport and will not be affected by any airport related noise for these airports. Occasional overflights of airplanes from these local airports do not generate a significant noise source.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the noise impact upon build-out of the General Plan to the maximum allowable development intensity permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with noise impacts (18). The transportation impact of the uses proposed under this Planned Development is analyzed within Section XVI (TRANSPORTATION / TRAFFIC). Inasmuch as this project does not exceed the traffic impact analyzed as part of the GPUEIR, this project will not exceed the amount of noise expected at City build-out and will not exceed the noise level impact analyzed by the General Plan Update Environmental Impact Report (GPUEIR). Consequently, the noise impact of this project is not significant.

| XIII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (7) ? | | | X | |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1) ? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1) ? | | | | X |

Comments.

The proposed project entails development of 18 single family residential lots and a water retention basin on 10 acres **(7)**. The project will not be extending sewer lines, and a tract to the north has infrastructure, streets and has been rough graded, yet it sits vacant. Therefore, the development of this site to the south is not expected to induce substantial population growth. As a result, the project's impact upon population growth will not exceed the impact analyzed by the GPUEIR. Further, the site is surrounded by vacant land and the project will not displace any existing housing or people, necessitating the construction of replacement housing elsewhere.

| XIV. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (53) : | | | X | |
| Fire protection? (53) | | | | X |
| Police protection? (53) | | | | X |
| Schools? (53) | | | | X |
| Parks? (53) | | | | X |
| Other public facilities? (53) | | | X | |

Comments.

a) Construction and operation of the project at build out will not result in a need for new or physically altered governmental facilities. Any increase in demand for public services is consistent with that which is anticipated as part of the General Plan Update Environmental Impact Report (GPUEIR). The site is served by an existing 8-inch water line in Main Street **(54)**. Development Impact Fees (DIFs) will be assessed at the time the homes are ready to be occupied **(55)**. These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development.

Fire protection is provided through the San Bernardino County Fire Department with stations #302 at 17288 Olive Street being about 2.75 miles away, These stations provide good coverage and no new facilities are needed for the project.

Police protection is provided through the San Bernardino County Sheriff's Department. While the station is located at 15840 Smoketree Street, which is approximately 3.8 miles to the northeast, deputies are constantly on patrol throughout the city.

Schools would not be impacted by this proposal as Krystal Elementary and Ranchero Middle School are within one mile of the site, and Sultana High School is less than 3 miles away. The number of school aged children from 18 homes is not significant enough to require new facilities, and school fees are collected to help offset the impact of new students.

Similarly, with the low density of 18 homes on 10 acres, minimal impact is expected to parks or other public facilities due to the development.

Therefore, the impact of the proposed project upon public services is less than significant.

| XV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (7)? | | | | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (7)? | | | | X |

Comments.

a,b) Due to the low number of homes, along with the larger lot sizes which allow for recreational opportunities, the impact to neighborhood and regional parks would be minimal if any. The size of the project would not require construction of any new facilities either, therefore no impact is foreseen.

| XVI. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (56)? | | | X | |

| | | | | |
|--|--|--|---|---|
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways (57, 58 & 59) ? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (36) ? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (58 thru 62) ? | | | | X |
| e) Result in inadequate emergency access (7) ? | | | | X |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (58 thru 62) ? | | | | X |

Comments.

a) The proposed tract is located one-half mile south of Ranchero Road and has several ways of accessing it from Ranchero Road, all of which are local roads. The addition of 18 residential lots does not conflict with the circulation plan or any ordinances or policies **(56 & 62)**. All streets will be constructed to City standards, including curb, gutter, and sidewalk. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department.

b) The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(61)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The applicant provided a Focused Site Access Assessment by Linscott, Law & Greenspan Engineers dated May 14, 2018 **(69)**. The study focused on two intersections, the driveway entrance/exit from Main Street, and the intersection of Fuente Avenue with Main Street.

