

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

Regular Joint Meetings
1st and 3rd Tuesday

Date: March 19, 2019
REGULAR MEETING

Time: No Closed Session
6:30 P.M. (Regular Meeting)

CITY COUNCIL MEMBERS

Larry Bird, Mayor

William J. Holland, Mayor Pro Tem

Jeremiah Brosowske, Council Member

Cameron Gregg, Council Member

Rebekah Swanson, Council Member

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Nils Bentsen, City Manager

Eric L. Dunn, City Attorney



City of Hesperia

Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

City Clerk's Office: (760) 947-1007

**Agendas and Staff Reports are
available on the City Website**
www.cityofhesperia.us

Documents produced by the City and distributed less than 72 hours prior to the meeting, regarding items on the agendas, will be made available in the City Clerk's Office located at 9700 Seventh Avenue during normal business hours.



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1056. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

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

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

Prior to action of the Council, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

NO CLOSED SESSION

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

*Mayor Larry Bird
Mayor Pro Tem William J. Holland
Council Member Jeremiah Brosowske
Council Member Cameron Gregg
Council Member Rebekah Swanson*

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation to Lieutenant Shelley Krusbe of the Hesperia Police Department
2. Presentation to Fire Division Chief Ron Walls of the County of San Bernardino Fire
3. Community Events Calendar

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

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the joint agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

JOINT CONSENT CALENDAR

1. Page 7 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, March 5, 2019

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, March 5, 2019.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2019-03-05](#)

2. Page 11 Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Warrant Run 3-19-2019](#)

[Attachment 1 - Warrant Runs](#)

3. Page 13 Treasurer's Cash Report for the unaudited period ended January 31, 2019

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Treasurer's Cash Report 3-19-2019](#)

[Attachment 1 - Investment Reports](#)

4. Page 21 Deferred Compensation 457(b) and 401(a) Plans Consolidation and Conversion to MassMutual

Recommended Action:

It is recommended that the City Council authorize the City Manager to rescind Resolution 89-94 and Resolution 94-92, which established ICMA and Nationwide as the providers of a 457(b) deferred compensation plan, as well as rescind Resolution 96-64 naming Nationwide as the provider of the 401(a) plan. Further, it is recommended that the City Council, adopt Resolution No. 2019-07, authorizing the current employees' Deferred Compensation 457(b) and 401(a) plans to be consolidated and converted to MassMutual.

Staff Person: Assistant City Manager Michael Blay, Director of Finance Casey Brooksher and Assistant to the City Manager Rachel Molina

Attachments: [SR Deferred Compensation Consolidation to MassMutual 3-19-2019](#)
[Resolution 2019-07](#)

5. Page 25 Electric Motor Repairs Contract

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District authorize the General Manager to approve an increase to the contract with Brithinee Electric, for electric motor repair in the amount of \$20,000, with a new not-to-exceed amount of \$125,000.

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

Attachments: [SR Electric Motor Repairs Contract 3-19-2019](#)

6. Page 27 Approve Parcel Map 19543

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2019-010 approving Parcel Map No. 19543 to create two parcels from 2.2 gross acres within the Very Low Residential (VLR) zone of the Main Street and Freeway Corridor Specific Plan at 9327 Tamarisk Avenue (Applicant: Douglas and Christine Walls; APN: 3057-131-57).

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Parcel Map 19543 3-19-2019](#)

[Resolution 2019-010](#)

[Attachment 2 - Parcel Map 19543](#)

7. Page 33 Amendment to contract with Abboud Diamond Construction, Inc. to complete construction of the Hesperia Animal Shelter Remodel Project.

Recommended Action:

It is recommended that the City Council authorize the City Manager to execute an increase to the contract with Abboud Diamond Construction, Inc. in the

amount of \$20,000, with a new not-to-exceed amount of \$791,158.30 to complete construction of the Hesperia Animal Shelter Remodel project.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Contract Amendment Abboud Diamond Construction 3-19-2019](#)

8. Page 35

Amended NPDES Stormwater Permit Implementation Agreement

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District approve the attached amended National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Implementation Agreement for the Mojave River Watershed Group (MRWG) and authorize the Mayor to execute said agreement.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Amended NPDES Implementation Agreement 3-19-2019](#)

[Attachment 1 - MRWG Agreement modifications](#)

[Attachment 2 - Amended MRWG Agreement](#)

9. Page 69

Designation of Voting Delegate for Southern California Association of Governments (SCAG) Annual Conference

Recommended Action:

It is recommended that the City Council designate Council Member Swanson as the voting delegate to represent the City at the Southern California Association of Governments (SCAG) annual Regional Conference and General Assembly meeting to be held May 1 through May 3, 2019 in Palm Desert.

Staff Person: City Clerk Melinda Sayre

Attachments: [SR SCAG Voting Delegate 3-19-2019](#)

PUBLIC HEARINGS

Individuals wishing to comment on public hearing items must submit a speaker slip to the City Clerk with the numbered agenda item noted. Speaker slips should be turned in prior to an agenda item being taken up. Comments will be limited to five minutes for Public Hearing items.

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

PUBLIC HEARING

10. Page 71

General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339); Applicant: Yogesh Goradia; APN: 0398-031-41 & 42

Recommended Action:

The Planning Commission recommends that the City Council adopt Resolution Nos. 2019-11 and 2019-12, approving General Plan Amendment GPA17-00003

from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract Map TT17-00002 to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [SR General Plan Amendment GPA17-00003 & TT17-00002 3-19-2019](#)

[Attachment 1 - Tentative Tract Map](#)

[Attachment 2 - General Plan Map](#)

[Attachment 3 - Aerial](#)

[Attachment 4 - Mitigated Negative Declaration](#)

[Resolution 2019-11](#)

[Attachment 6 - Exhibit 'A' \(for Resolution 2019-11\)](#)

[Resolution 2019-12](#)

[Attachment 8 - Attachment 'A' List of Conditions](#)

[Attachment 9 - PC Staff Report and Attachments](#)

NEW BUSINESS

11. Page 173

Receive and File Report - Illegal Parking Issues

Recommended Action:

It is recommended that the City Council receive and file this report on Hesperia City Ordinance 16.20.090 and 16.20.095 related to City parking standards and give direction to staff.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Parking Ordinance 3-19-2019](#)

[Attachment 1 - H.M.C. 16.20.090 Residential Parking Standards](#)

[Attachment 2 - H.M.C. 16.20.095 Non-Residential Parking Standards](#)

[Attachment 3 - Aerial photograph Main St. West of I-15](#)

[Attachment 4 - Photograph of driveway 12798 Main St.](#)

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

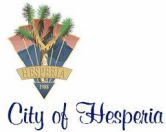
The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Melinda Sayre, City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Wednesday, March 13, 2019 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Melinda Sayre,
City Clerk*

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.



City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, March 5, 2019

6:30 PM

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

CLOSED SESSION - 5:00 PM

Roll Call

Present: 5 - Mayor Bird, Mayor Pro Tem William J. Holland, Council Member Brosowske, Council Member Gregg and Council Member Swanson

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. City of Hesperia v. Lake Arrowhead Community Service District, et al., Court of Appeal Case No. E067679 (Superior Court Case No. CIVDS1602017)
2. Victor Valley Wastewater Reclamation Authority v. City of Hesperia (Claim for Damages)
3. Lantsberger v. City of Hesperia

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

1. Negotiating Parties: Hesperia Recreation and Park District and City of Hesperia
Location: 17970 Bangor Ave., Hesperia, CA
Under Negotiations: Price and Terms

- A. Invocation by Alex Powell of United Methodist Church**
- B. Pledge of Allegiance to the Flag**
- C. Roll Call**

Present: 5 - Mayor Bird, Mayor Pro Tem William J. Holland, Council Member Brosowske, Council Member Gregg and Council Member Swanson

- D. Agenda Revisions and Announcements by City Clerk - None**
- E. Closed Session Reports by City Attorney - No reportable action taken.**

ANNOUNCEMENTS/PRESENTATIONS

1. Community Events Calendar - The Hesperia Station is hosting a Coffee with a Cop event on 3/14 from 9am – 11am at Starbucks on Main Street and Catalpa; The Hesperia Recreation & Park District is hosting their annual Pirate Renaissance Faire at Hesperia Lake Park on March 16 & 17 at Hesperia Lake Park; The quarterly Neighborhood Beautification Day 3/28 across from Advance Disposal from 8am – 12 noon; Meet & Clean 3/30 from 8am – 11am across the street from Krystal Elementary.

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

Bob Nelson commented on public meetings.

Daniel Krist commented on inflation.

Al Vogler commented on campaign contributions and water rights.

Staff member Tina Souza and City Manager Nils Bentsen clarified comments made by Al Vogler during public comment.

JOINT CONSENT CALENDAR

**A motion was made by Brosowske, seconded by Holland, that the Consent Calendar be approved.
The motion carried by the following vote:**

Aye: 5 - Bird, Holland, Brosowske, Gregg and Swanson

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, February 19, 2019

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, February 19, 2019.

Sponsors: City Clerk Melinda Sayre

2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Sponsors: Director of Finance Casey Brooksher

3. Increase to Contract - Layne Christensen

Recommended Action:

It is recommended that the Chair and Board Members of the Hesperia Water District authorize the City Manager to execute an increase to the current contract with Layne Christensen, for water pump repair services, in the amount of \$100,500, and with a new not-to-exceed amount of \$204,500.

Sponsors: Public Works Manager Mark Faherty

4. Agreement with County Service Area 64 for Bear Valley and Fish Hatchery Sewer Service Contract.

Recommended Action:

It is recommended that the City Council approve the amended agreement between the City of Hesperia (City) and CSA 64 to facilitate the extension of sewer service by CSA 64 to the south to serve property within the City's boundary located on the southern portion of Bear Valley Road near Fish Hatchery Road to provide service to the Rich Development project and surrounding areas and authorize the Mayor to execute said agreement.

Sponsors: Assistant City Manager Michael Blay

5. Hesperia Community Development Commission Stipend

Recommended Action:

It is recommended that the Commissioners of the Hesperia Community Development Commission (HCDC) adopt HCDC Resolution 2019-02, to implement Commission Member stipends as prescribed by the California Health and Safety Code §34130.5.

Sponsors: City Clerk Melinda Sayre

6. Establishing the Time and Place of Regular Meetings of the Hesperia Fire Protection District

Recommended Action:

It is recommended that the City Council adopt Joint Resolution 2019-08 & HFPD 2019-02 establishing the time and place of regular meetings for the Fire Protection District resulting from the annexation and reorganization to the County of San Bernardino.

Sponsors: City Clerk Melinda Sayre

7. Approve the Amendment to the Term Loan Agreement Between the City of Hesperia and the San Bernardino County Transportation Authority Related to the Construction of the Ranchero Road & I-15 Interchange Project

Recommended Action:

It is recommended that the City Council approve Amendment No. 1 to the Term Loan Agreement, Contract No. 17-1001629, between the City of Hesperia and the San Bernardino County Transportation Authority (SBCTA), formerly the San Bernardino Associated Governments (SANBAG), related to the construction of the Ranchero Road & I-15 Interchange Project (C.O. No. 7086), and authorize the Mayor to execute the Amendment.

Sponsors: Assistant City Manager Michael Blay

NEW BUSINESS

8. Amend Professional Services Agreement with Parsons Transportation Group, Inc.

Recommended Action:

It is recommended that the City Council and Board of Directors of the Water District 1) authorize an amendment to Professional Services Agreement (PSA) 2007-08-077 with Parsons Transportation Group, Inc. in the amount of \$543,259 for a total PSA amount of \$3,603,259; 2) authorize a one-year extension of the PSA; and 3) authorize the City Manager to execute said amendment.

Sponsors: Assistant City Manager Michael Blay

A motion was made by Holland, seconded by Brosowske, that this tem be approved. The motion

carried by the following vote:

Aye: 5 - Bird, Holland, Brosowske, Gregg and Swanson

Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson commented on attendance at Tri-Agency meeting, the Today's Woman event, and COP installation dinner, County Special Districts meeting, YIGD event, and Animal Control offices remodel project.

Council Member Gregg commented on attendance at the Tri-Agency meeting and Youth in Government Day Event.

Council Member Brosowske commented on legislative trip to Sacramento, attendance at City Council Advisory Committee meeting, attendance at Women's Expo, and attendance at VVC One-Stop grand opening.

Mayor Pro Tem Holland commented on illegal dumping on Summit Valley Road and requested that staff increase clean-up efforts in that area, fire at old police station building on Santa Fe, thanked Council Member Swanson for attendance at the SBCTA meeting on his behalf, comments made during public comments, and the COP installation dinner.

Mayor Bird commented on COP installation dinner, fire at old police station building on Santa Fe, letters from residents, attendance at the Chamber of Commerce luncheon and coffee, and Youth in Government Day event.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

7:33 p.m.

*Melinda Sayre,
City Clerk*

City of Hesperia STAFF REPORT



DATE: March 19, 2019

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Finance
Anne Duke, Deputy Finance Director
Keith Cheong, Financial Analyst

SUBJECT: Warrant Run Report (City – Successor Agency – Housing Authority – Community Development Commission – Water)

RECOMMENDED ACTION

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

BACKGROUND

The Warrant Run totals represented below are for the period February 9, 2019 through February 22, 2019.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$2,576,825.82	\$233,362.53	\$0.00	\$2,810,188.35
Successor Agency	1,870,776.99	0.00	0.00	1,870,776.99
Housing Authority	931.99	2,059.08	0.00	2,991.07
Community Development Commission	8,164.83	3,977.37	0.00	12,142.20
Water	368,983.13	100,592.36	0.00	469,575.49
Totals	\$4,825,682.76	\$339,991.34	\$0.00	\$5,165,674.10

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

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
02/09/2019 - 02/22/2019

FUND #	FUND NAME	W/E 2/15/2019	W/E 2/22/2019	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable							
100	GENERAL	\$ 1,436,502.10	\$ 76,158.43	\$ 1,512,660.53	\$ -	\$ 14,161,955.73	\$ 14,987,722.42
200	HESPERIA FIRE DISTRICT	\$ 1,948.63	\$ 915.00	\$ 2,863.63	\$ -	\$ 355,797.81	\$ 6,926,651.71
204	MEASURE I - RENEWAL	\$ -	\$ -	\$ -	\$ -	\$ 260,011.40	\$ 801,032.67
205	GAS TAX	\$ -	\$ -	\$ -	\$ -	\$ 4,795.00	\$ 127,818.54
207	LOCAL TRANSPORT-SB 325	\$ -	\$ -	\$ -	\$ -	\$ 205,736.43	\$ 23,016.86
209	GAS TAX-RMRA	\$ -	\$ -	\$ -	\$ -	\$ 24,895.99	\$ 80.08
251	CDBG	\$ 15.33	\$ -	\$ 15.33	\$ -	\$ 165,950.94	\$ 213,712.13
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ 27,600.00	\$ 30,000.00
256	ENVIRONMENTAL PROGRAMS GRANT	\$ 41.42	\$ 600.00	\$ 641.42	\$ -	\$ 23,615.95	\$ 18,358.82
257	NEIGHBORHOOD STABILIZATION PROG	\$ -	\$ -	\$ -	\$ -	\$ 22,225.59	\$ 9,605.51
260	DISASTER PREPARED GRANT	\$ -	\$ -	\$ -	\$ -	\$ 7,318.43	\$ 4,260.76
263	STREETS MAINTENANCE	\$ 26,731.97	\$ 33,479.97	\$ 60,211.94	\$ -	\$ 1,334,717.93	\$ 1,272,795.66
300	DEV. IMPACT FEES - STREET	\$ 899.70	\$ 360.00	\$ 1,259.70	\$ -	\$ 148,750.30	\$ 636,025.56
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ 405.00	\$ 405.00	\$ -	\$ 23,800.00	\$ 12,157.50
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ 1,030,554.10	\$ 1,026,111.10
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ 559,827.92	\$ 537,593.63
501	CFD 91-3 BELGATE	\$ -	\$ 364,657.05	\$ 364,657.05	\$ -	\$ 364,657.05	\$ -
502	FIRE STATION BUILDING	\$ -	\$ -	\$ -	\$ -	\$ 6,790,888.41	\$ 308,163.66
504	CITY WIDE STREETS - CIP	\$ -	\$ -	\$ -	\$ -	\$ 22,567.23	\$ 890.00
509	CITY FACILITIES CIP	\$ 126,119.13	\$ -	\$ 126,119.13	\$ -	\$ 490,278.95	\$ -
800	EMPLOYEE BENEFITS	\$ 148,134.68	\$ 33,981.95	\$ 182,116.63	\$ -	\$ 4,758,053.59	\$ 4,432,558.53
801	TRUST/AGENCY	\$ 325,835.46	\$ 1.00	\$ 325,836.46	\$ -	\$ 1,616,488.94	\$ 2,330,042.15
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 367.50	\$ 951.50
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ 67.50	\$ 47,719.09
807	CFD 2005-1	\$ -	\$ -	\$ -	\$ -	\$ 814,490.72	\$ 1,178,997.57
808	HFPD (TRANSITION)	\$ -	\$ 39.00	\$ 39.00	\$ -	\$ 39.00	\$ -
	CITY	\$ 2,066,228.42	\$ 510,597.40	\$ 2,576,825.82	\$ -	\$ 33,215,452.41	\$ 34,926,265.45
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	\$ -	\$ -	\$ -	\$ 5,306,154.96	\$ 7,562,034.60
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	\$ -	\$ -	\$ -	\$ 426,569.15	\$ 611,922.38
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	\$ -	\$ -	\$ -	\$ 2,476,736.59	\$ 3,277,591.93
163	REDEVELOP OBLIG RETIREMENT-2018	\$ -	\$ 1,870,776.99	\$ 1,870,776.99	\$ -	\$ 1,870,776.99	\$ -
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	\$ -	\$ -	\$ -	\$ 4,005.00	\$ -
	SUCCESSOR AGENCY	\$ -	\$ 1,870,776.99	\$ 1,870,776.99	\$ -	\$ 10,084,242.69	\$ 11,451,548.91
370	HOUSING AUTHORITY	\$ 211.99	\$ 720.00	\$ 931.99	\$ -	\$ 120,916.00	\$ 73,527.42
	HOUSING AUTHORITY	\$ 211.99	\$ 720.00	\$ 931.99	\$ -	\$ 120,916.00	\$ 73,527.42
170	COMMUNITY DEVELOPMENT COMMISSION	\$ 150.97	\$ 8,013.86	\$ 8,164.83	\$ -	\$ 188,045.77	\$ 186,064.18
	COMMUNITY DEVELOPMENT COMMISSION	\$ 150.97	\$ 8,013.86	\$ 8,164.83	\$ -	\$ 188,045.77	\$ 186,064.18
700	WATER OPERATING	\$ 96,105.64	\$ 30,034.28	\$ 126,139.92	\$ -	\$ 5,148,635.40	\$ 6,085,417.42
701	WATER CAPITAL	\$ 1,477.73	\$ 5,650.00	\$ 7,127.73	\$ -	\$ 4,237,510.82	\$ 464,408.04
710	SEWER OPERATING	\$ 208,859.40	\$ 26,136.08	\$ 234,995.48	\$ -	\$ 2,908,175.30	\$ 808,988.41
711	SEWER CAPITAL	\$ -	\$ 720.00	\$ 720.00	\$ -	\$ 68,230.70	\$ 1,927.50
	WATER	\$ 306,442.77	\$ 62,540.36	\$ 368,983.13	\$ -	\$ 12,362,552.22	\$ 7,360,741.37
	ACCOUNTS PAYABLE TOTAL	\$ 2,373,034.15	\$ 2,452,648.61	\$ 4,825,682.76	\$ -	\$ 55,971,209.09	\$ 53,998,147.33
REG. PAYROLL							
	City	\$ -	\$ 233,362.53	\$ 233,362.53	\$ -	\$ 4,053,033.14	\$ 3,820,117.08
	Housing Authority	\$ -	\$ 2,059.08	\$ 2,059.08	\$ -	\$ 36,892.69	\$ 62,895.93
	Community Development Commission	\$ -	\$ 3,977.37	\$ 3,977.37	\$ -	\$ 70,040.71	\$ 110,756.56
	Water	\$ -	\$ 100,592.36	\$ 100,592.36	\$ -	\$ 1,688,046.50	\$ 1,647,937.70
	PAYROLL TOTAL	\$ -	\$ 339,991.34	\$ 339,991.34	\$ -	\$ 5,848,013.04	\$ 5,641,707.27

* The year to date totals for this Warrant Report are for the 2018-19 fiscal year starting July 1, 2018.

City of Hesperia STAFF REPORT



DATE: March 19, 2019

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Finance
Anne Duke, Deputy Finance Director
Robert Worby, Financial Analyst

SUBJECT: Treasurer's Cash Report for the unaudited period ended January 31, 2019

RECOMMENDED ACTION

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

BACKGROUND

This report is presented to the City Council pursuant to Government Code Section 53646 (b) setting forth the City's investment portfolio.

ISSUES/ANALYSIS

The Treasurer's Cash Reports are presented on the following pages for each agency.