Since the project is less than the allowable density, the LOS of the surrounding streets will not be affected negatively by the increased number of vehicle trips to be created by this use.

c) The project will be located approximately 1.25 miles from the Hesperia Airport and 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.

d,e) There are no design features in the design of the tract that would create hazards, no incompatible uses in the vicinity, and the design of the tract also does not result in inadequate emergency access.

f) The City's General Plan includes a non-motorized transportation network **(63)**. From Danbury Avenue westerly, Ranchero Road is planned to have a Super Arterial width with a bike lane. A Class I bike path will ultimately be constructed within Main Street from I-15 to I Avenue. This will provide a viable alternative to the use of automobiles.

| XVII. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (64) ? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (54) ? | | | X | |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (45) ? | | | X | |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (42 & 43) ? | | | X | |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (42) ? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (65 & 66) ? | | | X | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (67) ? | | | X | |

Comments.

a,b,e) The tract is designed with lot sizes that are a minimum of one-half acre each, the minimum to meet the Lahontan Regional Water Quality Control Board standard for the use of a septic system. Since the homes will utilize septic systems, no new wastewater facilities will be needed.

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

d) The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(43)**.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere Of Influence (SOI). The UWMP evidences that the City is currently using less than half of its available water supply and that supply is projected to exceed demand beyond the year 2030 (68). The HWD has maintained a surplus water supply through purchase of water transfers, allocations carried over from previous years, and recharge efforts. There is currently an 8 inch water main line in the frontage along Main Street which will provide adequate water for the proposed project.

f,g) The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled (67). Currently, approximately 63 percent of the solid waste within the City is being recycled (65). About 168 tons of solid waste is disposed at the landfill and 243 tons are recycled of the total solid waste produced by the City per day. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Therefore, the proposed project will not cause a significant negative impact upon utilities and service systems.

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

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

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

1. CDFW 30-day pre-construction survey be performed immediately prior (i.e. 30 days or less) to the start of any future construction activities to determine if any owls have moved onto the site since the May 2018 surveys.
2. Three copies of a protected plant plan shall be submitted to the Building and Safety Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan.
3. Prior to any and all ground-disturbing activity for the project, a pre-construction cultural resources sensitivity training shall take place for all on-site personnel to discuss the sensitivity of the project area to the San Manuel Band of Mission Indians (SMBMI). This training shall either be conducted by a member of the Cultural Resources Department for SMBMI, or by an archaeologist hired by the Applicant who is experienced with the cultural significance of Summit Valley/Hesperia.
4. In the event that pre-contact Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease, ESA fencing shall be placed around the buffer, and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the ESA fence may continue during this assessment period. Additionally, San Manuel Band of Mission Indians (SMBMI) Cultural Resources Department will be contacted if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find. SMBMI shall provide input to the archaeologist regarding the nature of the find, and the archaeologist shall complete an isolate/site record for the find and submit this document to the applicant and Lead Agency for dissemination to the San Manuel Band of Mission Indians.

5. In the event that pre-contact Native American cultural resources are discovered during project activities, a qualified archaeologist meeting Secretary of Interior standards shall be hired to develop, in consultation with the San Manuel Band of Mission Indians (SMBMI), an Archaeological Monitoring and Treatment Plan, which shall discuss the presence of an archaeologist for the remainder of project implementation, culturally appropriate treatment of all finds, and the need for continued good faith consultation between SMBMI and the Lead Agency.
6. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia taken in 2018.
- (2) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-7.
- (3) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-8.
- (4) Section 16.20.085 (O) of the Hesperia Municipal Code.
- (5) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Page 3.1-9.
- (6) Section E of Chapter 7 and Section G of Chapter 9 of the Main Street and Freeway Corridor Specific Plan, 100 thru 106 and pages 199 thru 204
- (7) Tentative Tract Map TT18-00001 application, maps and related materials.
- (8) Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-1
- (9) Official Maps showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (10) Williamson Act map within Section 3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), Exhibit 3.2-2
- (11) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area Map 31, Pages 27 and 44.
- (12) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (13) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (14) Conservation Element of the 2010 City of Hesperia General Plan Update, Page CN-34.
- (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.
-
- (18) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
-
- (19) General Biological Resources Assessment prepared by RCA Associates, Inc. in March, 2018.
-
- (20) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
-
- (21) Section 3.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.4-30.
-
- (22) Exhibit CN-5 of the 2010 City of Hesperia General Plan Conservation Element, page CN-27.
-
- (23) Exhibit OS-2 of the 2010 City of Hesperia General Plan Update, page OS-9.
-
- (24) Exhibit CN-3 of the 2010 City of Hesperia General Plan Conservation Element, page CN-17.
-
- (25) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
-
- (26) Section 5 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, Exhibits 5b and 5e.
-
- (27) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
-
- (28) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, Exhibit SF-1, page SF-9.
-
- (29) Section 1.2.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, Figure 1-2, page 1-5.
-
- (30) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
-
- (31) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-11.
-
- (32) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 1-23 thru 1-36.
-
- (33) 2010 California Building Code.
-
- (34) 2010 City of Hesperia General Plan Update Climate Action Plan.
-
- (35) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, pages SF-31 thru SF-33.
-
- (36) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-60 and LU-61.
-
- (37) Potential Emergency Shelters and Evacuation Routes shown within the 2010 Hesperia General Plan Safety Element, Exhibit SF-4.
-
- (38) Map showing very high fire hazard areas, flood zones, and significant hazardous materials sites of the 2010 City of Hesperia General Plan Update Safety Element, Exhibit SF-2.
-
- (39) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
-
- (40) Section 3.8.2 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
-
- (41) Section 3.8.5 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-20 thru 3.8-22.
-