FISCAL IMPACT

These reports reflect unaudited cash balances as of January 31, 2019.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENT(S)

1. City of Hesperia Investment Report
2. Successor Agency to the Hesperia Community Redevelopment Agency Investment Report
3. Hesperia Housing Authority Investment Report
4. Community Development Commission Investment Report
5. Hesperia Water District Investment Report

CITY OF HESPERIA

<u>FUND</u>	<u>VALUE</u>
General Fund (100 & 800)	\$ 2,833,366.95
Fire District Fund (200)	544,515.61
HFPD (210)	750,000.00
Fire Station Building (502)	4,302.00
AB27666 - Transit (254)	23,282.93
AB3229 Supplemental Law (255)	133,011.81
AD No. 91-1 (802)	359,907.95
Beverage Recycling Grant (256)	121,620.39
CFD 2005-1 (807)	1,358,490.37
City Wide-Capital Projects (504)	(13,675.73)
City Facilities CIP (509)	262,574.59
Community Dev Block Grant (251, 252, & 253)	555,210.17
Development Impact Fund (300-304)	11,431,403.64
Development Impact Fund 2018 (306-312)	483,010.96
Disaster (260)	44,756.39
Gas Tax Fund (205)	80,927.39
Gas Tax - RMRA (209)	772,881.21
Gas Tax Swap (206)	121,873.96
Local Transportation SB325 (207)	1,581,900.74
Measure I - Renewal (204)	4,131,752.75
Neighborhood Stabilization Prog (257)	2,205,432.90
Public Works Street Maint (263)	571,659.07
Trust Fund (801, 803-806, & 815)	2,160,339.90
2012 Water Rights Acquisition (402)	13,299.28
2013 Refunding Lease Rev Bonds (403)	(49,595.70)
TOTAL CITY FUNDS	\$ 30,482,249.53

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

<u>FUND</u>	<u>VALUE</u>
Redevelop Oblig Retirement - (160, 161, & 162)	\$ 823,514.39
RORF Retention - (163)	5,912,401.00
TOTAL SUCCESSOR AGENCY FUNDS	\$ 6,735,915.39

HESPERIA HOUSING AUTHORITY

<u>FUND</u>	<u>VALUE</u>
Hesperia Housing Authority Fund (370)	\$ 3,450,710.40
VVEDA Housing Authority (371)	1,758,343.20
TOTAL HOUSING AUTHORITY FUNDS	<u>\$ 5,209,053.60</u>

COMMUNITY DEVELOPMENT COMMISSION

<u>FUND</u>	<u>VALUE</u>
Community Development Commission Fund (170)	<u>\$ (739,796.96)</u>

WATER

<u>FUND</u>	<u>VALUE</u>
Water Operating (700)	\$ 7,735,397.22
Water Capital (701)	(12,796,770.68)
Sewer Operating (710)	12,592,096.95
Sewer Capital (711)	4,227,315.67
TOTAL WATER FUNDS	<u>\$ 11,758,039.16</u>

City of Hesperia
Investment Report
Unaudited
January 31, 2019

ATTACHMENT 1

<u>Type of Investment</u>	<u>Institution/ Fiscal Agent</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	2.355%	31-Jan-19	Demand	\$ 24,003,038.70	24,003,038.70	24,003,038.70	
Money Market	Bank of the West	1.610%	31-Jan-19	Demand	4,304,829.65	4,304,829.65	4,304,829.65	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	31-Jan-19	Demand	2,174,381.18	2,174,381.18	2,174,381.18	
Total Unaudited Investments under the direction of the City					\$ 30,482,249.53	\$ 30,482,249.53	\$ 30,482,249.53	


Investments under the direction of fiscal agents:

2012 Lease Revenue Bonds	Union	2.270%	31-Jan-19	Demand	337.75	337.75	337.75	2012 - Water Rights Revenue Fund
2012 Lease Revenue Bonds	Union	2.270%	31-Jan-19	Demand	1,464,402.64	1,464,402.64	1,464,402.64	2012 - Water Rights Reserve Fund
2012 Lease Revenue Bonds	Union	3.230%	31-Jan-19	Demand	0.31	0.31	0.31	2012 - Water Rights Surplus Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	2.270%	31-Jan-19	Demand	498.68	498.68	498.68	2005 Civic Plaza - Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	2.270%	31-Jan-19	Demand	1,159,466.05	1,159,466.05	1,159,466.05	2005 Civic Plaza - Reserve Fund
2013 Refunding Lease Revenue Bonds	Union	3.230%	31-Jan-19	Demand	0.31	0.31	0.31	2005 Civic Plaza - Surplus Rev Fund
2014 CFD 2005-1 Refunding	Union	2.270%	31-Jan-19	Demand	206.62	206.62	206.62	2014 CFD 05-1 - Special Tax Fund
2014 CFD 2005-1 Refunding	Union	2.270%	31-Jan-19	Demand	125.25	125.25	125.25	2014 CFD 05-1 - Bond Fund
2014 CFD 2005-1 Refunding	Union	2.270%	31-Jan-19	Demand	1,442,467.33	1,442,467.33	1,442,467.33	2014 CFD 05-1 - Reserve Fund
2014 CFD 2005-1 Refunding	Union	2.270%	31-Jan-19	Demand	23,315.70	23,315.70	23,315.70	2014 CFD 05-1 Administrative Expense Bonds
Deposits - Workers' Comp	PERMA	n/a	31-Jan-19	n/a	1,009,986.43	1,009,986.43	1,009,986.43	GL 1352
Total Unaudited Investments under the direction of fiscal agents					\$ 5,100,807.07	5,100,807.07	5,100,807.07	

Please Note: All market value data is provided courtesy of the City's fiscal agents,
Union Bank of California & Bank of New York (BNY) Trust Company.

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.

* Note: 2005 Certificates of Participation began in May 2005 for the financing of the Civic Plaza.


Virginia Villasenor, Senior Accountant

Investment Report**Unaudited****January 31, 2019**

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	2.355%	31-Jan-19	Demand	\$ 5,304,150.46	\$ 5,304,150.46	5,304,150.46	
Money Market	Bank of the West	1.610%	31-Jan-19	Demand	951,273.90	951,273.90	951,273.90	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	31-Jan-19	Demand	480,491.03	480,491.03	480,491.03	
Total Unaudited Investments under the direction of the City					\$ 6,735,915.39	\$ 6,735,915.39	\$ 6,735,915.39	


Investments under the direction of fiscal agents:

2018 Refunding Bonds	Union	2.360%	31-Jan-19	Demand	21,969.75	21,969.75	21,969.75	2018A & 2018B - Debt Service Account
2018 Refunding Bonds	Union	2.360%	31-Jan-19	Demand	188.02	188.02	188.02	2018A & 2018B - Interest Account
2018 Refunding Bonds	Union	0.000%	31-Jan-19	Demand	1.00	1.00	1.00	2018A & 2018B - Reserve Account
2018 Refunding Bonds	Union	2.360%	31-Jan-19	Demand	3,647.71	3,647.71	3,647.71	2018A - Cost of Issuance Account
2018 Refunding Bonds	Union	2.360%	31-Jan-19	Demand	11,034.38	11,034.38	11,034.38	2018B - Cost of Issuance Account
2018 Refunding Bonds	Union	2.090%	31-Jan-19	Demand	4,633,679.22	4,607,289.68	4,633,679.22	2018A & 2018B - Escrow Account
Total Unaudited Investments under the direction of fiscal agents					\$ 4,670,520.08	\$ 4,644,130.54	\$ 4,670,520.08	

Please Note: All market value data is provided courtesy of the City's fiscal agent
Union Bank of California.

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.

* Note: The 2005 and 2007 Series Bonds were refinanced to 2018 Series Bonds in November 2018.


Virginia Villaseñor, Senior Accountant

Hesperia Housing Authority

ATTACHMENT 3


Investment Report

Unaudited

January 31, 2019

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	2.355%	31-Jan-19	Demand	\$ 4,101,833.59	4,101,833.59	4,101,833.59
Money Market	Bank of the West	1.610%	31-Jan-19	Demand	735,644.14	735,644.14	735,644.14
Citizens Business Bank Checking	Citizens Business Bank	n/a	31-Jan-19	Demand	371,575.87	371,575.87	371,575.87
Total Unaudited Investments under the direction of the City					\$ 5,209,053.60	\$ 5,209,053.60	\$ 5,209,053.60

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

Investment Report**Unaudited****January 31, 2019**

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	2.355%	31-Jan-19	Demand	\$ (582,548.05)	(582,548.05)	(582,548.05)
Money Market	Bank of the West	1.610%	31-Jan-19	Demand	(104,477.19)	(104,477.19)	(104,477.19)
Citizens Business Bank Checking	Citizens Business Bank	n/a	31-Jan-19	Demand	(52,771.72)	(52,771.72)	(52,771.72)
Total Unaudited Investments under the direction of the City					\$ (739,796.96)	\$ (739,796.96)	\$ (739,796.96)

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

Hesperia Water District

ATTACHMENT 5

Investment Report

Unaudited

January 31, 2019

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
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Investments under the direction of the City:

Local Agency Investment Funds	State of California	2.355%	31-Jan-19	Demand	\$ 9,258,787.44	9,258,787.44	9,258,787.44	
Money Market	Bank of the West	1.610%	31-Jan-19	Demand	1,660,519.04	1,660,519.04	1,660,519.04	
Citizens Business Bank Checking	Citizens Business Bank	n/a	31-Jan-19	Demand	838,732.68	838,732.68	838,732.68	
Total Unaudited Investments under the direction of the City					\$ 11,758,039.16	\$ 11,758,039.16	\$ 11,758,039.16	

Investments under the direction of fiscal agents:

First American Treas - Money Market	US Bank	0.000%	31-Jan-19	Demand	9,003.67	9,003.67	9,003.67	98 A - 95453340
First American Treas - Money Market	US Bank	0.000%	31-Jan-19	Demand	31.57	32.57	31.57	98 A - 95453341
First American Treas - Money Market	US Bank	0.000%	31-Jan-19	Demand	2.74	2.74	2.74	98 A - 95453346
98 A & B Dep w/Trustee - Collateral	Bank of America	n/a	31-Jan-19	Demand	1,880,000.00	1,880,000.00	1,880,000.00	GL 1319
Deposits - Workers' Comp	PERMA	n/a	31-Jan-19	n/a	531,769.34	531,769.34	531,769.34	GL 1352
Deposits w/Other Agencies	Various	n/a	31-Jan-19	n/a	0.00	0.00	0.00	GL 1350
Total Unaudited Investments under the direction of fiscal agents					\$ 2,420,807.32	\$ 2,420,808.32	\$ 2,420,807.32	

**Please Note: All market value data is provided courtesy of the City's fiscal agents
Bank of New York (BNY) Trust Company and US Bank.**

**I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia
and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months,
as required by the California Government Code sections 53646(b)(2) and (3), respectively.**


Virginia Villasenor, Senior Accountant

CITY OF HESPERIA

STAFF REPORT



DATE: March 19, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Casey Brooksher, Director of Finance
Rachel Molina, Assistant to the City Manager
Rita Perez, Human Resources Manager

SUBJECT: Deferred Compensation 457(b) and 401(a) Plans Consolidation and Conversion to MassMutual

RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to rescind Resolution 89-94 and Resolution 94-92, which established ICMA and Nationwide as the providers of a 457(b) deferred compensation plan, as well as rescind Resolution 96-64 naming Nationwide as the provider of the 401(a) plan. Further, it is recommended that the City Council, adopt Resolution No. 2019-07, authorizing the current employees' Deferred Compensation 457(b) and 401(a) plans to be consolidated and converted to MassMutual.

BACKGROUND

The City Council previously adopted Resolution 89-94 in November 1989 and Resolution 94-92 in September 1994, establishing a 457(b) deferred compensation plan for employees with ICMA Retirement Corporation and the Public Employees Benefit Services Corporation (now called Nationwide Retirement Solutions) respectively. These plans allowed for employees to defer a pre-taxed amount from their payroll check to invest in employee selected funds provided by ICMA and Nationwide in order to supplement their City retirement benefit.

The City Council also adopted Resolution 96-64 in July of 1996, establishing a supplemental pension plan pursuant to the provision of Section 401(a) of the Internal Revenue Code. This pension plan allowed the City to contribute money into an account for Non-Represented employees to invest into employee selected funds provided by Nationwide as outlined in the Non-Represented Compensation and Benefit Plan.

ISSUES/ANALYSIS

As part of the City's commitment to providing employees with supplemental retirement options, City staff worked with a plan consultant and investment advisor to review the Nationwide and ICMA plans. As part of that review, a request for proposals was conducted with six providers, including Nationwide and ICMA to ensure the plans were competitive and fees assessed were reasonable. After review, City staff is recommending consolidation and conversion of its 457(b) and 401(a) plans to a single provider, MassMutual.

The conversion to MassMutual will bring plan participants lower plan pricing by a reduction of 69%, a comprehensive and price efficient fund menu, higher fixed interest rate increasing from 2.78% to 3.65%, and enhanced participant services. Eligibility to participate in the 457(b) deferred compensation plan will include both Full-time and Part-time employees. Finally, additional education resources which will include site visits with group and one-on-one trainings for employees.

The City Council's adoption of Resolution No 2019-07 will appoint Reliance Trust Company as a trustee and authorize MassMutual as plan record keeper and agent of the Trustee.

FISCAL IMPACT

It is anticipated that there will be conversion costs related to moving services from both ICMA and Nationwide; it is anticipated that Mass Mutual will be able to cover the costs by conversion savings. This will ensure that the costs to the City and employees (participants) are limited.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2019-07

RESOLUTION NO. 2019-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HESPERIA, APPROVING THE DEFERRED COMPENSATION 457(b)
AND 401(a) PLANS CONSOLIDATION AND CONVERSION TO
MASSMUTUAL**

WHEREAS, the City has adopted a Deferred 457(b) Compensation Plan as part of the employees' benefits; and

WHEREAS, the City Council adopted the Non Represented Compensation and Benefit Plan on August 21, 2018 which includes a 401(a) plan for all full-time Non-Represented employees; and

WHEREAS, MassMutal has been selected as the Program Administrator and to provide record keeping and administration services for both the City's 457(b) and 401(a) deferred compensation plans; and

WHEREAS, the City Council authorize the City Manager to rescind Resolution 89-94 and Resolution 94-92, which established ICMA and Nationwide as the providers of a 457(b) deferred compensation plan, as well as rescind Resolution 96-64 naming Nationwide as the provider of the 401(a) plan.

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

Section 1. That the recitals above are true and correct.

Section 2. That the City Council approves the consolidation and conversion of the 457(b) and 401(a) deferred compensation plans to MassMutual.

Section 3. That the City Council authorizes the City Manager to execute and authorize the consolidation and conversion to MassMutual.

Section 4. That the City Council appoints Reliance Trust Company, as Trustee for the City of Hesperia 457(b) and 401(a) deferred compensation plans.

Section 5. That the City Council authorizes MassMutual as an agent of the trustee.

Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 19th day of March 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk

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City of Hesperia STAFF REPORT



DATE: March 19, 2019
TO: Chair and Board Members, Hesperia Water District
FROM: Nils Bentsen, General Manager
BY: Mark Faherty, Public Works Manager
Jeremy McDonald, Public Works Supervisor/Water
SUBJECT: Electric Motor Repairs Contract

RECOMMENDED ACTION

It is recommended that the Board of Directors of the Hesperia Water District authorize the General Manager to approve an increase to the contract with Brithinee Electric, for electric motor repair in the amount of \$20,000, with a new not-to-exceed amount of \$125,000.

BACKGROUND

Throughout the year, the electric motors that operate the water pumps require proactive or reactive (emergency) repairs. The repairs need to be completed as quickly as possible to keep the District's customers with positive pressure at their homes and businesses. Having a contract streamlines the process for such repairs, saves staff time in procuring the service on a per-event basis. This would eliminate or greatly reduce the possibility of a water service outage.

ISSUES/ANALYSIS

Due to unforeseen circumstances, the Production Division has encountered numerous motor failures during the year resulting in contract authority being reached. Most recently, the motor for Well 24 suffered failure and is currently awaiting repair pending the contract increase.

FISCAL IMPACT

Based on historical repair trends, \$20,000 is budgeted annually in the Production Division for electrical motor repair services. Sufficient funds are available within the Division's account to cover the cost of the repair to the motor.

ALTERNATIVE(S)

None.

ATTACHMENT(S)

None.

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DATE: March 19, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Michael Blay, Assistant City Manager
Jamie Carone, Administrative Analyst
SUBJECT: Parcel Map No. 19543

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2019-010 approving Parcel Map No. 19543 to create two parcels from 2.2 gross acres within the Very Low Residential (VLR) zone of the Main Street and Freeway Corridor Specific Plan at 9327 Tamarisk Avenue (Applicant: Douglas and Christine Walls; APN: 3057-131-57).

BACKGROUND

On September 10, 2014 the Development Review Committee approved Tentative Parcel Map No. 19543 to create two parcels from 2.2 gross acres within the Very Low Residential (VLR) zone of the Main Street and Freeway Corridor Specific Plan at 9327 Tamarisk Avenue (APN: 3057-131-57).

Staff has reviewed the map and determined that it complies with all General Plan and zoning regulations, all required conditions of approval, and with all local ordinances related to the creation of these parcels.

ISSUES/ANALYSIS

There are no issues identified with this item.

FISCAL IMPACT

There are no significant fiscal impacts to the City related to this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2019-010
2. Parcel Map No. 19543

RESOLUTION NO. 2019-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING PARCEL MAP NO. 19543 TO CREATE TWO PARCELS FROM 2.2 GROSS ACRES WITHIN THE VERY LOW RESIDENTIAL (VLR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AT 9327 TAMARISK AVENUE (APPLICANT: DOUGLAS AND CHRISTINE WALLS; APN: 3057-131-57).

WHEREAS, On September 10, 2014, the Development Review Committee approved Tentative Parcel Map No. 19543 to create two parcels from 2.2 gross acres within the Very Low Residential (VLR) Zone of the Main Street and Freeway Corridor Specific Plan at 9327 Tamarisk Avenue (APN: 3057-131-57);

WHEREAS, Parcel Map No. 19543 is to create two parcels from 2.2 gross acres within the Very Low Residential (VLR) Zone of the Main Street and Freeway Corridor Specific Plan at 9327 Tamarisk Avenue; and

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

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

Section 1. Parcel Map No. 19543 is hereby approved and the City Clerk is authorized to present same to the County Recorder to be filed for record.

Section 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 19th day of March, 2019.

Larry Bird
Mayor

ATTEST:

Melinda Sayre
City Clerk

IN THE CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PARCEL MAP NO. 19543

LOT 24, TRACT 5212, MB 65/16

A & A SURVEYING AND MAPPING NOVEMBER 2017

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE OWNERS OF THE LAND INCLUDED WITHIN THE SUBDIVISION SHOWN HEREON, THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID LAND; THAT WE CONSENT TO THE MAKING AND RECORDING OF THIS SUBDIVISION MAP AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

DOUGLAS R. WALLS AND CHRISTINE A. WALLS, TRUSTEED

Douglas R. Walls *Christine A. Walls*
DOUGLAS R. WALLS CHRISTINE A. WALLS

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT.

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF San Bernardino

ON Feb. 28, 2019 BEFORE ME, Sarah Ridgway
Douglas R. Walls

WHO PROVE TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.



Sarah Ridgway
SIGNATURE OF NOTARY PUBLIC
MY COMMISSION EXPIRES: Dec 1, 2022

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT.

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF San Bernardino

ON Feb 28, 2019 BEFORE ME, Sarah Ridgway
Christine A. Walls

WHO PROVE TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

Sarah Ridgway
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: Dec. 1, 2022

See attached

BOARD OF SUPERVISOR'S STATEMENT

I HEREBY STATE THAT A BOND IN THE SUM OF \$_____ HAS BEEN EXECUTED AND FILED WITH THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CONDITIONED UPON THE PAYMENT OF ALL TAXES, STATE, COUNTY, MUNICIPAL, OR LOCAL AND ALL SPECIAL ASSESSMENTS, COLLECTED AS TAXES WHICH AT THE TIME OF THE FILING OF THIS MAP WITH THE COUNTY RECORDER ARE A LIEN AGAINST SAID PROPERTY, BUT NOT YET PAYABLE AND THAT THE SUBDIVIDER HAS FILED WITH ME A CERTIFICATE BY THE PROPER OFFICER GIVING HIS ESTIMATE OF THE AMOUNT OF SAID TAXES AND ASSESSMENTS, AND SAID BOND HEREBY ACCEPTED.

DATED: _____
LAURA H. WELCH
CLERK OF BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO

BY: _____ DEPUTY

AUDITOR'S CERTIFICATE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THIS OFFICE, AS OF THIS DATE, THERE ARE NO LIENS AGAINST THE REAL PROPERTY SHOWN UPON THIS MAP FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES, SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS, NOT YET PAYABLE, ESTIMATED TO BE \$_____

DATED: _____
LARRY WALKER,
AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR
COUNTY OF SAN BERNARDINO

BY: _____ DEPUTY

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436 (a)(3)(A) OF THE SUBDIVISION MAP ACT, OF THE STATE OF CALIFORNIA, THE SIGNATURES OF THE FOLLOWING OWNERS OF EASEMENTS AND/OR OTHER INTEREST HAVE BEEN OMITTED. THEIR INTEREST BEING SUCH THAT IT CANNOT RIPEN INTO A FEE.

1) THE SIGNATURE(S) OF THE OWNER OF AN EASEMENT FOR POLE LINES AND CONDUITS RECORDED IN BOOK 4118 PAGE 541, OF OFFICIAL RECORDS

COMPOSITE DEVELOPMENT PLANT NOTE:

A COMPOSITE DEVELOPMENT PLAN (C.D.P.) AFFECTING THIS MAP IS ON FILE IN THE SAN BERNARDINO COUNTY OFFICE OF BUILDING AND SAFETY.

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF MAY GARDEN AND ASSOCIATES, LLC. AND BARSTOW RRNJ INVESTMENT GROUP, LLC. IN JULY 2011. ALL MONUMENTS SHOWN HEREON ARE OF CHARACTER AND OCCUPY THE POSITIONS INDICATED. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

DATE: 12/10/18 SIGNATURE *George Darvasan-Stanciu*
GEORGE DARVASAN-STANCIU
L.S. 7884 EXP. 03/31/19



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS ANNEXED MAP, AND THAT THE SUBDIVISION AS SHOWN THEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

Michael P. Thornton
MICHAEL P. THORNTON, CITY ENGINEER
R.C.E. 44226 & P.L.S. 6867

DATED: 2/28, 2017

CITY COUNCIL'S ACCEPTANCE CERTIFICATE

THE UNDERSIGNED OFFICER ON BEHALF OF THE CITY COUNCIL, PURSUANT TO AUTHORITY CONFERRED BY TITLE 17 OF THE CITY OF HESPERIA MUNICIPAL CODE, HEREBY APPROVES THE ANNEXED MAP;

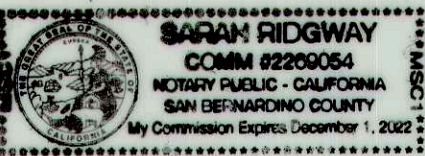
BY: _____
MELINDA SAYRE CASTRO
DEPUTY CITY CLERK, CITY OF HESPERIA

SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE:

THIS MAP HAS BEEN FILED UNDER DOCUMENT NUMBER _____
THIS _____ DAY OF _____, 20____, AT _____ M. IN
BOOK _____ OF PARCEL MAPS AT PAGE _____,
AT THE REQUEST OF _____,
IN THE AMOUNT OF \$ _____.