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- (42) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.
-
- (43) Mojave Water Agency letter dated March 27, 1996.
-
- (44) Section 4.3.8 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 4-9.
-
- (45) 1992 Victorville Master Plan of Drainage Volume II, identifying future drainage improvements for the area.
-
- (46) FEMA flood map Panel 6495, City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
-
- (47) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
-
- (48) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
-
- (49) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
-
- (50) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4 thru NS-12.
-
- (51) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467.
-
- (52) Table 3.11-9 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-34.
-
- (53) Section 4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 4-13 thru 4-18.
-
- (54) Current Hesperia water and sewer line atlas, page 18.
-
- (55) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
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- (56) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-27.
-
- (57) Institute of Transportation Engineers Trip Generation Manual, Sixth Edition, Volume 3.
-
- (58) Exhibit CI-22 showing the Urban Design Framework within the 2010 City of Hesperia General Plan Update Circulation Element, page CI-55.
-
- (59) Table 4-4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, page 41.
-
- (60) Section 2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 2-19.
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- (61) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4 thru 6.
-
- (62) Exhibit CI-1 showing the General Plan Traffic Circulation Plan within the 2010 City of Hesperia General Plan Update Circulation Element.
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- (63) Exhibit CI-23 showing the Non-Motorized Transportation Plan General Plan within the 2010 City of Hesperia General Plan Update Circulation Element, Page CI-57.
-
- (64) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
-
- (65) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
-
- (66) 2009 California Department of Resources, Recycling and Recovery Annual AB939 Report.
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(67) California Integrated Waste Management Act (AB 939).

(68) City of Hesperia Urban Water Management Plan.

(69) Protected Plant Preservation Plan dated March 6, 2018 by RCA Associates, Inc.

ATTACHMENT 5

RESOLUTION NO. 2018-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT TO CREATE 18 SINGLE-FAMILY RESIDENTIAL LOTS ON 10.0 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF RYELAND ROAD AND CROCKETT AVENUE, SOUTH OF RANCHERO ROAD (TT18-00001/TT-20143)

WHEREAS, Cubit Engineering has filed an application on behalf of Machseh, LLC requesting approval of Tentative Tract Map No. 20143, Case Number TT18-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 10.0 gross acre site within the Single-Family Residence (R1-18000) Designation located on the southeast corner of Ryeland Road and Crockett Avenue and consists of Assessor's Parcel Number 0397-161-32; and

WHEREAS, the Application, as contemplated, proposes to create 18 single-family residential lots and a retention basin; and

WHEREAS, the subject site is currently vacant, the properties on all sides are vacant, a tract has been approved, rough graded and streets installed, to the north, but no construction begun; and

WHEREAS, the subject property is currently designated Single-Family Residential with 18,000 square foot minimum lot size (R1-18000). All of the properties surrounding are also within the R1-18000 designation; and

WHEREAS, a mitigated negative declaration (Negative Declaration ND-2018-04) has been prepared for TT-20143 pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, on November 8, 2018, 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 November 8, 2018 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site is physically suitable for the type of development because there are no known physical constraints to residential development and the site has adequate area to accommodate the proposed lots. The project site is

currently undisturbed by physical development and the development is not required to demolish or build around existing improvements. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision. There are no existing drainage courses or improvements that would prevent development on the site; and

- (b) The site is physically suitable for the proposed density of development because the lots are adequate in size and shape and all Development Code regulations for the permitted uses can be met. The site is below the R1-18000 General Plan designation, which allows densities between 2.1 and 2.4 dwelling units per acre. The tentative tract would create 18 single-family residential lots on 10 gross acres, resulting in a density of 1.8 dwelling units per acre. The proposed density is below the allowable density range required by the General Plan; and
- (c) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat because the project site is surrounded by existing development and not known to have fish, wildlife or related habitat. A Biological Survey was completed by RCA Associates and both recommended mitigation measures have been included; and
- (d) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes. Prior to any ground disturbance, improvement plans for drainage, erosion, sewer, water, and circulation are required to be submitted to ensure on-site and off-site improvements are constructed to the latest standards. The project will connect to a reliable potable water source and connect to sewer ensuring sanitary disposal of wastewater. Upon development of the residences, each home will be required to have trash pickup service from the City's franchised waste hauler; and
- (e) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia as the project supports the existing land use and circulation pattern in the area; and
- (f) The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities to each of the proposed lots. All single-family residences must meet the minimum energy efficiency standards in Title 24, which mandates building insulation, whole house fans, and light/ventilation systems to make the homes energy efficient. The tract was designed in an east-west fashion, which will position most of the homes to face north or south, making good use of natural light and creating opportunities for roof top solar systems. The City's solar energy ordinance allows residential properties to have solar energy systems.

Section 3. The Planning Commission hereby affirms that the Mitigated Negative Declaration incorporates and addresses all CEQA issues related to this action based on

findings pursuant to Section 15162 of the California Code of Regulations, Title 14, Chapter 3, Guidelines for CEQA.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Tract TT18-00001 (TT-20143), subject to the Conditions of Approval as set forth in ATTACHMENT "A" and the Mitigated Negative Declaration ND-2018-04 which is attached to the staff report for this item.

Section 5. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 8th day of November 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TT18-00001

Approval Date:
Effective Date: November 20, 2018
Expiration Date: November 20, 2021

This list of conditions applies to Consideration of a Tentative Tract map to create 18 single family residential lots zoned R1-18,000 on 10 gross acres located on the southeast corner of Ryeland Road and Crockett Avenue (Applicant: Cubit Engineering; APN: 0397-161-32)

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

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

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

| | | |
|--|---------------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STREET NAME APPROVAL. The developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division. (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FINAL MAP. A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLANS. All required plans shall be prepared by a registered Civil Engineer per City standards and to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review along with required checking fees. The Final Map CDP Improvement Plans requested studies and CFD annexation must be submitted as a package. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The |

Developer shall coordinate with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,330.75 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

CONDITIONS REQUIRED PRIOR TO RECORDATION OF ANY PHASE OF THE FINAL MAP

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LETTERED LOTS. Lettered lots shall be dedicated to the City of Hesperia for drainage storm drain retention basin slope maintenance and open space purposes. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

IMPROVEMENT AGREEMENT / SURETY - The Developer shall execute Improvement and Grading Agreements and post surety for all public improvements. The amounts will be approved by the City Engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NON-VEHICULAR ACCESS. Vehicular access rights across the westerly property lines of Lot's 6, 7, and 18 along with the easterly property lines of Lot's 1 and 12 shall be dedicated to the City of Hesperia and labeled as N.V.A. on the Final map. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OFF-SITE OFFER OF DED. AND EASEMENT: Should off-site offers of dedication or easements be required for off-site improvements and or access it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City pursuant to section 66462.5 of the Subdivision Map Act. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEDICATIONS. The Developer shall grant to the City of Hesperia an Irrevocable Offer of Dedication for roadways and Grant of Easement(s) for storm drain and utility purposes as shown on the approved tentative map and as described below (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INTERIOR STREETS-IOD. The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall be sixty (60') feet wide and per City standards. It is the Developers responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERIMETER STREETS. The Developer shall grant to the City an Irrevocable Offer of Dedication for Ryeland Road and Crockett Avenue. The dedication shall be at a (30 foot half-width) per the City standards for a Suburban Major Collector Roadway Standard. It is the Developers responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

COST ESTIMATE/MATERIALS LIST. The Developer shall submit a cost estimate and materials list to the City's Engineering Department for all on site and off site public improvements per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE ACCEPTANCE LETTERS. It is the Developer's responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owner(s) who are affected by any concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter(s), along with the latest grant deed(s), must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

INTERIOR STREETS - Shall be designed to the City standard for a 60 foot wide Local Roadway per City standards, as indicated below. Curb face is to be at 20' from centerline: (E)