BOB DUTTON
ASSESSOR-RECORDER-CLERK
COUNTY OF SAN BERNARDINO

BY _____
DEPUTY RECORDER

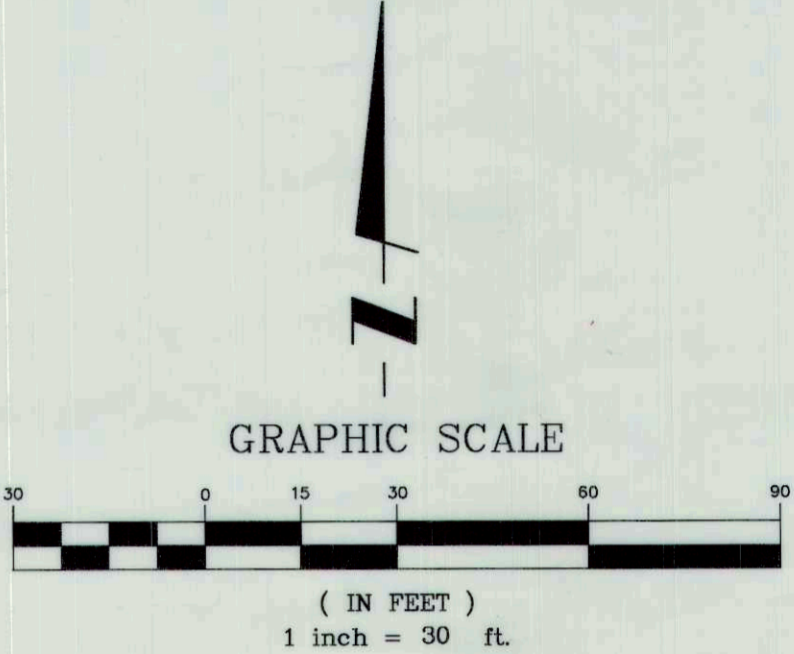
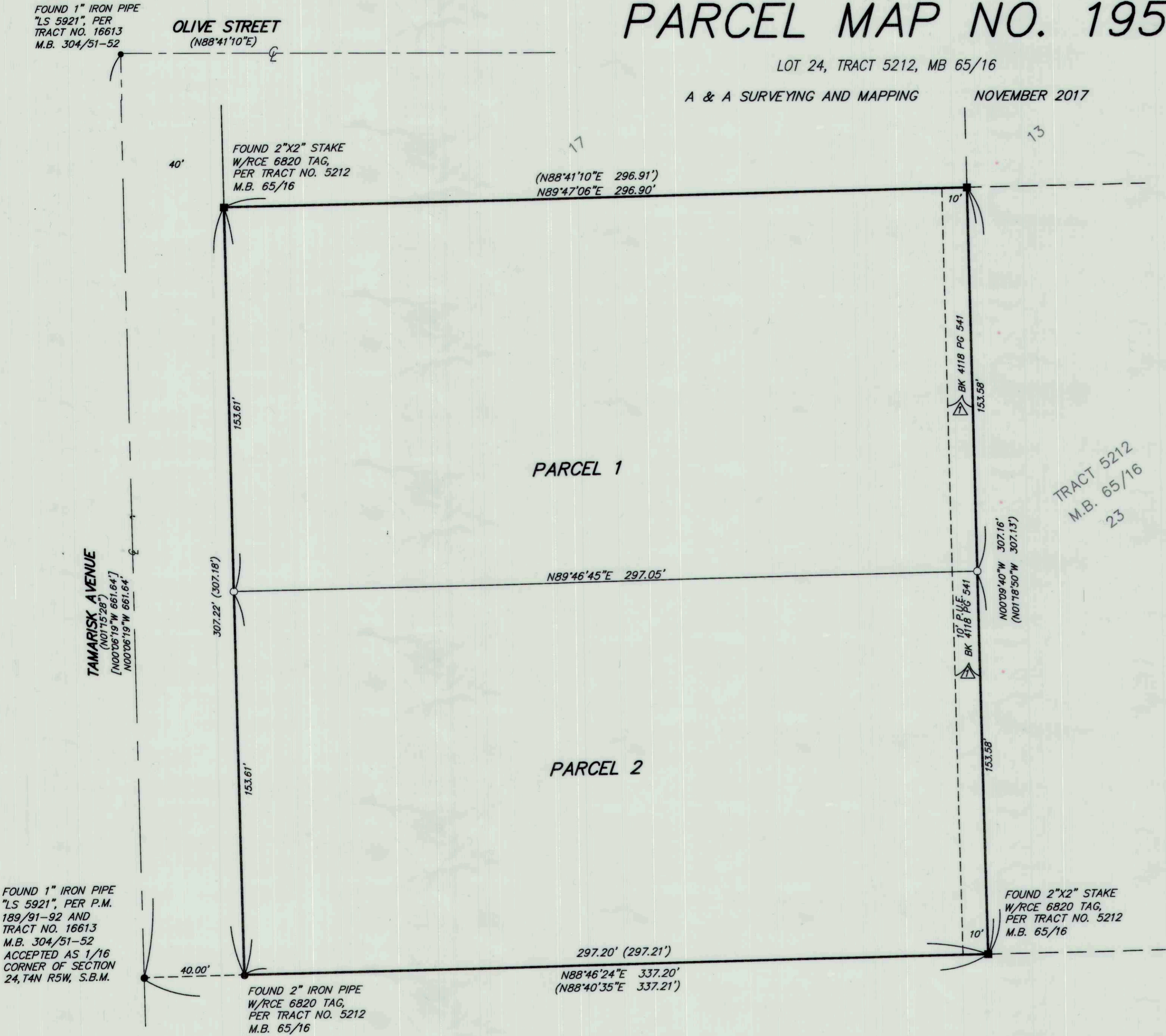


PARCEL MAP NO. 19543

LOT 24, TRACT 5212, MB 65/16

A & A SURVEYING AND MAPPING

NOVEMBER 2017



BASIS OF BEARINGS
THE BASIS OF BEARINGS TAKEN FROM THE CENTERLINE OF TAMARISK AVENUE BEING NORTH $01^{\circ}15'28''$ WEST PER PM NO. 5212 M.B. 65/16

SURVEYOR'S NOTES
ALL DATA IS RECORD AND MEASURED PER PM 5212, M.B. 65/16
○ INDICATES SET MONUMENTS AS NOTED
□ INDICATES SET MONUMENTS AS NOTED
● INDICATES FOUND MONUMENTS AS NOTED.
() INDICATES RECORD DATA PER TRACT 5212, M.B. 65/16
[] INDICATES RECORD DATA PER TRACT NO. 16613 M.B. 304/51-52
S.F.N. INDICATES SEARCHED AND FOUND NOTHING
P.U.E. INDICATES PUBLIC UTILITY EASEMENT

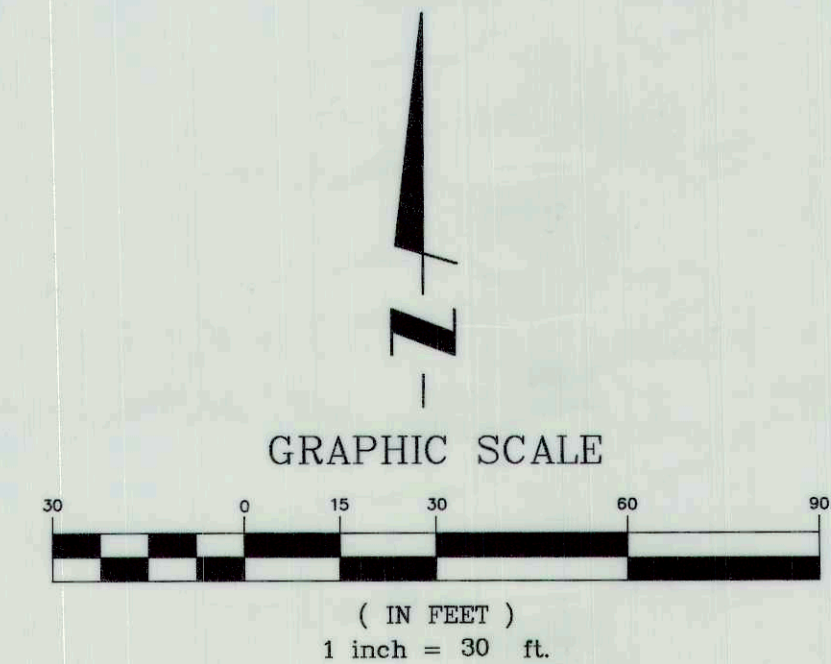
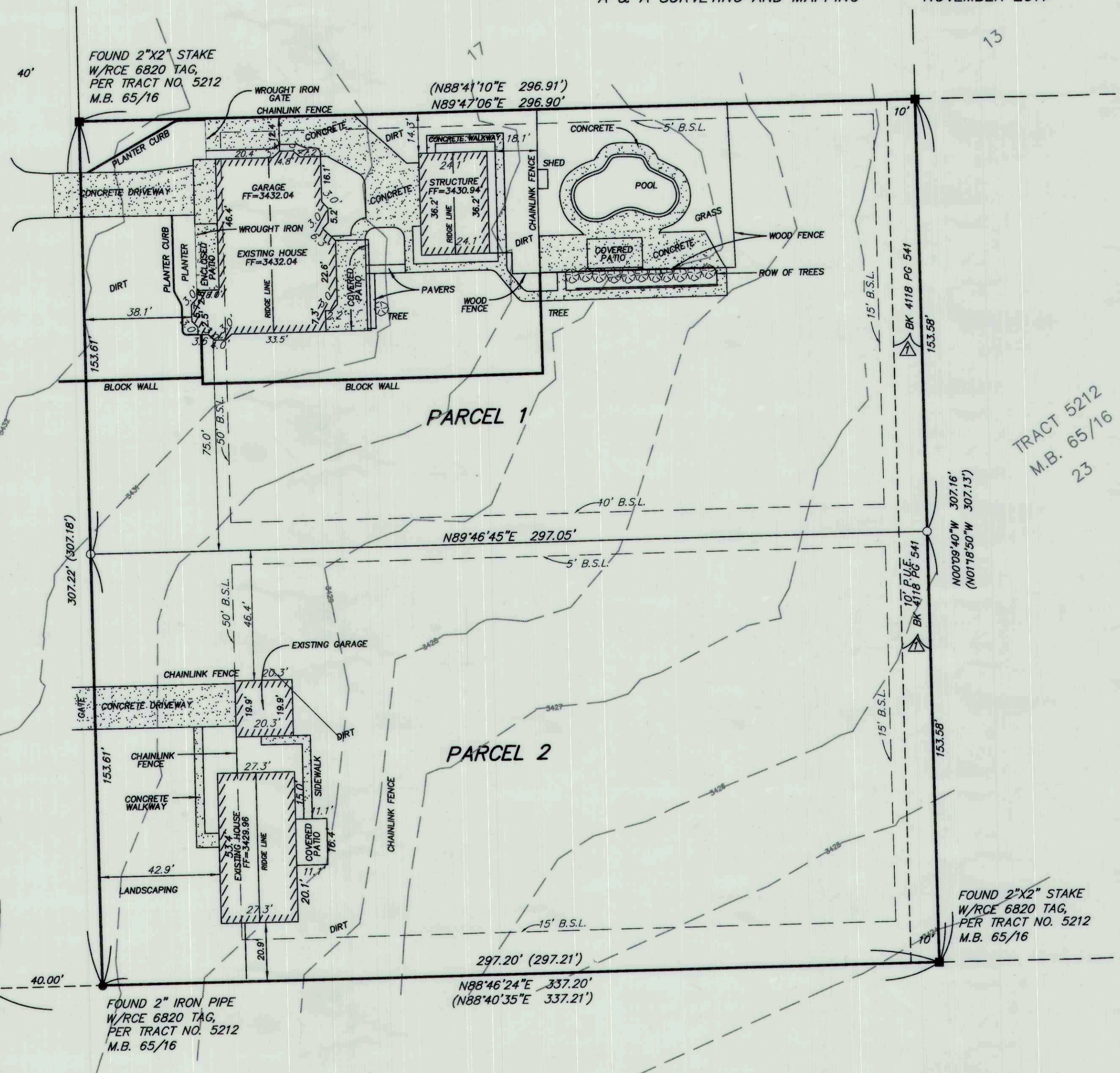
EASEMENT NOTES:
△ AN EASEMENT FOR POLE LINES, CONDUITS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS BOOK 4118, PAGE 541 OF OFFICIAL RECORDS.

COMPOSITE DEVELOPMENT PLAN
A COMPOSITE DEVELOPMENT PLAN (C.D.P.) AFFECTING THIS MAP IS ON FILE IN THE SAN BERNARDINO COUNTY OFFICE OF BUILDING AND SAFETY.

PARCEL MAP NO. 19543

NOVEMBER 2017

OLIVE STREET
(N88°41'10"E)



NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTERESTS.

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City of Hesperia STAFF REPORT



DATE: March 19, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Jamie Carone, Administrative Analyst

SUBJECT: Amendment to contract with Abboud Diamond Construction, Inc. to complete construction of the Hesperia Animal Shelter Remodel Project.

RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to execute an increase to the contract with Abboud Diamond Construction, Inc. in the amount of \$20,000, with a new not-to-exceed amount of \$791,158.30 to complete construction of the Hesperia Animal Shelter Remodel project.

BACKGROUND

On May 10, 2018, Engineering Staff issued a "Public Notice Inviting Bids" for construction of the Hesperia Animal Shelter Remodel project. Bids were opened and publicly read on June 14, 2018 from four (4) participating bidders with Abboud Diamond Construction, Inc. being the lowest responsive and responsible bidder.

The original contract was awarded by City Council to Abboud Diamond Construction, Inc. on July 17, 2018 in the amount of \$701,053.00 with a 10% contingency of \$70,105.30 for a total contract amount of \$771,158.30; however, the 10% contingency for this project was insufficient in covering the many issues that surfaced during construction. The current facility is aging and has experienced significant wall damage due to the extensive amount of water that is used daily to clean floors and kennels. The existing flooring was permeable and cracked allowing water to enter the floor and walls. Further, the design of the building does not follow typical architectural standards. Consequently, walls were removed that were deemed non-loadbearing walls in the construction plans however these walls, due to the prior construction, were inadvertently loadbearing which generated costs to mitigate this issue.

Furthermore, in order to avoid further deterioration of the baseboards, walls, and flooring due to continual exposure to water, a change was approved to install a flooring system that is typically used in animal shelters. This flooring system added \$25,000 to the contract amount; however, after examining the existing water damage, it was determined the extra costs associated with this change would prevent more expensive and extensive repairs in the future as well as provide Staff with a safer and more sanitary flooring system.

ISSUES/ANALYSIS

The original contract was approved in July of 2018 for a total of \$771,158.30 including a 10% contingency; however, the challenges that accompany remodeling an aging facility created change orders that exceeded the 10% contingency by \$10,000. The approval of this change order and the amendment to the contract will increase the total contract amount to \$791,158.30 from the original approved amount of \$771,158.30. An increase to the contract agreement is necessary to make all necessary repairs and install features that will provide a safe, sanitary, and functional animal shelter for Staff and the shelter animals.

FISCAL IMPACT

Funding for the additional \$20,000 to cover all change orders shall be transferred from the General Fund.

ALTERNATIVE(S)

Provide alternative direction to Staff.

ATTACHMENT(S)

None

City of Hesperia STAFF REPORT



DATE: March 19, 2019

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Tina Souza, Senior Management Analyst

SUBJECT: Amended NPDES Stormwater Permit Implementation Agreement

RECOMMENDED ACTION

It is recommended that the City Council and Board of Directors of the Hesperia Water District approve the attached amended National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Implementation Agreement for the Mojave River Watershed Group (MRWG) and authorize the Mayor to execute said agreement.

BACKGROUND

In 2003, the City of Hesperia, Town of Apple Valley, County of San Bernardino, and City of Victorville collectively formed the Mojave River Watershed Group (MRWG) in order to pool efforts and share program costs associated with implementing their respective NPDES programs, which were required under a former permit for small municipal separate storm sewer systems (MS4s) adopted by the State Water Resources Control Board (SWRCB). However, the MRWG was not formalized by virtue of an agreement at that time.

In February of 2013, the SWRCB adopted Phase II General Permit, Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004 (General Permit) which took effect July 1, 2013. The MRWG member agencies are co-permittees under the Permit.

On December 17, 2013, the City Council and Board of Directors of the Hesperia Water District approved the NPDES Stormwater Permit Implementation Agreement – Mojave River Watershed (Agreement) which was to be effective for the term of five years in correlation with the General Permit. Entering into the agreement with the MRWG member agencies formally established the MRWG and served to protect the best interests of all member agencies. Further, the agreement ensured equitable, proportionate shared costs for mutually agreed activities related to implementation of certain aspects of the NPDES program required to meet the General Permit requirements.

ISSUES/ANALYSIS

Since inception in 2003, the MRWG has implemented a public education and outreach program inclusive of, but not limited to, disseminating educational materials consisting of various tip cards, Best Management Practices (BMP) posters, educating the youth of the community through school assemblies; partnering with various organizations; encouraged public involvement through social

media, large and small clean-up events and public workshops or trainings; developed various guidance documents for each member agencies' customization; and collaborated on other implementation efforts, as well as policies and procedures that have assisted in compliance with the General Permit. Collectively, member agencies have been able to improve water quality and reduce program costs for certain components of the NPDES program. For instance, public outreach and education is achieved most cost effectively by sharing in the development and dissemination of educational materials, other publications, and public events as this serves a region-wide purpose. NPDES program requirements have expanded due to more rigorous mandates, thus solidifying the need for a collaborative effort.

Each of the MRWG member agencies is responsible for funding their fair share of the costs for work performed on behalf of the MRWG group. Continuing with the MRWG to share costs of implementation when feasible provides cost savings to the member agencies and will continue to offer an advantageous benefit to the City and District with regards to fiscal expenditures and collaboration for implementing the General Permit requirements.

The original Agreement was set to terminate in five years, consistent with the original term of the General Permit. However, in accordance with the water quality order, the General Permit will remain in full force and effect until such time as the SWRCB adopts a new permit, which is anticipated to become effective in July of 2020. In order to continue with implementation efforts and cost sharing benefits, modifications to the Duration language as well as other outdated sections of the Agreement are necessary. Revisions have been reviewed by staff and the Agreement amended to reflect an ongoing term until a new MS4 permit is adopted by the SWRCB. The modified Agreement shall supersede the previously executed version.

FISCAL IMPACT

Expenditures for the City's NPDES Program have been budgeted in the adopted Fiscal Year 2018-19 Budget in Fund 100 and Fund 700. Additionally, staff's administrative activities associated with the implementation of the NPDES program are consistent with the adopted budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Agreement modifications (redlines)
2. Amended National Pollutant Discharge Elimination System Storm Water Permit Implementation Agreement Mojave River Watershed

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER PERMIT IMPLEMENTATION AGREEMENT
MOJAVE RIVER WATERSHED**

This Stormwater Permit Implementation Agreement (the "AGREEMENT") is made and entered into by and among the Town of Apple Valley, a municipal corporation ("APPLE VALLEY"), the City of Hesperia, a municipal corporation ("HESPERIA"), the City of Victorville, a municipal corporation ("VICTORVILLE"), and the County of San Bernardino, a political subdivision of the State of California (the "COUNTY").

APPLE VALLEY, HESPERIA, VICTORVILLE, and the COUNTY are hereinafter sometimes collectively or individually referred to as the "MEMBER AGENCIES" or as a "MEMBER AGENCY", respectively.

RECITALS:

WHEREAS, the regulations promulgated under the Federal Water Pollution Control Act (the "Clean Water Act" or "CWA") for Phase II of the U.S. Environmental Protection Agency ("EPA") Stormwater Program require small municipal separate storm sewer systems ("MS4") to obtain National Pollutant Discharge Elimination System ("NPDES") permits to regulate discharges to and from MS4s to surface waters; and

WHEREAS, regulations governing the small MS4 stormwater program were published in the Federal Register on December 8, 1999, as amended; and

WHEREAS, the EPA has delegated enforcement authority to the State of California and the Lahontan Regional Water Quality Control Board (the "REGIONAL BOARD"); and

WHEREAS, the State Water Resources Control Board (the "STATE BOARD") first adopted the Phase II General Permit for the Discharge of Stormwater from Small MS4s in 2003, Water Quality Order No. 2003-0005-DWQ/NPDES NO. CAS000004, and the BOARD renewed the permit on February 5, 2013, by adopting the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-0001-DWQ/, NPDES No. CAS000004, effective July 1, 2013 (the "GENERAL PERMIT"); and

WHEREAS, the MEMBER AGENCIES have already received coverage under the 2003 Phase II General Permit, and at the time of preparation of this AGREEMENT, the MEMBER AGENCIES are seeking coverage under the GENERAL PERMIT from the STATE BOARD; and

WHEREAS, the MEMBER AGENCIES have been meeting and voluntarily participated in concert to implement their respective NPDES programs where practical, since August 2002; and

WHEREAS, on or about February 25, 2014, the MEMBER AGENCIES entered into an Implementation Agreement (County Contract No. 14-59 and hereinafter referred to as the

“2014 Implementation Agreement”) to share program costs to implement their respective NPDES programs where practical, so that collectively all MEMBER AGENCIES might reduce program costs and increase water quality improvements through cost sharing; and

WHEREAS, the 2014 Implementation Agreement is scheduled to expire by its own terms one year following expiration of the GENERAL PERMIT, inclusive of any administrative continuances pursuant to section 122.6 of Title 40 of the Code of Federal Regulations; and

WHEREAS, the MEMBER AGENCIES now choose to enter into this AGREEMENT in order to continue to share program costs to implement their respective NPDES programs where practical, so that collectively all MEMBER AGENCIES might reduce program costs and increase water quality improvements through cost sharing; and

WHEREAS, it is the intent of the MEMBER AGENCIES, having chosen to enter into this AGREEMENT, to allow by later amendment of this AGREEMENT the introduction and inclusion of additional MS4 Phase II Public Agencies into the AGREEMENT as member agencies; and

WHEREAS, it is the intent of the MEMBER AGENCIES to define the conditions and procedures for cost sharing through the AGREEMENT.

NOW, THEREFORE, THE MEMBER AGENCIES MUTUALLY AGREE AS FOLLOWS:

Section 1. Creation of the Mojave River Watershed Group and Management Committee

The Mojave River Watershed Group (the “GROUP”) is hereby created, consisting of the MEMBER AGENCIES. The GROUP shall be managed by a Management Committee (the “COMMITTEE”).