- A. 6' Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Handicapped ramps at all intersections per City standards.
- D. Concrete residential driveway per City standards.
- E. Full paved roadway section (minimum section 3 A.C. over 4 aggregate base)
- F. Roadway drainage device(s).
- G. Streetlights per City standards.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

PERIMETER STREETS. Construct half width asphalt pavement on Crockett Avenue and Ryeland Road across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Concrete residential driveway per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- M. Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
 NOT IN COMPLIANCE

UTILITY PLAN: The Developer shall design a Utility Plan for service connections and hydrant locations. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITIES. Utility plans shall be in accordance with City standards as described below: (E)

A. During construction, the entire tract shall have a "Master Water Meter" per City standards. The "Master Meter" shall remain in place until all lots are occupied, at which time the individual meters shall be set and activated per City standards.

B. "AMR" automatic meter reader to be added on all meter connections.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER IMPROVEMENTS. The Developer shall design water improvements in accordance with City standards and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERIMETER STREETS (CROCKETT AVENUE) WATER. Install an 8 (min.) P.V.C. water main in Crockett Avenue from the intersection of Ryeland Road and Crockett Avenue to the southerly boundary per City standards and City approval. Install hydrants at 660 foot intervals and stub outs for future connections per City standards. It is the Developers responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The Developer shall provide plan and profile for connections to existing water mains per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INTERIOR STREETS (STREET NAME) WATER. Interior water service shall be a looped system of 8" P.V.C. water lines with hydrants at 660 foot intervals. The Developer shall provide plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AVIGATION EASEMENT. The project site is located within Safety Area for Hesperia Airport as identified in the City's adopted Comprehensive Airport Land Use Plan. The developer shall record an Avigation Easement to Hesperia Airport as approved by the City Attorney. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

RECORDATION OF FINAL MAP. Final Map shall be approved by City Council and Recorded with the County of San Bernardino

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,000 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 3,600 sq.ft. structure. [F 5]

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

a structure. [F 54

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MASONRY WALLS AND FENCING. The required masonry walls and wrought iron fencing shall be completed in accordance with City standards. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MODEL HOME COMPLEXES. Model homes and sales trailers require approval of a Temporary Occupancy Permit. Building permits for the garage conversion to an office; signage etc. shall be submitted and approved prior to their establishment. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

RETENTION AND DRAINAGE FACILITIES. The required retention basin(s) and other drainage facilities shall be completed in accordance with City standards. (E, P)

ONGOING CONDITIONS

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY RELOCATION/UNDERGROUND. The developer is required to install water, sewer or construct street improvements or when required utilities shall be placed underground, it shall be the responsibility of the developer to relocate/underground any existing utilities at his/hers own expense. Relocation/under grounding of utilities shall be identified upon submittal of the construction plans. (P, E, W/S)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2016 to the City's Engineering Department. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMPOSITE DEVELOPMENT PLAN (CDP). Four copies of a CDP shall be submitted in accordance with Chapter 17.20 of the Municipal Code. CDP notes to be delineated are referenced in Section 17.20.020(C). In addition, the following notes shall be included: i) Each single-family residence within this subdivision shall contain a minimum livable area (excluding required garages) of not less than 1,400 square feet; and ii) A minimum of three different floor plans shall be provided, each with a minimum of three different elevations. At least one single story plan shall be provided.

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE TENTATIVE TRACT MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

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

City of Hesperia STAFF REPORT



DATE: November 8, 2018
TO: Planning Commission
FROM: Jeff Codega, Principal Planner
BY: Chris Borchert, Associate Planner
SUBJECT: Development Code Amendment DCA18-00003 & Title 8 amendment pertaining to Minor Exceptions regarding fence heights, and approved fencing materials; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2018-16; recommending that the City Council introduce and place on first reading an ordinance approving DCA18-00003, amending the fence height exception, fencing material and fencing maintenance regulations.

BACKGROUND

The proposed amendments to the Variances and Minor Exceptions section, the Projections Into Yards section, and Title 8 Property Maintenance section of the City of Hesperia Municipal Code are intended to 1) help residents deal with privacy and screening issues; 2) help residents understand what materials are appropriate to use for fencing; and 3) help Code Enforcement when they need to pursue a fencing violation.

ISSUES/ANALYSIS

16.12 - Minor Exceptions for Fence Height

The current Minor Exception language only allows 20% of the total length of the fence to exceed the maximum height, which can result in only a portion of a fence being allowed which does not completely resolve the issue. The proposed amendment would remove the 20% maximum and allow the reviewing body (DRC) to approve the additional height where it is needed to resolve the issue. The majority of requests to exceed the fence height are for residential properties. The current maximum height allowed is 6 feet, and exception requests are typically for the two foot maximum, resulting in a fence height of 8 feet.

Current Code: The following section is from 16.12.220 (B)(1) Minor Exceptions and is allowed through the Development Review Committee with a hearing and the findings contained within the section.

1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for not more than twenty (20) percent of the total length of said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight

triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to area larger than the properties directly involved in the request.

Technically, if your rear property line is 80 feet, only 16 feet can be approved to exceed the maximum height, however, staff has taken a more liberal view of the “total length”, which allows accounting for the entire length of fence on the property, thereby using the sides also, and potentially the front as well. If the sides are 100 feet long, the total would equal 360 feet, which would then allow 72 feet of the rear wall to exceed the height, still not enough to complete the 80 foot rear property line.

Proposed Code: The following proposal would remove the 20% maximum, allowing the applicant to propose the amount they think is appropriate. A planner would then visit the property and determine whether their proposal complies with the need, or is excessive and requires reduction.

1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for ~~not more than twenty (20) percent of~~ the total length ~~or portion of~~ said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to an area larger than the properties directly involved in the request.

16.20 & 8.32 Fence and Wall Materials

Staff is proposing amendments to both Title 16, Projections Into Yards, and Title 8 Property Maintenance. Code Enforcement has encountered cases where residents have utilized a variety of materials not typically associated with fencing, such as garage doors, pallets and metal roofing, to repair or enhance existing fences. The proposed amendments will give them more support in enforcing these situations.

Proposed Code: For Title 16, the proposed amendment will separate fences and walls into its own section and add the following paragraphs discussing construction materials to help clarify what materials are allowed, and what is prohibited, for fences.

C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a fencing material. Fencing constructed of approved materials must still meet all other requirements of this code, including but not limited to design standards and permitting requirements.

D. All fencing shall be constructed to add to the overall look of the property, installed in a professional manner using treated materials to withstand the environment. In no case shall a fence be constructed of secondhand or castoff materials not originally designed for fencing. Examples of prohibited materials include, but are not limited to garage doors, corrugated metal scrap, mattresses, tires, car parts, and plywood less than five-eighths inches thick, plywood not of a grade approved by the Director or designee, particle board, paper, visqueen plastic, plastic tarp, cloth or similar material.

E. Animal enclosures shall be constructed of materials treated and installed to withstand the environment, be appropriate for the keeping of animals, and be properly maintained. Animal enclosures shall meet all other requirements of this code.

The Title 8 change will ensure existing fencing is maintained with the appropriate material. This will be the section that Code Enforcement lists on their notice of violation, which will have a reference to Title 16 for the approved materials.

8.32.040 - Property maintenance.

J. Buildings, structures, walls or fences, or yard enclosures constructed of materials not approved for exterior use unapproved materials or improperly maintained. Improperly maintained may include but not be limited to listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials)

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

Conclusion: Staff supports the Development Code Amendments, as it will provide property owners the ability to more effectively mitigate privacy and screening issues, along with improving aesthetics and property values.

FISCAL IMPACT

None.

ALTERNATIVE(S)

Minor Exceptions

1. The Planning Commission could raise the minimum fence height in residential zones to 7 or 8 feet. This could cut down on the number of exceptions, however, the additional height could negatively impact the aesthetics of a neighborhood. The number of exceptions is minor in light of the city as a whole, and six feet is adequate in most cases, therefore, staff does not support this alternative.
2. The Commission could increase the percentage of wall allowed to be increased, however, there could still be cases where it does not completely address the issue. Therefore, staff does not support this alternative.
3. Provide alternative direction to staff.