Section 2. Management Committee

a. COMMITTEE Representatives. The City Manager of each MEMBER AGENCY, or any other person authorized by the MEMBER AGENCY’s governing board shall appoint one regular representative to the COMMITTEE and one alternate representative to act in the absence of the regular representative. Concurrently with the execution of this AGREEMENT, each MEMBER AGENCY shall notify the FACILITATOR, as identified in Section 3, below, of its regular and alternative representatives. Each regular representative, or, if the regular representative is not available, his or her alternate representative, will participate in COMMITTEE meetings and provide support to the COMMITTEE as necessary.

b. Additional Public Agencies. The MEMBER AGENCIES acknowledge and agree that the effectiveness of the GROUP may be improved by the inclusion of additional Public Agencies. Upon approval by all MEMBER AGENCIES, additional Public Agencies may

join the GROUP on such written terms and conditions as required by the COMMITTEE, including, but not limited to, the provisions of this AGREEMENT as well as agreed-upon cash contributions for past, present, and/or future work of the GROUP. Upon execution of a written amendment to this AGREEMENT signed by all MEMBER AGENCIES and such additional Public Agency, the additional Public Agency shall become a MEMBER AGENCY and shall appoint its COMMITTEE representatives as provided in Section 2.a. above.

c. Advisory Members. The COMMITTEE may, from time to time, seek the input of a regulatory or special interest agency or agencies, which shall serve the COMMITTEE as an advisory member ("ADVISORY MEMBER"). ADVISORY MEMBERS may be appointed and may be removed at any time and for any reason by a majority vote of the COMMITTEE representatives present at the meeting. An ADVISORY MEMBER shall have no obligation to provide funding and shall have no voting privileges.

d. The REGIONAL BOARD is hereby appointed as an ADVISORY MEMBER.

e. Sub-Committees. The COMMITTEE may establish sub-committees and appoint their members by a majority vote of the COMMITTEE representatives present at the meeting, which shall serve at the pleasure of the COMMITTEE.

Section 3. Committee Facilitator

a. Unless removed or replaced pursuant to Section 3.b., the COUNTY is designated as the Committee Facilitator (the "FACILITATOR"). The costs incurred by the FACILITATOR will be included as part of the expenditures of the COMMITTEE, as provided for in the budget to be approved under Section 8 hereof. FACILITATOR shall organize and facilitate COMMITTEE meetings and annual workshop and shall perform secretarial, clerical, and administrative services in support of such meetings and workshop.

b. The FACILITATOR may be removed or replaced or any task assigned to the FACILITATOR in this AGREEMENT may be reassigned to any other COMMITTEE representative by a majority vote of all representatives on the COMMITTEE and subsequent amendment of this AGREEMENT.

Section 4. Meetings of the Committee

a. Frequency and Location. Regular meetings shall be held at least once a month at locations and times determined by the COMMITTEE. Special meetings may be called at the request of any COMMITTEE representative. ~~The first COMMITTEE meeting shall be held at the City of Hesperia, City Hall, at 1:30 PM on the third Thursday of the month immediately following approval of this AGREEMENT by all MEMBER AGENCIES, at which time the COMMITTEE will select the time and location for holding subsequent regular meetings.~~

b. Quorum and Voting. A majority of all the COMMITTEE representatives shall constitute a quorum. Except as otherwise required herein, actions of the COMMITTEE shall be passed and adopted upon the affirmative vote of a simple majority of the COMMITTEE representatives in attendance. One COMMITTEE representative in attendance from each MEMBER AGENCY shall have voting rights. An ADVISORY MEMBER shall not vote. The COMMITTEE may adopt such additional rules and regulations as may be required for the conduct of its meetings and affairs, provided such rules and regulations do not conflict with this AGREEMENT and are in compliance with all applicable federal, state, and local laws and regulations.

c. Meeting Agenda and Minutes. The FACILITATOR shall prepare an agenda and keep, or cause to be kept, minutes of the COMMITTEE meetings, and any materials presented to the COMMITTEE. Copies of said documents shall be made available to the COMMITTEE representatives and upon written request to the FACILITATOR, each ADVISORY MEMBER.

Section 5. Notices

Formal notices provided under this AGREEMENT shall be personally delivered or mailed to the COMMITTEE representatives and the ADVISORY MEMBERS. Address changes for such notices or other communications shall be delivered or mailed to the FACILITATOR for distribution to all appropriate parties.

Section 6. Duties of Committee Membership

a. Program Implementation. Using resources available to the GROUP, which resources include the staff of any MEMBER AGENCY and any consultants, contractors, and vendors hired by a MEMBER AGENCY, the COMMITTEE may perform activities to assist MEMBER AGENCIES in completing their GENERAL PERMIT compliance requirements, including, but not limited to, the following activities:

1. Establish goals, needs and priorities;
2. Develop implementation strategies and plans;
3. Develop comment letters regarding stormwater regulations;
4. Develop model ordinance, policy and compliance documents;
5. Review and provide comments on all studies, reports, request for proposals, proposals, and other documents;
6. Evaluate, prepare and submit grant proposals;

7. Develop model municipal staff training materials and organize training events;
8. Prepare projected budget documents;
9. Prepare annual reports;
10. Assist in the development of annual workshop presentation;
11. Develop and implement a public education and outreach program;
12. Develop and implement monitoring and sampling programs.

b. Notwithstanding anything provided herein, each MEMBER AGENCY is individually responsible for implementing all GENERAL PERMIT requirements within their respective jurisdictions. The COMMITTEE shall not be responsible for ensuring the requirements of the GENERAL PERMIT are implemented on behalf of any MEMBER AGENCY or for ensuring that any MEMBER AGENCY implements programs consistent with the GENERAL PERMIT or recommendations of the COMMITTEE. No MEMBER AGENCY shall be responsible for ensuring the requirements of the GENERAL PERMIT or the recommendations of the COMMITTEE are implemented by any other MEMBER AGENCY. Likewise, nothing provided herein shall change the fact that each MEMBER AGENCY is individually responsible for any and all claims, including but not limited to claims arising under Section 13385 of the Water Code, actions, losses, damages, fines or penalties arising out of its duty to comply with the GENERAL PERMIT within its jurisdiction. This provision shall survive termination of the AGREEMENT, or an individual MEMBER AGENCY's termination from the AGREEMENT.

c. Regarding Section 6.a.6. of the AGREEMENT, the FACILITATOR shall act as the administrator for grant funds awarded through any grant process if allowed by the awarding agency.

Section 7. Cost Share Determination

a. ~~For the fiscal year 2013-2014 and subsequent fiscal years, each~~Each MEMBER AGENCY's cost share shall be determined annually according to the methodology provided in Appendix A to this AGREEMENT.

b. ~~Beginning in fiscal year 2014-2015, the~~The FACILITATOR shall prepare and submit a proposed updated cost share percentage, according to the cost sharing plan contained in Appendix A, to each of the COMMITTEE representatives by October 1st prior to the start of the fiscal year. Each COMMITTEE representative shall have forty-five (45) calendar days to approve or object to the FACILITATOR's proposed cost share determination in writing. If the FACILITATOR receives no objections within forty-five (45) calendar days,

the proposed cost share percentages shall be considered final and approved. In the event an objection is filed, the basis of the objection shall be presented to the COMMITTEE at the next scheduled meeting if the objection is filed fifteen (15) calendar days before that meeting, otherwise the objection will be scheduled on the following meeting, for consideration by the COMMITTEE. Any change to the proposed cost share percentage shall require approval by a three-fourths (3/4) vote of the COMMITTEE representatives present at the meeting.

Section 8. Budgets

a. The FACILITATOR shall prepare and implement an annual operating budget with the participation of the COMMITTEE. The budget year shall coincide with the fiscal year of the FACILITATOR, July 1st through June 30th.

b. The FACILITATOR shall prepare and submit an annual operating budget for the GROUP for forthcoming fiscal year to each COMMITTEE representative for review by October 1st of each year. Each COMMITTEE representative shall have 60 days for review.

c. During the review period, the COMMITTEE representatives may provide written comments on the budget to the FACILITATOR. The COMMITTEE will consider the written comments and will approve a final budget no later than January 30th of each year. An affirmative response from a majority of the total number of COMMITTEE representatives present at the meeting is required for approval.

d. The budget shall include all anticipated costs and fees for any scope(s) of work developed by the COMMITTEE for the next fiscal year. Costs shall include costs and fees for any consultants or contractors to complete the anticipated scope(s) of work, the cost of materials to be distributed to the public or among the MEMBER AGENCIES, other direct costs, and the administrative costs (actual hourly rate, plus overhead, as calculated annually by the FACILITATOR) and direct expenses to be incurred by the FACILITATOR during the course of performing administrative duties on behalf of the GROUP, and costs incurred by the FACILITATOR in carrying out activities described in Sections 9, 10 and 11 of this AGREEMENT. The budget shall include a detailed description of all work to be accomplished in the next fiscal year.

e. Financial contributions funding the final budget shall be made by each MEMBER AGENCY according to the cost sharing determination prepared in Section 7 above.

~~a. — The FACILITATOR will prepare and submit a proposed GROUP operating budget for fiscal year 2013-2014 at the first meeting, as specified in Section 4.a. of this AGREEMENT, to the COMMITTEE representatives for review and approval. The review period shall begin on the first business day following the first meeting and conclude thirty~~

~~(30) — calendar days thereafter. During the review period, the COMMITTEE representatives may provide written comments on the budget to the FACILITATOR. The COMMITTEE will consider the draft budget for approval at a subsequent meeting following the conclusion of the thirty (30) calendar day review period. An affirmative response from a majority of the COMMITTEE representatives present at the meeting is required for approval.~~

Section 9. Contracting

a. The FACILITATOR shall contract with all consultants, vendors or other entities, as recommended and approved by the COMMITTEE. The GROUP understands and agrees that the FACILITATOR's Board of Supervisors, or Board designee, has the sole discretion to approve or disapprove said contracts.

b. The hiring of consultants or contractors, as necessary, to complete a scope of work that has been funded by the final budget shall be in conformance with all standards and regulations established by the FACILITATOR.

c. Any service contract procured by FACILITATOR under Section 9.a. shall include a provision that requires: (1) the consultants, vendors or other entities to indemnify and hold harmless all of the MEMBER AGENCIES; (2) the MEMBER AGENCIES to be named as Additional Insureds for all FACILITATOR-required insurance policies except for Workers' Compensation, Errors and Omissions and Professional Liability policies; and (3) the provision of a Certificate of Insurance to the FACILITATOR evidencing the insurance coverage. This Section 9.c. is only applicable to parties to the AGREEMENT that are MEMBER AGENCIES at the time the FACILITATOR approves and executes the service contract.

Section 10. Accounting

a. The responsibilities for payment of all approved budgeted shared costs of materials and services shall be distributed among the MEMBER AGENCIES in accordance with Sections 7 and 8, above.

b. The financial responsibility for this AGREEMENT will be effective on the date this AGREEMENT takes effect.

~~a. — Within sixty (60) calendar days of approval of the fiscal year 2013-14 budget by the COMMITTEE, the FACILITATOR shall invoice each MEMBER AGENCY for their annual cost share for fiscal year 2013-14. Each MEMBER AGENCY shall pay to the FACILITATOR their cost share within thirty (30) calendar days of the date of the invoice.~~

c. ~~Thereafter, the~~ FACILITATOR shall invoice each MEMBER AGENCY for its annual cost share on, or after, July 1st, the start of each fiscal year. Each MEMBER AGENCY shall pay their cost share within thirty (30) calendar days of the date of the invoice. Each MEMBER AGENCY's payment shall be based on their prorated share of the approved annual budget, reduced for any surplus identified in the prior fiscal year-end accounting.

d. The FACILITATOR shall place all funds received from MEMBER AGENCIES, and any other entities electing to fund work planned by the COMMITTEE, in a separate account. The FACILITATOR shall draw from this account to pay obligations and work approved by the COMMITTEE. Consistent with the final budget, the FACILITATOR may draw funds from this account to pay the FACILITATOR administrative costs. The FACILITATOR shall provide financial statements to COMMITTEE representatives showing the funds placed in the account (including interest earnings), the funds disbursed from the account, the payee of such funds, the work performed with such funds, the date(s) funds were disbursed, the remaining funds in the account, and the status of the prior fiscal year in the fiscal year-end accounting pursuant to Section 10.f. Upon written request from a COMMITTEE representative, the FACILITATOR shall provide financial statements to COMMITTEE representatives indicating the status of the current fiscal year.

e. The FACILITATOR shall prepare a fiscal year-end accounting within ninety (90) calendar days after the end of each fiscal year and distribute copies to the MEMBER AGENCIES for their review. MEMBER AGENCIES shall have forty-five (45) calendar days from the date of their receipt of the fiscal year-end accounting to dispute in writing or concur with the findings. If the cost share payments (including interest earnings) exceed costs during the corresponding fiscal year, the excess funds will carry forward to reduce the billings for the following fiscal year. If, however, the fiscal year program costs exceed the sum of the cost share payments, the FACILITATOR shall submit invoices to the MEMBER AGENCIES to recover the deficit. The share for each MEMBER AGENCY shall be prorated. Each MEMBER AGENCY shall pay the invoice within sixty (60) calendar days of the date of the invoice.

f. Upon termination of this AGREEMENT, a final accounting shall be performed by the FACILITATOR. If costs exceed the sum of the cost share payments (including interest earnings), the FACILITATOR shall invoice each MEMBER AGENCY for its prorated share of the excess. Each MEMBER AGENCY shall pay the invoice within sixty (60) calendar days of the date of the invoice. If the sum of the cost share payments (including interest earnings) exceed the costs, the FACILITATOR shall reimburse to each MEMBER AGENCY its prorated share of the excess (including any interest earnings remaining), within sixty (60) calendar days of the final accounting.

Section 11. ~~Duration~~ Term of the Agreement

~~a~~ — Unless otherwise extended by mutual agreement of the MEMBER AGENCIES, the term of the AGREEMENT coincides with the term of the current MS4

Permit (Order No. 2013-0001-DWQ). This AGREEMENT shall ~~expire~~ therefore terminate one (1) year following expiration of the GENERAL PERMIT, inclusive of any administrative continuances pursuant to section

a. ~~122.6 of Title 40 of the Code of Federal Regulations, or at such time as the Clean Water Act or after~~ the REGIONAL BOARD's approval of the MS4 Permit that follows Order No. 2013-0001-DWQ, or the REGIONAL BOARD ~~cease~~ ceases to mandate compliance with the GENERAL PERMIT, whichever occurs first. Notwithstanding the foregoing, each MEMBER AGENCY reserves the right to withdraw from the GROUP at anytime, upon sixty (60) calendar days' written notice to the FACILITATOR. COMMITTEE projects or reports shall be fully funded by the MEMBER AGENCIES at the time the projects or studies are approved by the COMMITTEE for implementation.

b. A withdrawing MEMBER AGENCY will not be allowed refunds for their fiscal year program cost share incurred in the fiscal year in which the MEMBER AGENCY completed their formal withdrawal from the GROUP.

c. If any budgeted funds remain after the completion of the year-end accounting (Section 10.f.) for the fiscal year in which the MEMBER AGENCY completed their formal withdrawal from the GROUP, the MEMBER AGENCY will receive their prorated portion of the excess deposits. The deposit shall be paid to the withdrawn MEMBER AGENCY within sixty (60) calendar days following the completion of the year-end accounting task (Section 10.f.). If costs exceed the sum of the cost share payments (including interest earnings), the FACILITATOR shall invoice the MEMBER AGENCY for its prorated share of the excess. The MEMBER AGENCY shall pay the invoice within sixty (60) calendar days of the date of the invoice.

Section 12. Ownership of Documents

All work or deliverables produced, including, but not limited to, originals prepared by anyone in connection with, or pertaining to, the work of the GROUP, shall become the property in whole and in part of each MEMBER AGENCY, jointly and severally.

Section 13. Assignment

No right, duty, or obligation of whatever kind or nature created herein shall be assigned without the prior written consent of the MEMBER AGENCIES.

Section 14. Effective Date

This AGREEMENT shall become effective when it has been executed by all MEMBER AGENCIES.

Section 15. Counterparts

This AGREEMENT may be executed in original counterparts, which together shall constitute a single AGREEMENT.

Section 16. Relationship of the Parties

This AGREEMENT is not intended and shall not be construed so as to create the relationship of agent, servant, employee, partnership, joint venture, or association, as among the MEMBER AGENCIES, or as between the MEMBER AGENCIES.

Section 17. Waiver ~~Of~~ Rights

The failure by the MEMBER AGENCIES to insist upon strict performance of any of the terms, covenants, or conditions of this AGREEMENT shall not be deemed a waiver of any right or remedy that the MEMBER AGENCIES may have, and shall not be deemed a waiver of the right to require strict performance of all the terms, covenants, and conditions of this AGREEMENT thereafter, nor a waiver of any remedy for the subsequent breach or default of any term, covenant, or condition of this AGREEMENT.

Section 18. Severability

If any part of this AGREEMENT is held, determined, or adjudicated to be illegal, void, or unenforceable by a court of competent jurisdiction, the remainder of this AGREEMENT shall be given effect to the fullest extent reasonably possible.

Section 19. Amendment

It is mutually understood and agreed that no addition to, alteration of, or variation of the terms of this AGREEMENT, nor any oral understanding or agreement not incorporated herein, shall be valid unless made in writing, approved by all MEMBER AGENCIES, and executed.

Section 20. Entire Agreement

This document sets forth the entire AGREEMENT between the MEMBER AGENCIES. This AGREEMENT supersedes the 2014 Implementation Agreement.

Section 21. Recitals

The above recitals are true and correct, and are hereby incorporated into this AGREEMENT by this reference.

Section 22. Legal Action/Costs/Attorney Fees

Where any legal action is necessary to declare any party's rights hereunder or enforce any provision hereof for any damages by reason of an alleged breach of any provisions of this AGREEMENT, each party shall bear its own attorney's fees and costs incurred in conjunction with such legal action regardless of who is found to be the prevailing party. This section shall not apply to those costs and attorney's fees arising from any third party legal action against a party hereto and payable under Section 25, Indemnification and Insurance.

Section 23. No Separate Entity

This AGREEMENT established a framework for MEMBER AGENCIES cooperation on storm water issues. Nothing in this AGREEMENT shall be construed to create an entity separate from the public agencies that join in this cooperative effort.

Section 24. Governing Law

This AGREEMENT will be governed and construed in accordance with laws of the State of California. Any legal action which arises out of or is in any way related to this AGREEMENT shall be brought in the Superior Court of the County of San Bernardino.

Section 25. Indemnification and Insurance

Each party shall indemnify, defend, and hold harmless the other parties to this AGREEMENT from and against any and all liability and expense arising from any act or omission of the indemnifying party, its authorized officers, employees, agents, and volunteers in connection with the performance of this AGREEMENT, including, but not limited to reasonable defense costs, reasonable legal fees, claims, actions, damages, liability, and causes of action for damages of any nature whatsoever; provided however, that no party shall indemnify another party for that party's own negligence or willful misconduct. In the event a party, or parties, to this AGREEMENT is/are found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under this AGREEMENT, the party, or parties shall indemnify the other party/parties to the extent of its/their comparative fault. Furthermore, if a party attempts to seek recovery from the other for Workers' Compensation benefits paid to an employee, the parties agree that any alleged negligence of the employee shall not be construed against the employer of that employee. The parties to this AGREEMENT are authorized self-insured public entities for purposes of Professional Liability, Automobile Liability, General Liability, and Workers' Compensation and warrant that through their programs of self-insurance, they have adequate coverage or resources to protect against liabilities arising out of their performance under this AGREEMENT. This provision shall survive termination of the AGREEMENT, or an individual MEMBER AGENCY's termination from the AGREEMENT.

Section 26. Breach

Failure to comply with the terms of this AGREEMENT is a breach of this AGREEMENT. If a breach is not cured within ninety (90) days after receiving a notice to cure the breach by a party to this AGREEMENT, the party in breach may be terminated from this AGREEMENT by a majority vote of the COMMITTEE.

Section 27. Notices

All notices shall be deemed duly given if delivered by hand; or five (5) working days after deposit in the U.S. Mail, certified mail, return receipt requested.

[END OF THIS PAGE]

APPENDIX A COST SHARING PLAN

- A. The MEMBER AGENCIES collectively, shall pay the approved total annual cost, as set forth in Sections 7 and 8, pursuant to the formulae set forth in Paragraphs B and C, below.
- B. The MEMBER AGENCY's total annual program cost share (PCSi) shall be calculated using three cost factors:

1. *Base*, which represents the percentage of the program costs equally applied to all MEMBER AGENCIES. The base (B) fraction is calculated as follows:

$$B = 1/N, \text{ where } N = \text{number of MEMBER AGENCIES}$$

2. *Relative Population*, which represents the percentage of the program costs based on the relative population of each MEMBER AGENCY. Relative population (RP) of each MEMBER AGENCY shall be calculated annually from annual population estimates issued by the California Department of Finance (E-1 Table).

$$RPI = (Pi/P_{total}), \text{ where}$$

RPI = relative population of MEMBER AGENCY(i)

Pi = population of MEMBER AGENCY(i)

Ptotal = total population for area covered by the GENERAL PERMIT

3. *Relative Land Area*, which represents the percentage of the program costs based on the relative land area of each MEMBER AGENCY. Relative Land Area (RLA) shall be calculated as follows:

- a. The calculation of relative land area within each MEMBER AGENCY's jurisdiction shall exclude land under tribal, state or federal jurisdiction, or any land excluded by the State Water Resources Control Board. Any MEMBER seeking to exclude lands under this Section shall specifically request that exclusion from the COMMITTEE by providing the request in writing along with necessary documentation no later than September 1st to be considered for inclusion in the next year's annual budget. The requesting MEMBER AGENCY has the burden of proving entitlement to any exemption so requested. The COMMITTEE shall approve such exclusion by a simple majority vote of all MEMBER AGENCIES.

- b. The method for calculating relative land area shall be determined from the Assessor's Parcel data provided by the COUNTY Information Services Department.

$$RLAi = (Li/L_{total}), \text{ where}$$

Where

RLAi = relative land area of MEMBER AGENCY(i) E
 = land area of MEMBER (i), less excluded lands
 Ltotal = total land area under permit jurisdiction

C. The MEMBER AGENCY's total annual program cost share (PCSi) is calculated as follows:

$$PCSi = [(B * Xi * ABi) + (RPI * Yi * ABi) + (RLAi * Zi * ABi)]$$

Where,

PCSi = MEMBER AGENCY's cost share
 ABi = Annual budget approved by the GROUP

B = Base fraction for each MEMBER AGENCY Xi = Percentage apportioned to the base for PC

RPI = Relative population of MEMBER AGENCY(i)
 Yi = Percentage apportioned to relative population for PC

RLAi = Relative land area of the MEMBER AGENCY(i) Zi
 = Percentage apportioned to relative land are for PC

Table 1. Budget Year [DATE]			
	Percent of the Program Cost Apportioned to each Cost Factor		
	Base (Xi)	Relative Population (Yi)	Relative Land Area (Zi)
Program Cost (PC)	40%	30%	30%

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER PERMIT IMPLEMENTATION AGREEMENT
MOJAVE RIVER WATERSHED**

This Stormwater Permit Implementation Agreement (the "AGREEMENT") is made and entered into by and among the Town of Apple Valley, a municipal corporation ("APPLE VALLEY"), the City of Hesperia, a municipal corporation ("HESPERIA"), the City of Victorville, a municipal corporation ("VICTORVILLE"), and the County of San Bernardino, a political subdivision of the State of California (the "COUNTY").

APPLE VALLEY, HESPERIA, VICTORVILLE, and the COUNTY are hereinafter sometimes collectively or individually referred to as the "MEMBER AGENCIES" or as a "MEMBER AGENCY", respectively.

RECITALS:

WHEREAS, the regulations promulgated under the Federal Water Pollution Control Act (the "Clean Water Act" or "CWA") for Phase II of the U.S. Environmental Protection Agency ("EPA") Stormwater Program require small municipal separate storm sewer systems ("MS4") to obtain National Pollutant Discharge Elimination System ("NPDES") permits to regulate discharges to and from MS4s to surface waters; and

WHEREAS, regulations governing the small MS4 stormwater program were published in the Federal Register on December 8, 1999, as amended; and

WHEREAS, the EPA has delegated enforcement authority to the State of California and the Lahontan Regional Water Quality Control Board (the "REGIONAL BOARD"); and

WHEREAS, the State Water Resources Control Board (the "STATE BOARD") first adopted the Phase II General Permit for the Discharge of Stormwater from Small MS4s in 2003, Water Quality Order No. 2003-0005-DWQ/NPDES NO. CAS000004, and the BOARD renewed the permit on February 5, 2013, by adopting the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-0001-DWQ/, NPDES No. CAS000004, effective July 1, 2013 (the "GENERAL PERMIT"); and

WHEREAS, the MEMBER AGENCIES have already received coverage under the 2003 Phase II General Permit, and at the time of preparation of this AGREEMENT, the MEMBER AGENCIES are seeking coverage under the GENERAL PERMIT from the STATE BOARD; and

WHEREAS, the MEMBER AGENCIES have been meeting and voluntarily participated in concert to implement their respective NPDES programs where practical, since August 2002; and

WHEREAS, on or about February 25, 2014, the MEMBER AGENCIES entered into an Implementation Agreement (County Contract No. 14-59 and hereinafter referred

to as the “2014 Implementation Agreement”) to share program costs to implement their respective NPDES programs where practical, so that collectively all MEMBER AGENCIES might reduce program costs and increase water quality improvements through cost sharing; and

WHEREAS, the 2014 Implementation Agreement is scheduled to expire by its own terms one year following expiration of the GENERAL PERMIT, inclusive of any administrative continuances pursuant to section 122.6 of Title 40 of the Code of Federal Regulations; and

WHEREAS, the MEMBER AGENCIES now choose to enter into this AGREEMENT in order to continue to share program costs to implement their respective NPDES programs where practical, so that collectively all MEMBER AGENCIES might reduce program costs and increase water quality improvements through cost sharing; and

WHEREAS, it is the intent of the MEMBER AGENCIES, having chosen to enter into this AGREEMENT, to allow by later amendment of this AGREEMENT the introduction and inclusion of additional MS4 Phase II Public Agencies into the AGREEMENT as member agencies; and

WHEREAS, it is the intent of the MEMBER AGENCIES to define the conditions and procedures for cost sharing through the AGREEMENT.

NOW, THEREFORE, THE MEMBER AGENCIES MUTUALLY AGREE AS FOLLOWS:

Section 1. Creation of the Mojave River Watershed Group and Management Committee

The Mojave River Watershed Group (the “GROUP”) is hereby created, consisting of the MEMBER AGENCIES. The GROUP shall be managed by a Management Committee (the “COMMITTEE”).

Section 2. Management Committee

a. COMMITTEE Representatives. The City Manager of each MEMBER AGENCY, or any other person authorized by the MEMBER AGENCY’s governing board shall appoint one regular representative to the COMMITTEE and one alternate representative to act in the absence of the regular representative. Concurrently with the execution of this AGREEMENT, each MEMBER AGENCY shall notify the FACILITATOR, as identified in Section 3, below, of its regular and alternative representatives. Each regular representative, or, if the regular representative is not available, his or her alternate representative, will participate in COMMITTEE meetings and provide support to the COMMITTEE as necessary.

b. Additional Public Agencies. The MEMBER AGENCIES acknowledge and agree that the effectiveness of the GROUP may be improved by the inclusion of additional Public Agencies. Upon approval by all MEMBER AGENCIES, additional Public Agencies may join the GROUP on such written terms and conditions as required by the COMMITTEE, including, but not limited to, the provisions of this AGREEMENT as well as agreed-upon cash contributions for past, present, and/or future work of the GROUP. Upon execution of a written amendment to this AGREEMENT signed by all MEMBER AGENCIES and such additional Public Agency, the additional Public Agency shall become a MEMBER AGENCY and shall appoint its COMMITTEE representatives as provided in Section 2.a. above.

c. Advisory Members. The COMMITTEE may, from time to time, seek the input of a regulatory or special interest agency or agencies, which shall serve the COMMITTEE as an advisory member ("ADVISORY MEMBER"). ADVISORY MEMBERS may be appointed and may be removed at any time and for any reason by a majority vote of the COMMITTEE representatives present at the meeting. An ADVISORY MEMBER shall have no obligation to provide funding and shall have no voting privileges.

d. The REGIONAL BOARD is hereby appointed as an ADVISORY MEMBER.

e. Sub-Committees. The COMMITTEE may establish sub-committees and appoint their members by a majority vote of the COMMITTEE representatives present at the meeting, which shall serve at the pleasure of the COMMITTEE.

Section 3. Committee Facilitator

a. Unless removed or replaced pursuant to Section 3.b., the COUNTY is designated as the Committee Facilitator (the "FACILITATOR"). The costs incurred by the FACILITATOR will be included as part of the expenditures of the COMMITTEE, as provided for in the budget to be approved under Section 8 hereof. FACILITATOR shall organize and facilitate COMMITTEE meetings and annual workshop and shall perform secretarial, clerical, and administrative services in support of such meetings and workshop.

b. The FACILITATOR may be removed or replaced or any task assigned to the FACILITATOR in this AGREEMENT may be reassigned to any other COMMITTEE representative by a majority vote of all representatives on the COMMITTEE and subsequent amendment of this AGREEMENT.

Section 4. Meetings of the Committee

a. Frequency and Location. Regular meetings shall be held at least once a month at locations and times determined by the COMMITTEE. Special meetings may be called at the request of any COMMITTEE representative.

b. Quorum and Voting. A majority of all the COMMITTEE representatives shall constitute a quorum. Except as otherwise required herein, actions of the COMMITTEE shall be passed and adopted upon the affirmative vote of a simple majority of the COMMITTEE representatives in attendance. One COMMITTEE representative in attendance from each MEMBER AGENCY shall have voting rights. An ADVISORY MEMBER shall not vote. The COMMITTEE may adopt such additional rules and regulations as may be required for the conduct of its meetings and affairs, provided such rules and regulations do not conflict with this AGREEMENT and are in compliance with all applicable federal, state, and local laws and regulations.

c. Meeting Agenda and Minutes. The FACILITATOR shall prepare an agenda and keep, or cause to be kept, minutes of the COMMITTEE meetings, and any materials presented to the COMMITTEE. Copies of said documents shall be made available to the COMMITTEE representatives and upon written request to the FACILITATOR, each ADVISORY MEMBER.

Section 5. Notices

Formal notices provided under this AGREEMENT shall be personally delivered or mailed to the COMMITTEE representatives and the ADVISORY MEMBERS. Address changes for such notices or other communications shall be delivered or mailed to the FACILITATOR for distribution to all appropriate parties.

Section 6. Duties of Committee Membership

a. Program Implementation. Using resources available to the GROUP, which resources include the staff of any MEMBER AGENCY and any consultants, contractors, and vendors hired by a MEMBER AGENCY, the COMMITTEE may perform activities to assist MEMBER AGENCIES in completing their GENERAL PERMIT compliance requirements, including, but not limited to, the following activities:

1. Establish goals, needs and priorities;
2. Develop implementation strategies and plans;
3. Develop comment letters regarding stormwater regulations;
4. Develop model ordinance, policy and compliance documents;

5. Review and provide comments on all studies, reports, request for proposals, proposals, and other documents;
6. Evaluate, prepare and submit grant proposals;
7. Develop model municipal staff training materials and organize training events;
8. Prepare projected budget documents;
9. Prepare annual reports;
10. Assist in the development of annual workshop presentation;
11. Develop and implement a public education and outreach program;
12. Develop and implement monitoring and sampling programs.

b. Notwithstanding anything provided herein, each MEMBER AGENCY is individually responsible for implementing all GENERAL PERMIT requirements within their respective jurisdictions. The COMMITTEE shall not be responsible for ensuring the requirements of the GENERAL PERMIT are implemented on behalf of any MEMBER AGENCY or for ensuring that any MEMBER AGENCY implements programs consistent with the GENERAL PERMIT or recommendations of the COMMITTEE. No MEMBER AGENCY shall be responsible for ensuring the requirements of the GENERAL PERMIT or the recommendations of the COMMITTEE are implemented by any other MEMBER AGENCY. Likewise, nothing provided herein shall change the fact that each MEMBER AGENCY is individually responsible for any and all claims, including but not limited to claims arising under Section 13385 of the Water Code, actions, losses, damages, fines or penalties arising out of its duty to comply with the GENERAL PERMIT within its jurisdiction. This provision shall survive termination of the AGREEMENT, or an individual MEMBER AGENCY's termination from the AGREEMENT.

c. Regarding Section 6.a.6. of the AGREEMENT, the FACILITATOR shall act as the administrator for grant funds awarded through any grant process if allowed by the awarding agency.

Section 7. Cost Share Determination

a. Each MEMBER AGENCY's cost share shall be determined annually according to the methodology provided in Appendix A to this AGREEMENT.

b. The FACILITATOR shall prepare and submit a proposed updated cost share percentage, according to the cost sharing plan contained in Appendix A, to each of the COMMITTEE representatives by October 1st prior to the start of the fiscal year. Each COMMITTEE representative shall have forty-five (45) calendar days to approve or

object to the FACILITATOR's proposed cost share determination in writing. If the FACILITATOR receives no objections within forty-five (45) calendar days, the proposed cost share percentages shall be considered final and approved. In the event an objection is filed, the basis of the objection shall be presented to the COMMITTEE at the next scheduled meeting if the objection is filed fifteen (15) calendar days before that meeting, otherwise the objection will be scheduled on the following meeting, for consideration by the COMMITTEE. Any change to the proposed cost share percentage shall require approval by a three-fourths (3/4) vote of the COMMITTEE representatives present at the meeting.

Section 8. Budgets

a. The FACILITATOR shall prepare and implement an annual operating budget with the participation of the COMMITTEE. The budget year shall coincide with the fiscal year of the FACILITATOR, July 1st through June 30th.

b. The FACILITATOR shall prepare and submit an annual operating budget for the GROUP for forthcoming fiscal year to each COMMITTEE representative for review by October 1st of each year. Each COMMITTEE representative shall have 60 days for review.

c. During the review period, the COMMITTEE representatives may provide written comments on the budget to the FACILITATOR. The COMMITTEE will consider the written comments and will approve a final budget no later than January 30th of each year. An affirmative response from a majority of the total number of COMMITTEE representatives present at the meeting is required for approval.

d. The budget shall include all anticipated costs and fees for any scope(s) of work developed by the COMMITTEE for the next fiscal year. Costs shall include costs and fees for any consultants or contractors to complete the anticipated scope(s) of work, the cost of materials to be distributed to the public or among the MEMBER AGENCIES, other direct costs, and the administrative costs (actual hourly rate, plus overhead, as calculated annually by the FACILITATOR) and direct expenses to be incurred by the FACILITATOR during the course of performing administrative duties on behalf of the GROUP, and costs incurred by the FACILITATOR in carrying out activities described in Sections 9, 10 and 11 of this AGREEMENT. The budget shall include a detailed description of all work to be accomplished in the next fiscal year.

e. Financial contributions funding the final budget shall be made by each MEMBER AGENCY according to the cost sharing determination prepared in Section 7 above.

Section 9. Contracting

a. The FACILITATOR shall contract with all consultants, vendors or other entities, as recommended and approved by the COMMITTEE. The GROUP understands and agrees that the FACILITATOR's Board of Supervisors, or Board designee, has the sole discretion to approve or disapprove said contracts.

b. The hiring of consultants or contractors, as necessary, to complete a scope of work that has been funded by the final budget shall be in conformance with all standards and regulations established by the FACILITATOR.

c. Any service contract procured by FACILITATOR under Section 9.a. shall include a provision that requires: (1) the consultants, vendors or other entities to indemnify and hold harmless all of the MEMBER AGENCIES; (2) the MEMBER AGENCIES to be named as Additional Insureds for all FACILITATOR-required insurance policies except for Workers' Compensation, Errors and Omissions and Professional Liability policies; and (3) the provision of a Certificate of Insurance to the FACILITATOR evidencing the insurance coverage. This Section 9.c. is only applicable to parties to the AGREEMENT that are MEMBER AGENCIES at the time the FACILITATOR approves and executes the service contract.

Section 10. Accounting

a. The responsibilities for payment of all approved budgeted shared costs of materials and services shall be distributed among the MEMBER AGENCIES in accordance with Sections 7 and 8, above.

b. The financial responsibility for this AGREEMENT will be effective on the date this AGREEMENT takes effect.

c. FACILITATOR shall invoice each MEMBER AGENCY for its annual cost share on, or after, July 1st, the start of each fiscal year. Each MEMBER AGENCY shall pay their cost share within thirty (30) calendar days of the date of the invoice. Each MEMBER AGENCY's payment shall be based on their prorated share of the approved annual budget, reduced for any surplus identified in the prior fiscal year-end accounting.

d. The FACILITATOR shall place all funds received from MEMBER AGENCIES, and any other entities electing to fund work planned by the COMMITTEE, in a separate account. The FACILITATOR shall draw from this account to pay obligations and work approved by the COMMITTEE. Consistent with the final budget, the FACILITATOR may draw funds from this account to pay the FACILITATOR administrative costs. The FACILITATOR shall provide financial statements to COMMITTEE representatives showing the funds placed in the account (including interest earnings), the funds disbursed from the account, the payee of such funds, the

work performed with such funds, the date(s) funds were disbursed, the remaining funds in the account, and the status of the prior fiscal year in the fiscal year-end accounting pursuant to Section 10.f. Upon written request from a COMMITTEE representative, the FACILITATOR shall provide financial statements to COMMITTEE representatives indicating the status of the current fiscal year.

e. The FACILITATOR shall prepare a fiscal year-end accounting within ninety (90) calendar days after the end of each fiscal year and distribute copies to the MEMBER AGENCIES for their review. MEMBER AGENCIES shall have forty-five (45) calendar days from the date of their receipt of the fiscal year-end accounting to dispute in writing or concur with the findings. If the cost share payments (including interest earnings) exceed costs during the corresponding fiscal year, the excess funds will carry forward to reduce the billings for the following fiscal year. If, however, the fiscal year program costs exceed the sum of the cost share payments, the FACILITATOR shall submit invoices to the MEMBER AGENCIES to recover the deficit. The share for each MEMBER AGENCY shall be prorated. Each MEMBER AGENCY shall pay the invoice within sixty (60) calendar days of the date of the invoice.

f. Upon termination of this AGREEMENT, a final accounting shall be performed by the FACILITATOR. If costs exceed the sum of the cost share payments (including interest earnings), the FACILITATOR shall invoice each MEMBER AGENCY for its prorated share of the excess. Each MEMBER AGENCY shall pay the invoice within sixty (60) calendar days of the date of the invoice. If the sum of the cost share payments (including interest earnings) exceed the costs, the FACILITATOR shall reimburse to each MEMBER AGENCY its prorated share of the excess (including any interest earnings remaining), within sixty (60) calendar days of the final accounting.

Section 11. Term of the Agreement

a. Unless otherwise extended by mutual agreement of the MEMBER AGENCIES, the term of the AGREEMENT coincides with the term of the current MS4 Permit (Order No. 2013-0001-DWQ). This AGREEMENT shall therefore terminate one (1) year after the REGIONAL BOARD's approval of the MS4 Permit that follows Order No. 2013-0001-DWQ, or the REGIONAL BOARD ceases to mandate compliance with the GENERAL PERMIT, whichever occurs first. Notwithstanding the foregoing, each MEMBER AGENCY reserves the right to withdraw from the GROUP at anytime, upon sixty (60) calendar days' written notice to the FACILITATOR. COMMITTEE projects or reports shall be fully funded by the MEMBER AGENCIES at the time the projects or studies are approved by the COMMITTEE for implementation.

b. A withdrawing MEMBER AGENCY will not be allowed refunds for their fiscal year program cost share incurred in the fiscal year in which the MEMBER AGENCY completed their formal withdrawal from the GROUP.

c. If any budgeted funds remain after the completion of the year-end accounting (Section 10.f.) for the fiscal year in which the MEMBER AGENCY completed their formal withdrawal from the GROUP, the MEMBER AGENCY will receive their prorated portion of the excess deposits. The deposit shall be paid to the withdrawn MEMBER AGENCY within sixty (60) calendar days following the completion of the year-end accounting task (Section 10.f.). If costs exceed the sum of the cost share payments (including interest earnings), the FACILITATOR shall invoice the MEMBER AGENCY for its prorated share of the excess. The MEMBER AGENCY shall pay the invoice within sixty (60) calendar days of the date of the invoice.

Section 12. Ownership of Documents

All work or deliverables produced, including, but not limited to, originals prepared by anyone in connection with, or pertaining to, the work of the GROUP, shall become the property in whole and in part of each MEMBER AGENCY, jointly and severally.

Section 13. Assignment

No right, duty, or obligation of whatever kind or nature created herein shall be assigned without the prior written consent of the MEMBER AGENCIES.

Section 14. Effective Date

This AGREEMENT shall become effective when it has been executed by all MEMBER AGENCIES.

Section 15. Counterparts

This AGREEMENT may be executed in original counterparts, which together shall constitute a single AGREEMENT.

Section 16. Relationship of the Parties

This AGREEMENT is not intended and shall not be construed so as to create the relationship of agent, servant, employee, partnership, joint venture, or association, as among the MEMBER AGENCIES, or as between the MEMBER AGENCIES.

Section 17. Waiver of Rights

The failure by the MEMBER AGENCIES to insist upon strict performance of any of the terms, covenants, or conditions of this AGREEMENT shall not be deemed a

waiver of any right or remedy that the MEMBER AGENCIES may have, and shall not be deemed a waiver of the right to require strict performance of all the terms, covenants, and conditions of this AGREEMENT thereafter, nor a waiver of any remedy for the subsequent breach or default of any term, covenant, or condition of this AGREEMENT.

Section 18. Severability

If any part of this AGREEMENT is held, determined, or adjudicated to be illegal, void, or unenforceable by a court of competent jurisdiction, the remainder of this AGREEMENT shall be given effect to the fullest extent reasonably possible.

Section 19. Amendment

It is mutually understood and agreed that no addition to, alteration of, or variation of the terms of this AGREEMENT, nor any oral understanding or agreement not incorporated herein, shall be valid unless made in writing, approved by all MEMBER AGENCIES, and executed.

Section 20. Entire Agreement

This document sets forth the entire AGREEMENT between the MEMBER AGENCIES. This AGREEMENT supersedes the 2014 Implementation Agreement.

Section 21. Recitals

The above recitals are true and correct, and are hereby incorporated into this AGREEMENT by this reference.

Section 22. Legal Action/Costs/Attorney Fees

Where any legal action is necessary to declare any party's rights hereunder or enforce any provision hereof for any damages by reason of an alleged breach of any provisions of this AGREEMENT, each party shall bear its own attorney's fees and costs incurred in conjunction with such legal action regardless of who is found to be the prevailing party. This section shall not apply to those costs and attorney's fees arising from any third party legal action against a party hereto and payable under Section 25, Indemnification and Insurance.

Section 23. No Separate Entity

This AGREEMENT established a framework for MEMBER AGENCIES cooperation on storm water issues. Nothing in this AGREEMENT shall be construed to create an entity separate from the public agencies that join in this cooperative effort.

Section 24. Governing Law

This AGREEMENT will be governed and construed in accordance with laws of the State of California. Any legal action which arises out of or is in any way related to this AGREEMENT shall be brought in the Superior Court of the County of San Bernardino.

Section 25. Indemnification and Insurance

Each party shall indemnify, defend, and hold harmless the other parties to this AGREEMENT from and against any and all liability and expense arising from any act or omission of the indemnifying party, its authorized officers, employees, agents, and volunteers in connection with the performance of this AGREEMENT, including, but not limited to reasonable defense costs, reasonable legal fees, claims, actions, damages, liability, and causes of action for damages of any nature whatsoever; provided however, that no party shall indemnify another party for that party's own negligence or willful misconduct. In the event a party, or parties, to this AGREEMENT is/are found to be comparatively at fault for any claim, action, loss or damage which results from their respective obligations under this AGREEMENT, the party, or parties shall indemnify the other party/parties to the extent of its/their comparative fault. Furthermore, if a party attempts to seek recovery from the other for Workers' Compensation benefits paid to an employee, the parties agree that any alleged negligence of the employee shall not be construed against the employer of that employee. The parties to this AGREEMENT are authorized self-insured public entities for purposes of Professional Liability, Automobile Liability, General Liability, and Workers' Compensation and warrant that through their programs of self-insurance, they have adequate coverage or resources to protect against liabilities arising out of their performance under this AGREEMENT. This provision shall survive termination of the AGREEMENT, or an individual MEMBER AGENCY's termination from the AGREEMENT.

Section 26. Breach

Failure to comply with the terms of this AGREEMENT is a breach of this AGREEMENT. If a breach is not cured within ninety (90) days after receiving a notice to cure the breach by a party to this AGREEMENT, the party in breach may be terminated from this AGREEMENT by a majority vote of the COMMITTEE.