Fence and Wall Materials

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. PC-2018-16, with Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2018-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT TO AMEND ARTICLE VI (VARIANCES AND MINOR EXCEPTIONS) OF CHAPTER 16.12 OF THE DEVELOPMENT CODE PERTAINING TO FENCE HEIGHTS; CHAPTER 16.20 REGARDING FENCES AND WALLS; AND TITLE 8 OF THE MUNICIPAL CODE REGARDING FENCING MATERIALS (DCA18-00003)

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

WHEREAS, the City proposes to amend Article VI of Chapter 16.12 of the City of Hesperia Development Code regulations which pertain to variances and minor exceptions; and

WHEREAS, the City finds that it is necessary to amend the fence height regulations in order to provide a better ability to meet the purpose of the section, which is to ensure that “no property, because of special circumstances applicable to it, due to size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and land use designation”; and

WHEREAS, the current code restriction of only allowing 20 percent of a length of wall makes it difficult to accomplish the purpose if more than 20 percent of the wall needs to be raised to provide privacy and screening, and to make the property the same as those in the vicinity; and

WHEREAS, the current code does not specify materials that fences may be constructed of, leading to aesthetic issues and difficulties in enforcement when a resident or homeowner uses material not typically associated with fencing such as pallets, garage doors and automotive parts; and

WHEREAS, the City finds that it is necessary to provide appropriate fencing material regulations in order to avoid negative aesthetic impacts, negative impacts to private property values and the degradation of neighborhoods; and

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

WHEREAS, on November 8, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA18-00003, amending Title 8, the Minor Exception Fence Height regulations, and creating a new section for Fences and Walls, as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 8th day of November, 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission

EXHIBIT “A”

The following are modifications to Title 8, Chapter 8.32 and Title 16, Chapter 16.12 & 16.20 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

Title 8 – HEALTH AND SAFETY

Chapter 8.32 – PUBLIC NUISANCES

8.32.040 – Property maintenance.

J. Buildings, structures, walls ~~or~~ fences, or yard enclosures constructed ~~of materials not approved for exterior use~~ unapproved materials or improperly maintained. Improperly maintained may include but not be limited to: listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials)

Title 16 – DEVELOPMENT CODE

Chapter 16.12 - PERMITS AND PROCEDURES

ARTICLE VI. – VARIANCES AND MINOR EXCEPTIONS

16.12.220 - Reviewing authority.

B. Review and approval for the following minor exception requests will be through the administrative review with notice procedure, pursuant to Section 16.12.005(A)(2).

1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for ~~not more than twenty (20) percent of~~ the total length or portion of said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to an area larger than the properties directly involved in the request.

Chapter 16.20 – GENERAL REGULATIONS

ARTICLE III. – PROJECTION INTO YARDS

16.20.070 - Clear areas.

The projections listed in the table in Section 16.20.075 may not, in any event, encroach on the following:

- A. The clear sight triangle required at traffic intersections by Sections ~~87.0701(e)~~ 16.20.045.

- B. Within five feet of any yard in which the projection is not allowed.
- C. Within five feet of any lot line (three feet for substandard lots). (Exception: Projections listed in items 1 and 6 in Section 16.20.075 may encroach to within three feet of a lot line.)

Section D & E and the accompanying Table below are moving to a new Section 16.20.080 titled Fences and Walls

- ~~D. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection E and shall require the approval of a plot plan.~~
- ~~E. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:~~

16.20.080 – Fences and Walls

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

| Fencing & Hedges | Front and Street
Side Yards | Rear and
Interior
Side
Yards |
|--|--------------------------------|---------------------------------------|
| Fences, screening,
safety guard rails,
walls and dense
hedges | Allowed | Allowed |

| | | |
|---|---|---------------------|
| Commercial and all zones other than Agricultural, Residential or Industrial | 6 ft. max. height | 10 ft. max. height |
| Industrial
† In accordance with Section 16.16.585 | 12 ft. max. height† | 12 ft. max. height† |
| Agricultural & Residential | <p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area. (16.20.070 080 D & E A & B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area. 6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p> | 6 ft. max. height |

C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a fencing material. Fencing constructed of approved materials must still meet all other requirements of this code, including but not limited to design standards and permitting requirements.

D. All fencing shall be constructed to add to the overall look of the property, installed in a professional manner using treated materials to withstand the environment. In no case shall a fence be constructed of secondhand or castoff materials not originally designed for fencing. Examples of prohibited materials include, but are not limited to garage doors, corrugated metal scrap, mattresses, tires, car parts, and plywood less than five-eighths inches thick, plywood not of a grade approved by the Director or designee, particle board, paper, visqueen plastic, plastic tarp, cloth or similar material.

E. Animal enclosures shall be constructed of materials treated and installed to withstand the environment, be appropriate for the keeping of animals, and be properly maintained. Animal enclosures shall meet all other requirements of this code.