Section 27. Notices

All notices shall be deemed duly given if delivered by hand; or five (5) working days after deposit in the U.S. Mail, certified mail, return receipt requested.

[END OF THIS PAGE]

APPENDIX A
COST SHARING PLAN

A. The MEMBER AGENCIES collectively, shall pay the approved total annual cost, as set forth in Sections 7 and 8, pursuant to the formulae set forth in Paragraphs B and C, below.

B. The MEMBER AGENCY's total annual program cost share (PCSi) shall be calculated using three cost factors:

1. *Base*, which represents the percentage of the program costs equally applied to all MEMBER AGENCIES. The base (B) fraction is calculated as follows:

$B = 1/N$, where N = number of MEMBER AGENCIES

2. *Relative Population*, which represents the percentage of the program costs based on the relative population of each MEMBER AGENCY. Relative population (RP) of each MEMBER AGENCY shall be calculated annually from annual population estimates issued by the California Department of Finance (E-1 Table).

$RP_i = (P_i/P_{total})$, where

RP_i = relative population of MEMBER AGENCY(i)

P_i = population of MEMBER AGENCY(i)

P_{total} = total population for area covered by the GENERAL PERMIT

3. *Relative Land Area*, which represents the percentage of the program costs based on the relative land area of each MEMBER AGENCY. Relative Land Area (RLA) shall be calculated as follows:

- a. The calculation of relative land area within each MEMBER AGENCY's jurisdiction shall exclude land under tribal, state or federal jurisdiction, or any land excluded by the State Water Resources Control Board. Any MEMBER seeking to exclude lands under this Section shall specifically request that exclusion from the COMMITTEE by providing the request in writing along with necessary documentation no later than September 1st to be considered for inclusion in the next year's annual budget. The requesting MEMBER AGENCY has the burden of proving entitlement to any exemption so requested. The COMMITTEE shall approve such exclusion by a simple majority vote of all MEMBER AGENCIES.

- b. The method for calculating relative land area shall be determined from the Assessor's Parcel data provided by the COUNTY Information Services Department.

$RLA_i = (L_i/L_{total})$,

Where

RLA_i = relative land area of MEMBER AGENCY(i) E
 = land area of MEMBER (i), less excluded lands
 L_{total} = total land area under permit jurisdiction

C. The MEMBER AGENCY's total annual program cost share (PCSi) is calculated as follows:

$$PCSi = [(B * X_i * AB_i) + (RPI * Y_i * AB_i) + (RLA_i * Z_i * AB_i)]$$

Where,

$PCSi$ = MEMBER AGENCY's cost share
 AB_i = Annual budget approved by the GROUP

B = Base fraction for each MEMBER AGENCY X_i = Percentage apportioned to the base for PC

RPI = Relative population of MEMBER AGENCY(i)
 Y_i = Percentage apportioned to relative population for PC

RLA_i = Relative land area of the MEMBER AGENCY(i) Z_i
 = Percentage apportioned to relative land are for PC

Table 1. Budget Year [DATE]			
	Percent of the Program Cost Apportioned to each Cost Factor		
	Base (Xi)	Relative Population (Yi)	Relative Land Area (Zi)
Program Cost (PC)	40%	30%	30%

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT NO. 1 on the dates opposite their respective signatures.

TOWN OF APPLE VALLEY,
a municipal corporation

DATE: _____ BY: _____
Larry Cusack, Mayor

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED TO
THE CHAIR OF THE BOARD

LaVonda Murphy-Pearson, CMC
Town Clerk
Town of Apple Valley, California

APPROVED AS TO FORM
Town Attorney

BY _____ DATE: _____

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT NO. 1 on the dates opposite their respective signatures.

CITY OF HESPERIA,
a municipal corporation

DATE: _____ BY: _____
Larry Bird, Mayor

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED TO
THE MAYOR

Melinda Sayre-Castro
City Clerk
City of Hesperia, California

APPROVED AS TO FORM
City Attorney

BY _____ DATE: _____

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT NO. 1 on the dates opposite their respective signatures.

CITY OF VICTORVILLE,
a municipal corporation

DATE: _____ BY: _____
Gloria Garcia, Mayor

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED TO
THE CHAIR OF THE BOARD

Charlene Robinson,
City Clerk
City of Victorville, California

APPROVED AS TO FORM
City Attorney

BY _____ DATE: _____
Andre de Bortnowsky, Deputy

BY _____ DATE: _____
Chuck Bouquet, Risk Manager

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT NO. 1 on the dates opposite their respective signatures.

COUNTY OF SAN BERNARDINO,
a political subdivision of the State of California

DATE: _____

BY: _____
Robert A. Lovingood, Chairman, Board of
Supervisors

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

Laura H. Welch
Clerk of the Board of Supervisors
County of San Bernardino

By: _____
Deputy

APPROVED AS TO FORM

BY _____
Scott Runyan, Deputy County Counsel

DATE: _____

City of Hesperia STAFF REPORT



DATE: March 19, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Melinda Sayre, City Clerk
SUBJECT: Designation of Voting Delegate for Southern California Association of Governments (SCAG) Annual Conference

RECOMMENDED ACTION

It is recommended that the City Council designate Council Member Swanson as the voting delegate to represent the City at the Southern California Association of Governments (SCAG) annual Regional Conference and General Assembly meeting to be held May 1 through May 3, 2019 in Palm Desert.

BACKGROUND

The SCAG Regional Conference and General Assembly will be held May 1 through May 3, 2019 in Palm Desert. To expedite the conduct of business at this meeting, each City Council is requested to designate a voting representative who will be present at the General Business meeting.

Should the City Council designate a voting delegate to attend the General Business meeting, that representative, will receive a complimentary registration to SCAG's Regional Conference and General Assembly.

ISSUES/ANALYSIS

There are no issues identified with this action.

FISCAL IMPACT

There are no fiscal impacts identified with this action. The City's SCAG membership entitles one member of the Council to attend the General Assembly free of cost.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENT(S)

1. None

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DATE: March 19, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Chris Borchert, Acting Principal Planner

SUBJECT: General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339); Applicant: Yogesh Goradia; APN: 0398-031-41 & 42

RECOMMENDED ACTION

The Planning Commission recommends that the City Council adopt Resolution Nos. 2019-11 and 2019-12, approving General Plan Amendment GPA17-00003 from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract Map TT17-00002 to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue.

BACKGROUND

Proposal: Change the Land Use/Zoning Map for 11.1 acres of a 20.2-acre site from Rural Residential-Special Development (RR-SD) to R-1 18,000, single family residential. Subdivide the 11.1 acres into 16 single family lots through Tentative Tract Map 17339.

Location: On the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue.

Planning Commission Review: On February 14, 2019, the Planning Commission voted 4-0 to forward this item to the City Council with a recommendation for approval. Commissioner Caldwell was absent.

ISSUES/ANALYSIS

Land Use: The tentative tract would create 16 single-family residential lots on 11.1 gross acres, resulting in a density of 1.4 dwelling units per acre including a 12,073 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.

The land's current General Plan designation is RR-SD. Properties that are designated RR-SD typically have minimal or no infrastructure, varying topography or other developmental constraints. Re-designating the property to R1-18000 as proposed will make the General Plan Amendment consistent with surrounding properties which are a combination of RR 20000 and R1 18000.

The applicant has submitted a development proposal that addresses infrastructure requirements and other developmental constraints. Primary access to the subdivision will be from Arrowhead

Lake Road. The subdivision will connect to a water line that exists in Arrowhead Lake Road. The development can use private septic systems for sewage disposal consistent with the adopted Local Agency Management Plan (LAMP). The overall site is affected by a significant amount of drainage. As a result, the subdivision will dedicate a large portion west of the tract for a drainage easement to allow flows to be conveyed through the property.

The 16 single-family residential lots are proposed on the east 11.1 acres of the 20.2-acre site. The General Plan Amendment from RR-SD to R1-18000 only applies to the east 11.1 acres. The remaining 9.1 acres will remain undeveloped, due to a 100' wide gas easement and a large drainage easement on that portion of the property. The General Plan designates this gas easement as a Utility Corridor. In the future, there is a possibility that lots can be created on the west end of the property along Calpella Avenue. To meet fire standards, any tract map proposed on the west portion of the property would require two points of access. Calpella Avenue is not a through street to the south; therefore, two points of access do not exist at this time. The proposed 16 lot subdivision meets Fire Department standards.

Environmental: A Mitigated Negative Declaration (MND) has been prepared for the project pursuant to the California Environmental Quality Act (CEQA) (Attachment 4).

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 all development impact fees adopted by the City.

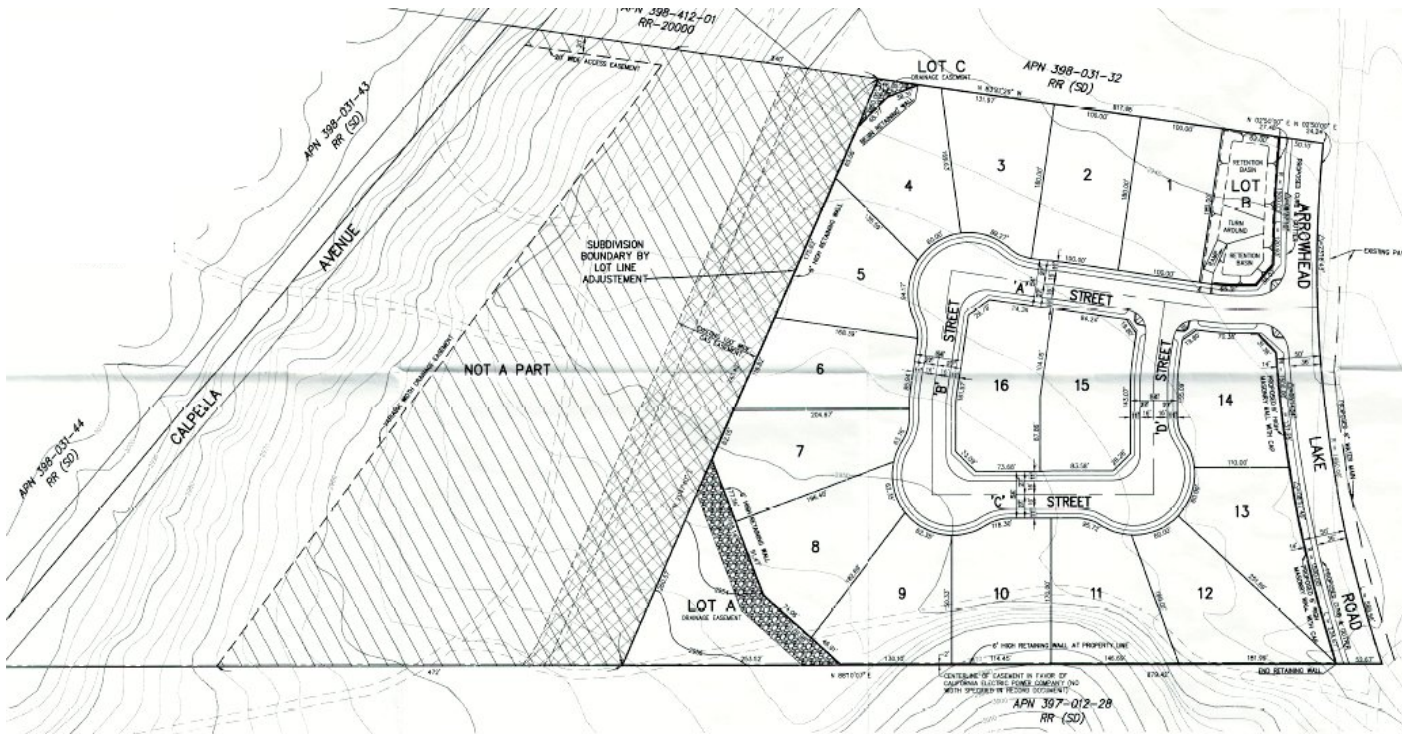
ALTERNATIVE

Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Tract TT17-00002 (TT-17339)
2. General Plan Land Use Map
3. Aerial Photo
4. Mitigated Negative Declaration and Initial Study
5. Resolution No. 2019-11
6. Exhibit "A"
7. Resolution No. 2019-12
8. List of Conditions
9. 2-14-2019 Planning Commission Staff Report and attachments

ATTACHMENT 1



APPLICANT(S): YOGESH GORADIA

FILE NO(S): GPA17-00003 and TT17-00002

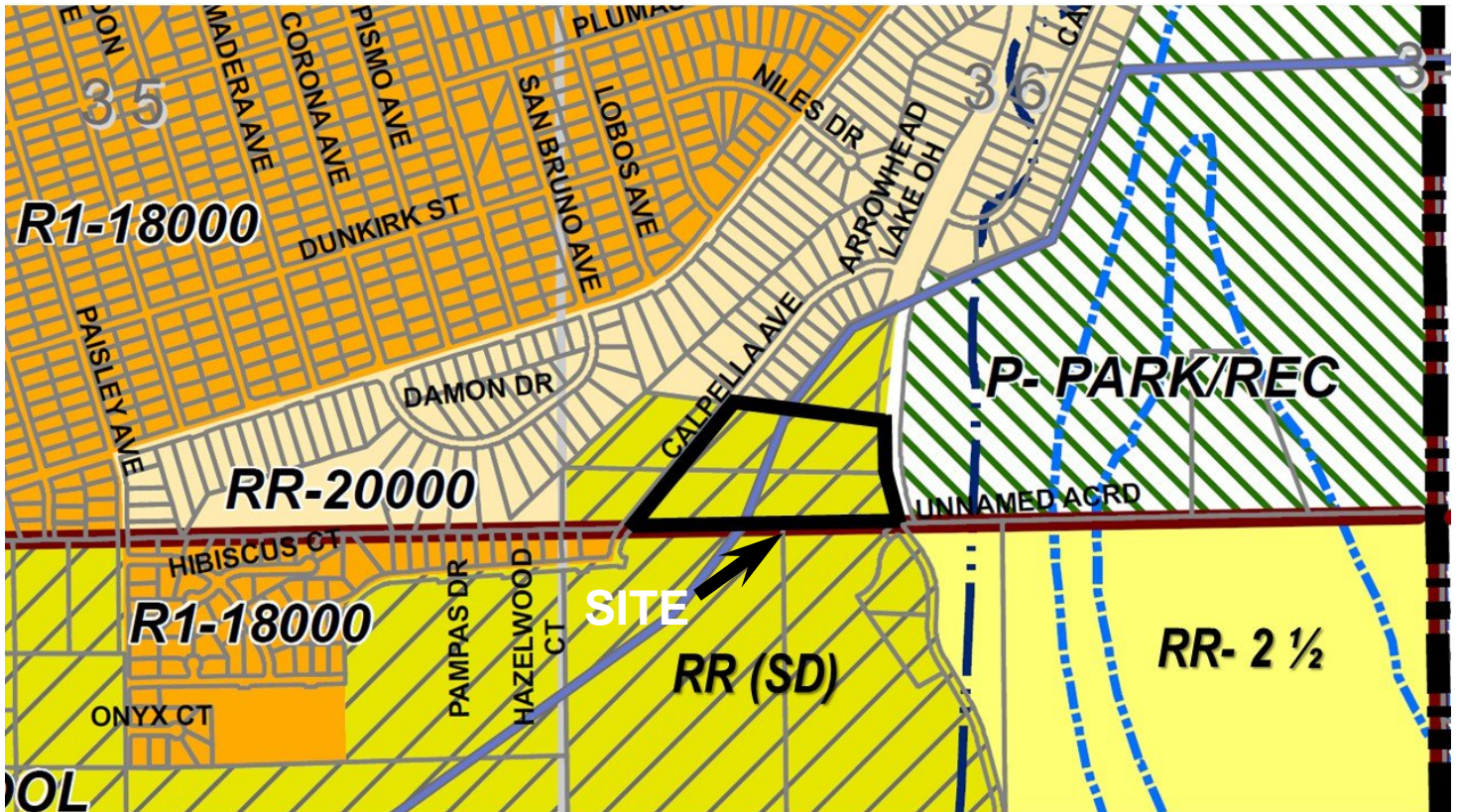
LOCATION: ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE.

APN(S):
0397-161-32

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM RR-SD TO R1-18000 AND A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE



ATTACHMENT 2



APPLICANT(S): YOGESH GORADIA

FILE NO(S): GPA17-00003 and TT17-00002

LOCATION: ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE.

APN(S): 0397-161-32

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM RR-SD TO R1-18000 AND A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE



GENERAL PLAN & ZONING MAP

ATTACHMENT 3



APPLICANT(S): YOGESH GORADIA

FILE NO(S): GPA17-00003 and TT17-00002

LOCATION: ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE.

APN(S): 0397-161-32

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM RR-SD TO R1-18000 AND A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE



ATTACHMENT 4

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

PROPOSED NEGATIVE DECLARATION ND-2019-01
Preparation Date: January 28, 2019

Name or Title of Project: General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339)

Location: On the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue (APNs: 0398-031-41 & 42)

Entity or Person Undertaking Project: Yogesh Goradia, 32063 Pacifica Drive, Rancho Palos Verde, CA 90275

Description of Project: Consideration of General Plan Amendment GPA17-00003 from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract TT17-00002 (TT-17339) to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site. The subdivision includes a 12,073 square foot lot to be used as a retention basin. The subdivision will dedicate a large portion of the property for a drainage easement to allow flows to be conveyed through the property. The project will connect to an existing 8-inch PVC water line in Arrowhead Lake Road. The subdivision will use private septic systems for sewage disposal. Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage.

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

Mitigation Measures:

1. The applicant shall water all unpaved areas as necessary to control dust.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. 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.
4. Archeological and tribal monitors shall be present during all soil disturbing and grading activities consistent with the project's conditions of approval.

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

Public Review Period: February 5, 2019 through March 6, 2019

Hearing Dates: February 14, 2019 & March 19, 2019

Attest:

DANIEL ALCAYAGA, AICP, SENIOR PLANNER

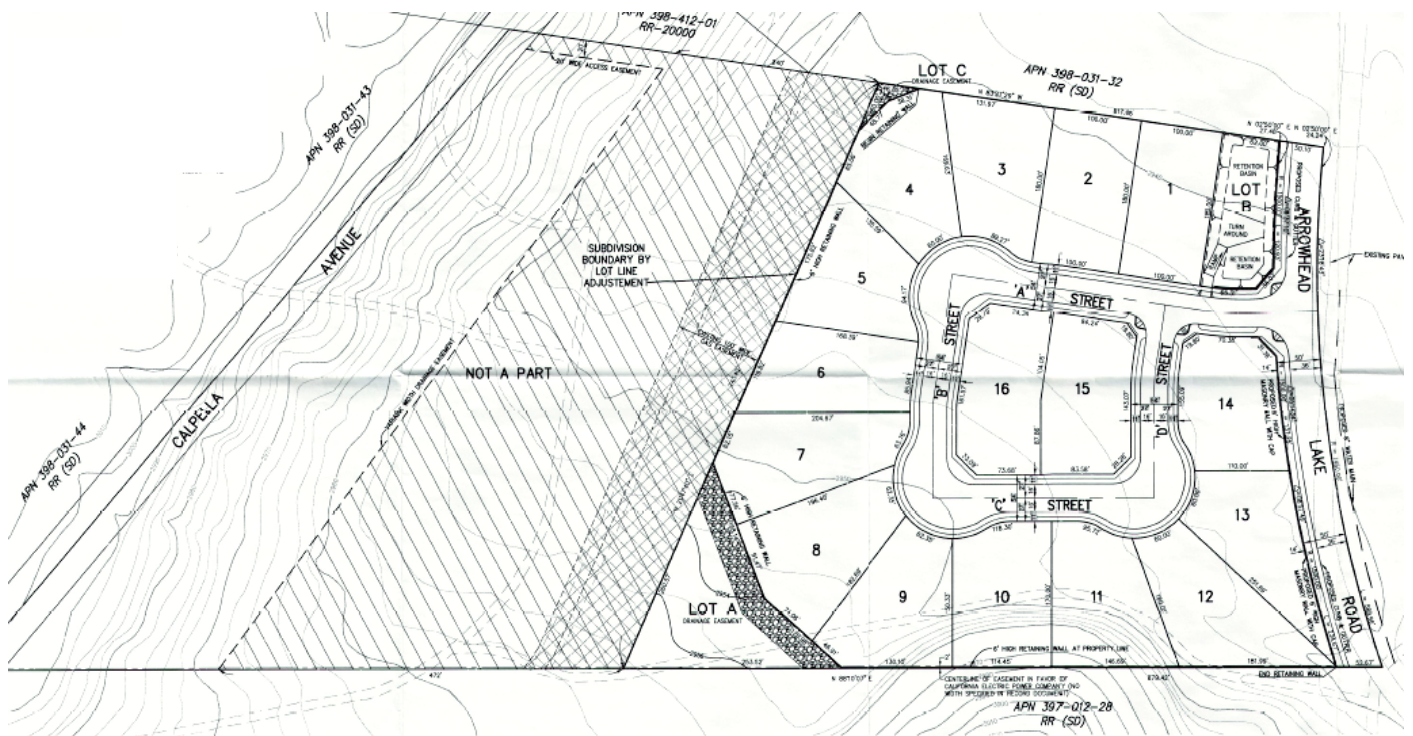
**CITY OF HESPERIA INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

PROJECT DESCRIPTION

1. **Project Title:** General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
Phone number: (760) 947-1330.
4. **Project Location:** On the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue (APNs: 0398-031-41 & 42)
5. **Project Sponsor:** Yogesh Goradia
Address: 32063 Pacifica Drive
Rancho Palos Verde, CA 90275
6. **General Plan & zoning:** The site is within the Rural Residential – Special Development (RR-SD) zone
7. **Description of project:** Consideration of General Plan Amendment GPA17-00003 from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract TT17-00002 (TT-17339) to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site. The subdivision includes a 12,073 square foot lot to be used as a retention basin. The subdivision will dedicate a large portion of the property for a drainage easement to allow flows to be conveyed through the property. The project will connect to an existing 8-inch PVC water line in Arrowhead Lake Road. The subdivision will use private septic systems for sewage disposal. Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage. **A site plan for the project is illustrated on page 2.**
8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

The properties to the north and west are within the RR-20000 zone. The land to the south is within the Rural Residential – Special Development (RR-SD) zone. The land to the east is zoned Public (P-Park/Rec). The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east.
9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) This project is subject to review and approval by the Mojave Desert Air Quality Management District, the Hesperia Water District, Southern California Edison, and Southwest Gas.

EXHIBIT "A"



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

Daniel S. Alcayaga, AICP, Senior 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 & 4) ?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (7) ?			X	

Comments.

The property is currently vacant with scattered vegetation **(1)**. The project is bounded by the Arrowhead Lake Road to the east. The site is not in close proximity to any scenic vistas, scenic resources or historic buildings **(2, 3 & 58)**. Arrowhead Lake Road is not considered a scenic highway. The site's proximity to existing development and the current site condition is evidence that the project would have a limited impact upon the visual character of the area. Consequently, the site is not considered a scenic resource.

The proposed residential subdivision will not have any adverse impact to the aesthetics of the area as the residential development is subject to Title 16 zone district **(5 & 6)**, which limit the building height and provide for minimum yard and lot coverage standards as implemented through the building permit review process. The proposed architectural designs and earth tone colors of the buildings will complement the surrounding developments. Consequently, development of the proposed project will not have a significant negative impact upon the visual character or quality of the area **(4)**.

The project will produce light similar to that already being produced by nearby developments and will be subject to the Development Code, which limits the amount of light produced at the boundary of the site, which will not have an adverse impact upon the surrounding properties. The lighting standard will ensure that the development will not have an adverse impact upon the surrounding properties. Further, lighting fixtures must be hooded and directed downward.

The Environmental Impact Report (EIR) for the 2010 General Plan Update addressed development to the maximum build-out of the General Plan **(7)**. This project site is not adjacent to sensitive land uses. Based upon regulations applicable to the project, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project will not have a 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 (8) ?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (9) ?				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)) (9 & 10) ?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (1 & 10) ?				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 (8 & 10) ?				X

Comments.

The project site has been partially disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. Additionally, the site does not contain any known unique agricultural soils. Based on the lack of neither past agricultural uses nor designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The soil at this location is classified by the U.S. Soil Conservation Service as Cajon-Wasco, cool, complex, 2 to 9 percent slopes. This soil is limited by moderate to high soil blowing hazard, high water intake rate, and low to moderate available water capacity **(8)**. The proximity of developed uses is further evidence that the site is not viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." **(20)**. The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. The site is also not within the area designated by the State of California as "unique farmland **(8)**." The City of Hesperia General Plan does not designate the site for agricultural use nor is the land within a Williamson Act contract. Therefore, this project has no potential to be used for agriculture.

The City and its Sphere of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(10)**. The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes **(11)**. The project site is located in an urban area and is substantially surrounded by urban development **(1)**. Since the site is not forested, 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 (12, 13 & 14)?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (12, 13 & 14)?			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) (12, 13 & 14)?		X		
d) Expose sensitive receptors to substandard pollutant concentrations (4, 12 & 13)?			X	
e) Create objectionable odors affecting a substantial number of people (1, 4, 12 & 13)?			X	

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors **(12 & 13)**. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The proposed subdivision is not expected to provide pollution at levels that would impact sensitive receptors.

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 **(13)**. 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 **(12 & 13)**. All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(14)**. Programs have been established in the Air Quality Attainment Plan which addresses emissions caused by area sources.

The project will have a temporary impact upon air quality during its construction. The Building and Safety Division dust control measures include limited grading and site watering during construction. As a further safeguard against the potential for blowing dust associated, site watering shall be continued as needed to prevent nuisance dust in accordance with the mitigation measure on page 23.

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 **(15)**. As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicles trips associated with this project is analyzed within Section XV. Transportation/Traffic. Further, the impact of the project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment

Plan **(14)**. Consequently, the proposed development will not have a significant negative impact upon air quality, with imposition of mitigation measures.

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 (16) ?				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 & 16) ?				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 & 16) ?				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 & 16) ?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (1 & 17) ?		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 (18) ?				X

Comments.

The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species **(19)**. Similarly, the potential for the existence of a desert tortoise upon the site is extremely low. The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Tapestry Specific Plan and adjacent areas **(19)**.

Since the site contains native plant species, a biological survey was prepared to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk **(16)**. The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior to commencement of grading activities.

A protected plant plan was prepared as part of the biological report. This protected plant plan will ensure that 42 Joshua Trees which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place **(16 & 17)**. A certain amount of which will not be protected as they will be unsuitable for transplanting and/or are unhealthy. The grading plan for the project shall stipulate that all protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 23.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities **(18)**. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Tapestry Specific Plan and vicinity **(18)**. The project site is located approximately less than one mile to the north within the developed portion of the City. Consequently, approval of the project 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 (21) ?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (21) ?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (23) ?				X
d) Disturb any human remains, including those interred outside of formal cemeteries (24) ?			X	

Comments.

The Cultural Resources Sensitivity Map within the Cultural Resource background technical report of the General Plan Update indicates that the site has a high sensitivity potential for containing cultural resources **(23)**. Past records of archeological and paleontological resources were evaluated. This research was compiled from records at the South Central Coastal Information Center located at the California State University, Fullerton.

The project was originally survey in 2005 for cultural resources, and a walkover was done in 2017 **(22 & 58)**. Based on literature review, several recorded prehistoric sites (a village) and a one historical site (a can scatter and a foundation) were identified within one mile of the project area. Historic maps indicated that a portion of the alignment paralleling the Mojave River representing the Mojave Trail exists near the vicinity of the study area. The field survey failed to find any remnants of the features within the property boundaries. The 2005 survey found a single isolate piece of debitage, and the subsequent walkover in 2017 found no additional cultural materials. They study found no indication of subsurface prehistorical deposits evident across the property.

In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) **(24)**. Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands **(25)**. Consequently, approval of the project will not have an impact upon cultural resources.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (26 & 27) .				X
ii) Strong seismic ground shaking (26 & 28)?			X	
iii) Seismic-related ground failure, including liquefaction (8 & 26)?				X
iv) Landslides (26)?				X
b) Result in substantial soil erosion or the loss of topsoil (8)?			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 (8 & 26)?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (8 & 27)?				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 (8 & 27)?				X

Comments.

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)**. The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults **(29)**. The project site is not located within an Alquist-Priolo Earthquake Fault Zone **(26, 27 & 28)**. Further, the site is not in an area which has the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse **(27)**.

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 **(68)**, 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.

The soil at this location is classified by the U.S. Soil Conservation Service as Cajon-Wasco, cool, complex, 2 to 9 percent slopes. This soil is limited by moderate to high soil blowing hazard, high water intake rate, and low to moderate available water capacity **(8)**. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with buildings, paved driveways, roads, and landscaping **(4)**. These improvements will ensure that soil disturbance will not result in significant soil erosion.

Sewer is not in proximity to the project location **(30)**. The subdivision is eligible to use septic systems because all the lots sizes are a minimum of 18,000 square feet consistent with the adopted Local Agency Management Program (LAMP) **(74)**. Consequently, approval of the project will not have an impact upon geology or soils.

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 (31) ?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (31, 32 & 33) ?			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 **(73)**. 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)**(31)**. The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 29 percent below business as usual by 2020, consistent with AB 32 **(32)**.

Development of the proposed development is consistent with the greenhouse gas (GHG) emissions analyzed by the General Plan Update Environmental Impact Report (GPUEIR). The development will meet energy conservations measures that meet or exceed Title 24 standards. Landscape areas within the development are required to ensure water efficient plants and a low-flow irrigation system are maintained. In addition, a water budget is required to ensure a water efficient landscaping and irrigation system. 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 (4 & 34) ?			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 (4 & 34) ?			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 (4) ?			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 (18) ?				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 (4) ?				X

Comments.

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

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

Formerly Used Defense Sites

<http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The proposed subdivision will not conflict with air traffic nor emergency evacuation plans. The site is just over three miles east from the Hesperia Airport and is therefore not within a restricted use zone associated with air operations **(36)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter **(37)**. Consequently, the project will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest **(38 & 43)**. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. All residences are required to have fire sprinklers. San Bernardino County Fire administers the weed abatement program to reduce the potential of vegetation fires. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials with compliance with an approved HMBP and required mitigation measures.

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 (39) ?			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) (41 & 42) ?			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 (44) ?			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 (44) ?			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 or Flood Insurance Rate Map or other flood hazard delineation map (4 & 45) ?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (4, 45 & 54) ?				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 (44 & 53) ?				X

j) Inundation by seiche, tsunami, or mudflow (46)?				X
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Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance (39). Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water (40). Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (4). 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 (44). The proposed development is not allowed to concentrate or redirect storm water flow. A retention basin is proposed to handle the sites increase in runoff, the project site is not impacted (69). 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 storm water runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development. In addition, the site is not within a Flood Zone, based upon the latest Flood Insurance Rate Map (54).

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, a portion of the project site has the potential to be inundated by floodwater (44 & 53). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River. The project is not considered an essential or critical facility, and does not store large quantities of hazardous material. The project is required to be constructed consistent with the recommendations of a hydrological study prepared by a State-certified engineer (69).

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 (46). Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins (46). In addition, 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 (8).

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 (41).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere of Influence (SOI). The UWMP indicates that the City is currently using available water supply, which is projected to match demand beyond the year 2030 **(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 the project is considered less than significant.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community (1) ?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (47) ?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (18) ?				X

Comments.

The site is currently vacant and a residential subdivision is proposed on the site **(1)**. Therefore, the use will not physically divide an established community. A general plan amendment to R1-18000 is consistent with zoning of nearby properties. The current zoning RR(SD) allows development with a specific plan, which allows a subdivision of varying lot sizes. The density of this subdivision is similar to what can be developed with a specific plan **(47 & 61)**. 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 **(18)**. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Tapestry Specific Plan and vicinity **(18)**. The project site is located just under one mile to the north of this specific plan within the developed portion of the City. Therefore, development of the project would have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (48) ?				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 (48) ?				X

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site **(48)**. 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. Although the project is near a

wash/river, which contains sand and gravel, 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, 4 & 49) ?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50 & 51) ?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (52) ?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (52) ?			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 (36) ?				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 (36) ?				X

Comments.

Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(49)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles.

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 **(49)**. The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The nearest major roadway in the vicinity to the development is Arrowhead Lake Road along the eastern project boundary. This arterial roadway generates noise levels up to 56 CNEL **(55)**. The proposed land uses are not sensitive to noise. The boundary of the site is more than three miles from the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport **(36)**. The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports. In addition, the site is over three miles from the Burlington Northern Santa Fe Railroad **(51 & 56)**. Therefore, area impacts by noise and vibration generated by the project are less than significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive use is Ranchero Middle School located one mile to the west. Construction noise will subside once the construction phase is completed.

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 density 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 **(15)**. No additional noise impact beyond that previously analyzed would occur.

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) (4) ?			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 & 9) ?				X

Comments.

The site is in close proximity to water and other utility systems **(30)**. As a result, development of the project would not require significant extension of major improvements to existing public facilities. The site is vacant and is identified for residential development **(1 & 9)**. Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The population in Hesperia has increased mainly because of the availability of affordable housing in the high desert and its proximity to the job-rich areas of the Inland Empire. The proposed development will not induce substantial population growth as the development will provide additional housing opportunities for future and existing residents. Based upon the limited size, development of the project would have a less than significant impact upon population and housing.

XIV. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1 & 2) :			X	
Fire protection? (1 & 2)			X	

Police protection? (1 & 2)			X	
Schools? (1 & 2)			X	
Parks? (1 & 2)			X	
Other public facilities? (1 & 2)			X	

Comments.

The proposed project will create a very slight increase in demand for public services (2). The project will connect to an existing water line in Arrowhead Lake Road (30). The subdivision will use private septic systems for sewage disposal. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the site (61). Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site (59). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Consequently, satisfactory levels of public services will be maintained. Therefore, the proposed project will not have a significant impact upon public services.

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 (9)?			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 (4)?			X	

Comments.

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 (63)?			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 (64)?			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) (1 & 61) ?			X	
e) Result in inadequate emergency access (4) ?			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 (64 & 65) ?				X

Comments.

The proposed project fronts upon Arrowhead Lake Road, which are to be constructed as a 100-foot wide Arterial roadway **(63)**. As part of development of this project, Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage, improving safety. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department.

The City's General Plan includes a non-motorized transportation network **(75)**. The site fronts upon Arrowhead Lake Road, which is part of the Bikeway System Plan. A Class II bike path will ultimately be constructed within Arrowhead Lake Road. This will provide a viable alternative to the use of automobiles.

The project site is located just over three miles from the Hesperia Airport and is not within an airport safety zone **(9)**. Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

According to the Institute of Traffic Engineers, Trip Generation, 9th Edition, approval of the proposed 16-lot subdivision would create an estimated 153 daily vehicle trips (9.57 daily trips per dwelling unit). Based upon the street improvements to be constructed, the impact upon transportation facilities associated with the proposed development is considered to be less than significant. During the development review process, there were extensive revisions to the tract map's internal circulation plan in order to limit the number of connections along Arrowhead Lake Road. In addition, payment of the required development impact fees at the time of building permit issuance will provide funding for the construction of arterial roadways and traffic signals to reduce the impacts of additional vehicular traffic.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(64)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Arrowhead Lake Road, which is B, will not be significantly negatively affected by the number of vehicle trips to be created by the proposed 16 lot subdivision. As a result, the project's impact upon traffic will not exceed the impact analyzed by the GPUEIR.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation impacts **(15)**.

XVII. TRIBAL CULTURAL RESOURCES.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

The questions related to impacts to tribal cultural resources required as part of Assembly Bill 52 approved by the Office of Administrative Law on September 27, 2016 were included in this checklist. All California Native American tribes that requested to be informed pursuant to Public Resources Code 21080.3.1(a) (aka AB-52) and California Government Code Sections 65352.3, 65352.4, 65562, and 65560 requirements (aka SB-18) were notified prior to release of this environmental document. San Manuel Band of Mission Indians and Twenty-Nine Palms Band of Mission Indians requested consultation. As a result of consultation, it was agreed that archeological and tribal monitors would be present during all soil disturbing and grading activities. The mitigation measure is listed on page 23.

The Cultural Resources Sensitivity Map within the Cultural Resource background technical report of the General Plan Update indicates that the site has a high sensitivity potential for containing cultural resources **(23)**. The site was investigated by Analytical Archaeology on August 2017 and June 2005. Based on literature review, several recorded prehistoric sites (one a village) and a one historical site (a can scatter and a foundation) were identified within one mile of the project area. The field survey failed to find any remnants of the features within the property boundaries. The 2005 survey found a single isolate piece of debitage, and the subsequent walkover in 2017 found no additional cultural materials. The study found no indication of subsurface prehistorical deposits evident across the property. Consequently, approval of the project will not have an impact upon cultural resources with mitigation.

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 (66) ?				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 (67 & 68) ?			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 (69) ?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (41 & 42) ?			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 (67 & 68) ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (70 & 72) ?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste (71) ?			X	

Comments.

The project will connect to an existing water line in Arrowhead Lake Road (30). The subdivision will use private septic systems for sewage disposal. As part of construction of the project, the City requires installation of an on-site drainage system which will retain any additional storm water created by the impervious surfaces developed as part of the project **(69)**. Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the drainage system will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(41)**.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere of Influence (SOI). The UWMP indicates that the City is currently using available water supply, which is projected to match demand beyond the year 2030 **(42)**. The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled **(72)**. Currently, approximately 63 percent of the solid waste within the City is being recycled **(70 & 71)**. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 1,500 tons per day in order to accommodate future development. Therefore, the project will not cause a significant negative impact upon utilities and service systems.

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

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

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

1. The applicant shall water all unpaved areas as necessary to control dust.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. 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.
4. Archeological and tribal monitors shall be present during all soil disturbing and grading activities consistent with the project's conditions of approval.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia flown taken in Spring 2018 and on-site field investigations conducted in October 2018.
- (2) Section 3.1.2 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.1-3.
- (3) Section 3.0 of the 2010 City of Hesperia General Plan Open Space Element, pages OS-13 thru OS-27.
- (4) Application and related materials for General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339)
- (5) Chapter 16.16 of the Hesperia Municipal Code.
- (6) Chapter 16.16, Article 1 of the Development Code, including the general plan land use map
- (7) Section 3.1.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.1-6.
- (8) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Pages 23 thru 24 and Map Sheet No. 31.
- (9) 2010 Official Map showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (10) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (11) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (12) Air Quality Section of the 2010 City of Hesperia General Plan Conservation Element, pages CN-47 thru CN-51.
- (13) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (14) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (15) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
- (16) Supplement for Original Tortoise Study and Joshua Tree Reports prepared by Altec Land Planning dated February 1 , 2018

- (17) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (18) Section 3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 8 and 9.
- (19) Section 3.3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 14 thru 25.
- (20) 1988 United States Bureau of Land Management California Desert Conservation Area map.
- (21) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
- (22) Section 6 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 22 thru 38.
- (23) Cultural Resource Sensitivity Map Exhibit 5c of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (24) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- (25) Letter dated September 25, 2006 from Dave Singleton of the Native American Heritage Commission within Appendix B of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (26) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-8.
- (27) Exhibit SF-1 of Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, page SF-9.
- (28) Figure 1-2 of Section 1.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-5.
- (29) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
- (30) Current Hesperia water and sewer line atlas
- (31) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
- (32) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- (33) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 20 and 21.
- (34) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, page SF-32.
- (35) Section 5 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 5-4 and 5-5.
- (36) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-71 and LU-72.
- (37) Disaster Preparedness, Response, and Recovery Section of the 2010 Hesperia General Plan Safety Element, pages SF-37 thru SF-48.
- (38) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
- (39) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
- (40) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
- (41) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.

- (42) Mojave Water Agency letter dated March 27, 1996.
- (43) Exhibit SF-2 of the 2010 City of Hesperia General Plan Update Safety Element, page SF-19.
- (44) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
- (45) 1996 Hesperia Master Plan of Drainage
- (46) Section 3.0 of the 2010 City of Hesperia General Plan Update Safety Element, page SF-8.
- (47) Chapter 16.16, Article IV of the Development Code
- (48) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
- (49) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4.
- (50) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467 and Table NS-5 of Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, pages NS-11 and NS-12.
- (51) Table 7 of Section 2.2.1 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 22.
- (52) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-45.
- (53) Dam Inundation Map within Section 3.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-22.
- (54) FEMA Flood Map within Section 3.1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
- (55) Table 9 within Section 2.2 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 20.
- (56) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-13.
- (57) 2012 Trip Generation Manual, Volume II, 9th Edition, Institute of Transportation Engineers
- (58) Cultural Resource Assessment prepared by Analytic Archaeology, LLC dated August 2017.
- (59) 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. Park impact fees are established by the Hesperia Recreation and Park District. School fees are established by the Hesperia Unified School District.
- (60) 2016 California Plumbing Code
- (61) Chapter 17.08 Tentative and Final Maps of the Subdivisions Code
- (62) California Health and Safety Code Section 25232 (b) (1) (A-E).
- (63) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-17.
- (64) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4-17.
- (65) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 and 75.

- (66)** Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
- (67)** Environmental policies of the Lahontan Regional Water Quality Control Board regarding use of private wastewater treatment systems.
- (68)** 2016 California Building Code
- (69)** Drainage Analysis prepared by Nikita Dave and Yogesh Goradia dated February 2018
- (70)** 2014 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- (71)** California Integrated Waste Management Act (AB 939).
- (72)** Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
- (73)** Section 15183.5 – Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, March 18, 2010 Amendments to the Guidelines for Implementation of the California Environmental Quality Act.
- (74)** Local Agency Management Program (LAMP) prepared by City of Hesperia and Charles Abbot & Associates
- (75)** Exhibit CI-23 - Non-motorized Transportation Plan, Circulation Element of the 2010 General Plan, Page CI-57

RESOLUTION NO. 2019-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING THE OFFICIAL GENERAL PLAN LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY FROM RURAL RESIDENTIAL – SPECIAL DEVELOPMENT (RR-SD) TO SINGLE-FAMILY RESIDENCE WITH A MINIMUM LOT SIZE OF 18,000 SQUARE FEET (R1-18000) ON 11.1 GROSS ACRES LOCATED ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE (GPA17-00003)

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

WHEREAS, Yogesh Goradia filed an application requesting approval of GPA17-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 11.1 gross acres within the Rural Residential-Special Development (RR-SD) designation located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue and consists of Assessor's Parcel Numbers 0398-031-41 & 42; and

WHEREAS, the Application, as contemplated, proposes to change the General Plan Land Use designation of the subject property and the expanded application from Rural Residential- Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000); and

WHEREAS, Yogesh Goradia has also filed an application requesting approval of Tentative Tract Map TT17-00002 (TT-17339) to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site; and

WHEREAS, the subject site is currently vacant. The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east; and

WHEREAS, the subject property is currently within the Rural Residential-Special Development (RR-SD) designation, which is proposed to be changed to R1-18000. The properties to the north and west are within the RR-20000 zone. The land to the south is within the Rural Residential – Special Development (RR-SD) zone. The land to the east is zoned Public (P-Park/Rec); and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 28, 2019, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND19-01 was subsequently prepared; and

WHEREAS, on February 14, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on March 19, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

Section 1. The City Council 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 City Council during the above-referenced March 19, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND19-01 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The area of the proposed General Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. The proposed R1-18000 designation is appropriate at this location as there are similar subdivisions of similar density to the west and north of the proposed project.
- (d) The proposed General Plan Amendment is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (e) The proposed General Plan Amendment is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.
- (f) The development within the proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically Land Use Goal L.G.10 that promotes policies that will ensure maximum utilization of existing facilities and infrastructure within the City because the proposed development will utilize the streets and services available to existing development in the area.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby adopts General Plan Amendment GPA17-00003, amending the General Plan map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND19-01, which is attached to the staff report for this item.

Section 4. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

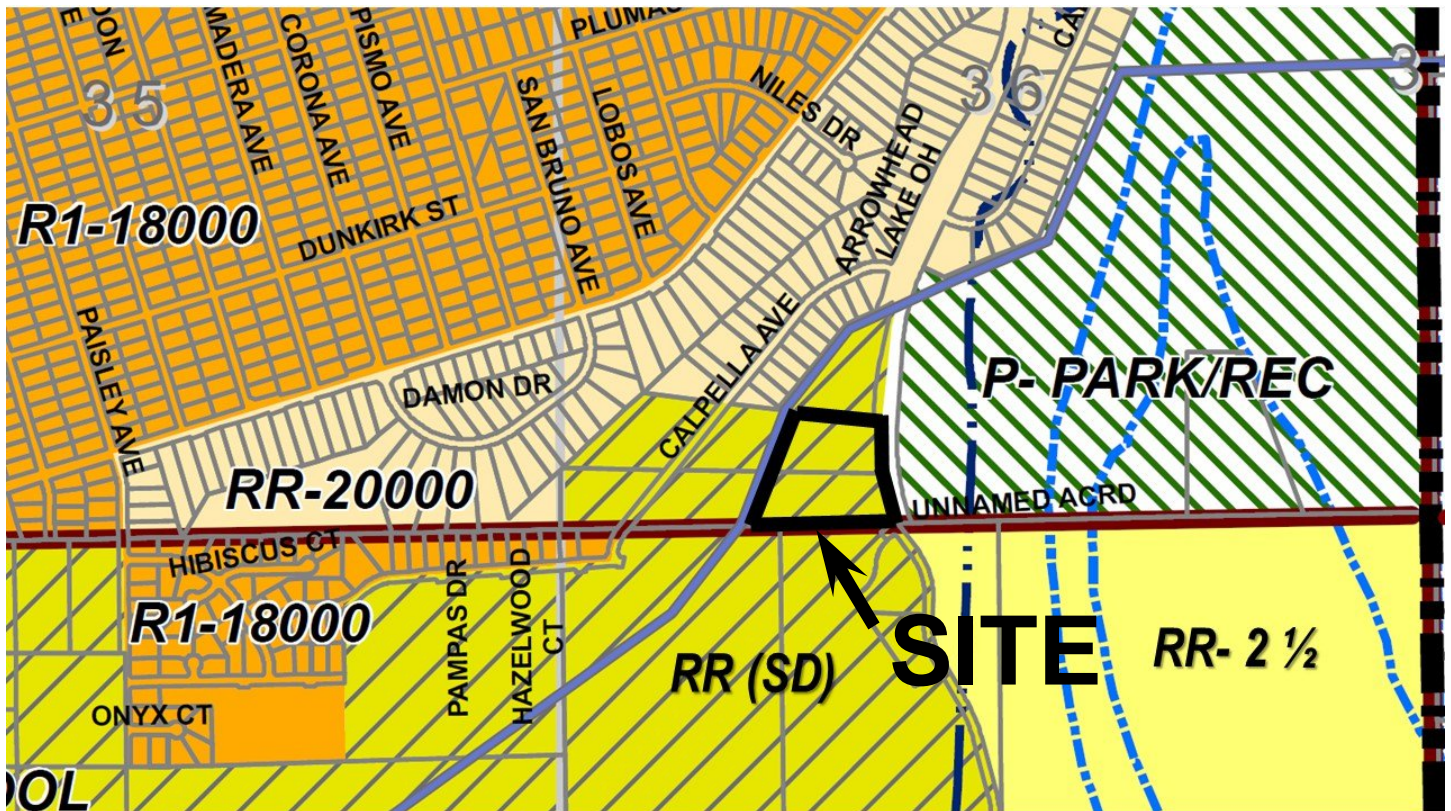
ADOPTED AND APPROVED this 19^h day of March 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre-Castro
City Clerk

ATTACHMENT 6
Exhibit "A"



GPA17-00003

A GENERAL PLAN AMENDMENT FROM RURAL RESIDENTIAL- SPECIAL DEVELOPMENT (RR-SD) TO SINGLE-FAMILY RESIDENCE WITH A MINIMUM LOT SIZE OF 18,000 SQUARE FEET (R1-18000) ON APPROXIMATELY 11.1 GROSS ACRES

RESOLUTION NO. 2019-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE LOCATED ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE (TT17-00002/TT-17339)

WHEREAS, Yogesh Goradia has filed an application requesting approval of Tentative Tract Map No. TT-17339, Case Number TT17-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to the east 11.1 acres of a 20.2 gross acre site within the Rural Residential-Special Development (RR-SD) designation located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue and consists of Assessor's Parcel Numbers 0398-031-41 & 42; and

WHEREAS, the Application, as contemplated, proposes to create 16 single-family residential lots and a retention basin; and

WHEREAS, Yogesh Goradia has also filed an application requesting approval to change the General Plan Land Use designation of the subject property from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000); and

WHEREAS, the subject site is currently vacant. The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east; and

WHEREAS, the subject property is currently within the Rural Residential-Special Development (RR-SD) designation, which is proposed to be changed to R1-18000. The properties to the north and west are within the RR-20000 zone. The land to the south is within the Rural Residential-Special Development (RR-SD) zone. The land to the east is zoned Public (P-Park/Rec); and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 28, 2019, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND19-01 was subsequently prepared; and

WHEREAS, on February 14, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on March 19, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

Section 1. The City Council 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 City Council during the above-referenced March 19, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND19-01 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Tentative Tract will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site 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; and
- (d) 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.
- (e) 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; and
- (f) 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 will use private

septic systems 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

- (g) 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
- (h) 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.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Council hereby approves Tentative Tract TT17-00002 (TT-17339), subject to the Conditions of Approval as set forth in ATTACHMENT "A" and the Mitigated Negative Declaration ND-2019-01 which is attached to the staff report for this item.

Section 4. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 19^h day of March 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre-Castro
City Clerk

ATTACHMENT 8

ATTACHMENT "A" List of Conditions for TT17-00002

Approval Date: March 19, 2019
Effective Date: March 19, 2019
Expiration Date: March 19, 2022

This list of conditions applies to Consideration of Tentative Tract TT17-00002 (TT-17339) in conjunction with General Plan Amendment GPA17-00003 to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue (Applicant: Yogesh Goradia: APNs: 0398-031-41 & 42)

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 Surveyors Office Final Map Standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,404.75 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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)

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

AGREEMENTS/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
NOT IN COMPLIANCE

COMPLIED BY

NON-VEHICULAR ACCESS. Vehicular access rights across the project frontage on Arrowhead Lake Road and along the northerly property line of Lot 14 shall be dedicated to the City of Hesperia and labeled as N.V.A. on the Final map. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS-IOD. The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall be a minimum of fifty-four (54') feet wide per City standards. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERIMETER STREETS. The Developer shall grant to the City an Irrevocable Offer of Dedication for Arrowhead Lake Road. The dedication shall be at a 50-foot half-width per the City standards for a Major Arterial Roadway Standard. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS Shall be designed to the City standard for a 54-foot wide roadway per City standards, as indicated below. Curb face is to be at 16-feet 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
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS-WATER. Interior water service shall be a looped system of 8 P.V.C. water lines with hydrants at 660 foot intervals, including loops through the cul-de-sacs utilizing utility easements. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15 feet minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot 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 per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NON-VEHICULAR ACCESS. Vehicular access rights along Arrowhead Lake Road shall be dedicated to the City of Hesperia, and labeled on the Final map. (E, P)

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.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LOT LINE ADJUSTMENT. A lot line adjustment shall be recorded matching the configuration of the tentative tract Map. (P/E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. 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: 1000 GPM for a 2-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 3600 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED **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

TRIBAL RESOURCES.

TCR-1

Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology and a Tribal monitor representing the San Manuel Band of Mission Indians and the Twenty-Nine Palms Band of Mission Indians (consulting Tribes) shall be present for all ground-disturbing activities that occurs within the proposed project area. A sufficient number of archaeological and Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. Monitoring and associated costs will be at the expense of the property owner.

TCR-2

A Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP) shall be created prior to any and all ground-disturbing activity in consultation with the consulting Tribes and agreed to by all Parties. The MDTDP shall provide details regarding the hiring of tribal monitors, the process for in-field treatment of inadvertent discoveries, and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendent (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPING/IRRIGATION PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division with the required application fees. The landscaping plans shall be for the required areas along along Arrowhead Lake Road, along the street side yard and front yards of numbered lots, and within Lot A as required by the Planning Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P, RPD)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required school fees. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FENCING PLANS. A combination four foot high wrought iron fence and two-foot-high split face masonry wall shall be constructed along the boundary of the retention basin in accordance with City standards (except along the boundary of the basin abutting private lots, where a six foot high split face masonry wall with decorative cap is required). Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MASONRY WALL/ FENCING PLANS. A six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to Arrowhead Lake Road, and along the street side (north) yard of Lot 14 in accordance with City standards. In addition, a six-foot high split-face masonry wall with decorative cap

shall be constructed on private property adjacent to the lettered lot A from the rear property line to the minimum front yard setback. Two complete sets of engineered construction plans for the required walls shall be submitted to the Building and Safety counter for review. (P)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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/her own expense. Relocation/undergrounding of utilities shall be identified upon submittal of the construction plans. (P, E, W/S)

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

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)

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 CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

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



ATTACHMENT 9

*The Following Attachments Were Provided to the Planning Commission for Review on 2-14-2019

DATE: February 14, 2019
TO: Planning Commission
FROM: Chris Borchert, Acting Principal Planner
BY: Daniel Alcayaga, Senior Planner
SUBJECT: General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339); Applicant: Yogesh Goradia; APN: 0398-031-41 & 42

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2019-04 and PC-2019-05, recommending that the City Council approve GPA17-00003 and TT17-00002.

BACKGROUND

Proposal: A General Plan Amendment from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and a Tentative Tract Map to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site. The smallest lot within the subdivision is 18,000 square feet, the average lot size is 18,817 square feet, and the largest lot is 20,958 square feet in area.

Location: On the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue.

Current General Plan, Zoning and Land Uses: The site is within the Rural Residential-Special Development (RR-SD) General Plan designation and zoning. The General Plan designates a Utility Corridor going through the middle of the property. The surrounding land is designated as noted on Attachment 2. The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east (Attachment 3).

ISSUES/ANALYSIS

Land Use: The tentative tract would create 16 single-family residential lots on 11.1 gross acres, resulting in a density of 1.4 dwelling units per acre. The subdivision includes a 12,073 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.

The land's current General Plan designation is RR-SD. Properties that are designated RR-SD typically have minimal or no infrastructure, varying topography or other developmental constraints. The General Plan calls for these properties to be developed with a specific plan from which a variety of densities can be proposed to be supported by adequate infrastructure. Otherwise, the land should be developed with lot sizes of 2 ½ acres.

The R1-18000 designation is appropriate in that other properties nearby are similarly zoned. There is a combination of properties designated RR-20000 and R1-18000 in the area making the General Plan Amendment consistent with surrounding properties. The applicant has submitted a development proposal that shows the proposed residential subdivision can stand alone. The proposal addresses all infrastructure needs and other developmental constraints. Primary access to the subdivision will be from Arrowhead Lake Road. The subdivision will connect to a water line that exists in Arrowhead Lake Road. The development can use private septic systems for sewage disposal consistent with the adopted Local Agency Management Plan (LAMP). The site is affected by a significant amount of drainage. As a result, the subdivision will dedicate a large portion of the property for a drainage easement to allow flows to be conveyed through the property.

The 16 single-family residential lots are proposed on the east 11.1 acres of the 20.2-acre site. The General Plan Amendment from RR-SD to R1-18000 only applies to the east 11.1 acres. The remaining 9.1 acres will remain undeveloped, as there is a 100' wide gas easement and a large drainage easement on that portion of the property. The General Plan designates this gas easement as a Utility Corridor. In the future, there is a possibility that lots can be created on the west end of the property along Calpella Avenue. To meet fire standards, any tract map proposed on the west portion of the property would need to have two points of access. Calpella Avenue is not a through street to the south; therefore, two points of access do not exist at this time. The proposed 16 lot subdivision meets Fire Department standards.

Drainage: A large drainage course runs through the property, which handles 4,159 cubic feet per second (cfs) during a 100-year storm event. This drainage easement has a maximum width of 370 feet at the upstream end and minimum width of 195 feet at the downstream end. The proposed residential subdivision will be elevated and will be protected with rip-rap along the subdivision's southwestern boundary.

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: The project will connect to an existing 8-inch PVC water line in Arrowhead Lake Road. The subdivision will use private septic systems for sewage disposal. The subdivision is eligible to use septic systems because all the lots sizes are a minimum of 18,000 net square feet consistent with the adopted LAMP.

Street Improvements: The proposed project fronts upon Arrowhead Lake Road, which are to be constructed as a 100-foot wide Arterial roadway. As part of development of this project, Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage, improving safety.

Traffic: According to the Institute of Traffic Engineers, Trip Generation, 9th Edition, approval of the proposed 16-lot subdivision would create an estimated 153 daily vehicle trips (9.57 daily trips per dwelling unit). During the development review process, there were extensive revisions to the tract map's internal circulation plan in order to limit the number of connections along Arrowhead Lake Road. Due to its size, the project alone will not result in changes to traffic patterns in the area.

Schools and Parks: The development is about one mile east of Ranchero Middle School, and is three miles southeast of Sultana High School. Hesperia Lake Park is located directly on the opposite side of Arrowhead Lake Road to the east.

Environmental: A Mitigated Negative Declaration (MND) has been prepared for the project 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. Pursuant to AB-52 & SB-18, the City consulted with San Manuel Band of Mission Indians and Twenty-Nine Palms Band of Mission Indians. As a result of consultation, it was agreed that archeological and tribal monitors would be present during all soil disturbing and grading activities due to the potential of finding culturally sensitive resources on the site.

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 all development impact fees adopted by the City.

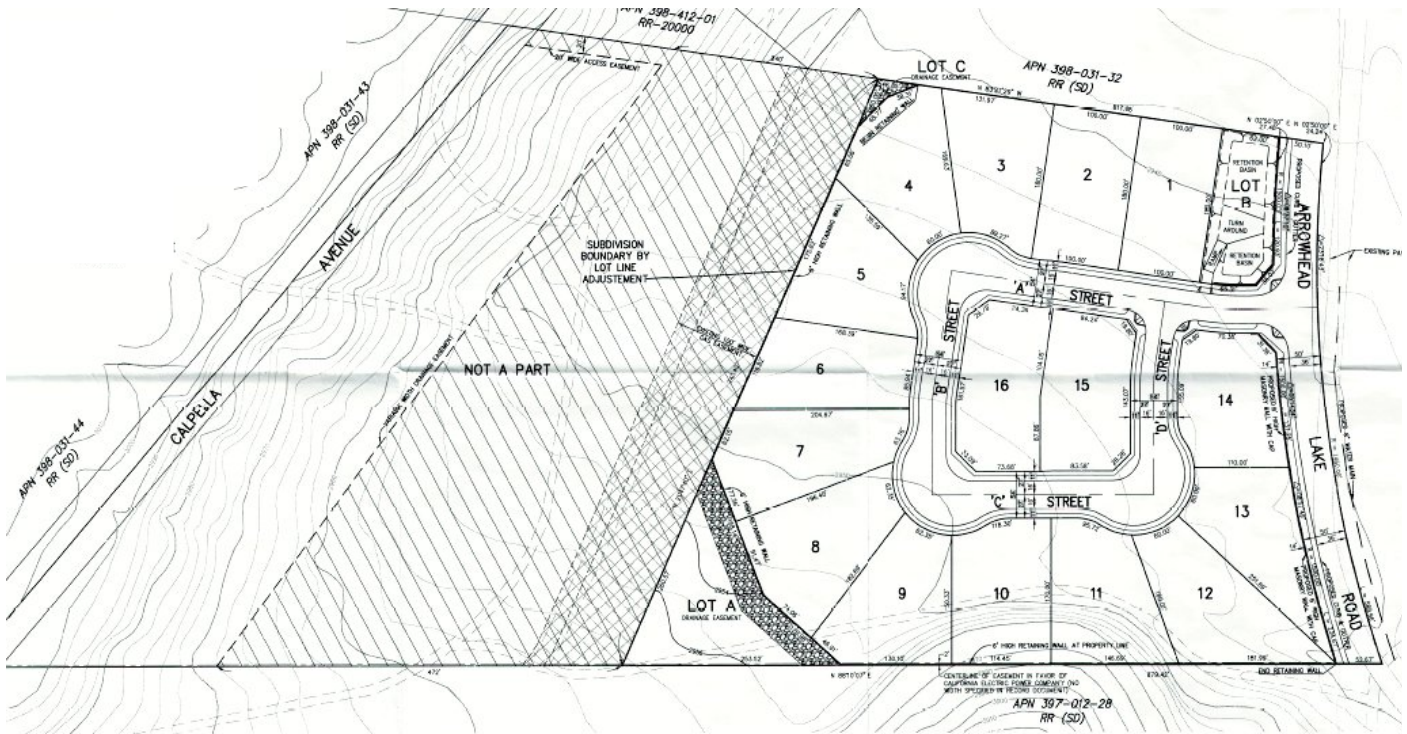
ALTERNATIVE

Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Tract TT17-00002 (TT-17339)
2. General Plan Land Use Map
3. Aerial Photo
4. Mitigated Negative Declaration and Initial Study
5. Resolution No. PC-2019-04, with Exhibit "A"
6. Resolution No. PC-2019-05, with list of conditions

ATTACHMENT 1



APPLICANT(S): YOGESH GORADIA

FILE NO(S): GPA17-00003 and TT17-00002

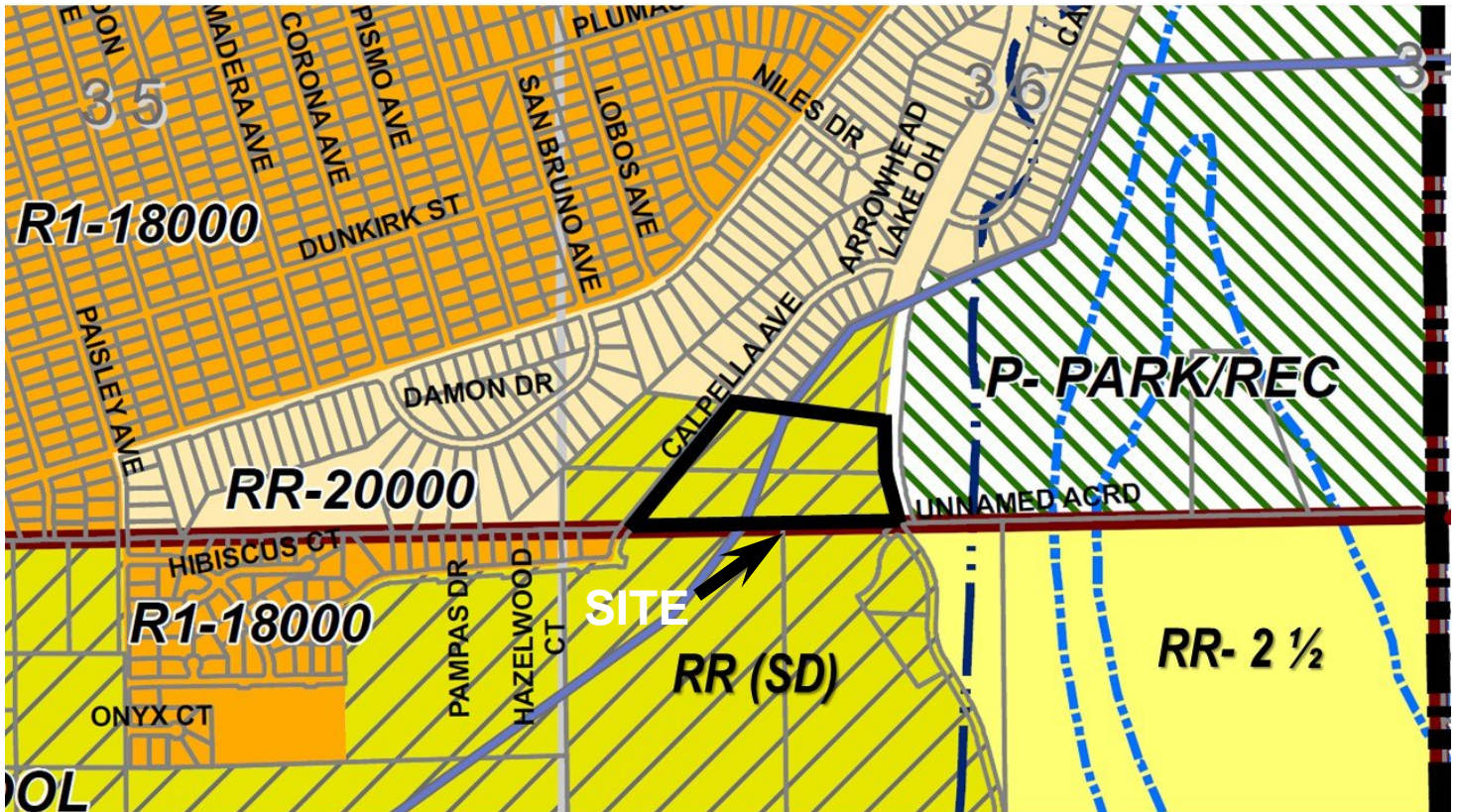
LOCATION: ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE.

APN(S):
0397-161-32

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM RR-SD TO R1-18000 AND A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE



ATTACHMENT 2



APPLICANT(S): YOGESH GORADIA

FILE NO(S): GPA17-00003 and TT17-00002

LOCATION: ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE.

APN(S): 0397-161-32

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM RR-SD TO R1-18000 AND A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE



GENERAL PLAN & ZONING MAP

ATTACHMENT 3



APPLICANT(S): YOGESH GORADIA

FILE NO(S): GPA17-00003 and TT17-00002

LOCATION: ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE.

APN(S): 0397-161-32

PROPOSAL: CONSIDERATION OF A GENERAL PLAN AMENDMENT FROM RR-SD TO R1-18000 AND A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE



ATTACHMENT 4

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

PROPOSED NEGATIVE DECLARATION ND-2019-01
Preparation Date: January 28, 2019

Name or Title of Project: General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339)

Location: On the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue (APNs: 0398-031-41 & 42)

Entity or Person Undertaking Project: Yogesh Goradia, 32063 Pacifica Drive, Rancho Palos Verde, CA 90275

Description of Project: Consideration of General Plan Amendment GPA17-00003 from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract TT17-00002 (TT-17339) to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site. The subdivision includes a 12,073 square foot lot to be used as a retention basin. The subdivision will dedicate a large portion of the property for a drainage easement to allow flows to be conveyed through the property. The project will connect to an existing 8-inch PVC water line in Arrowhead Lake Road. The subdivision will use private septic systems for sewage disposal. Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage.

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

Mitigation Measures:

1. The applicant shall water all unpaved areas as necessary to control dust.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. 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.
4. Archeological and tribal monitors shall be present during all soil disturbing and grading activities consistent with the project's conditions of approval.

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

Public Review Period: February 1, 2019 through March 2, 2019

Tentative Hearing Date: February 14, 2019 & March 5, 2019

Attest:

DANIEL ALCAYAGA, AICP, SENIOR PLANNER

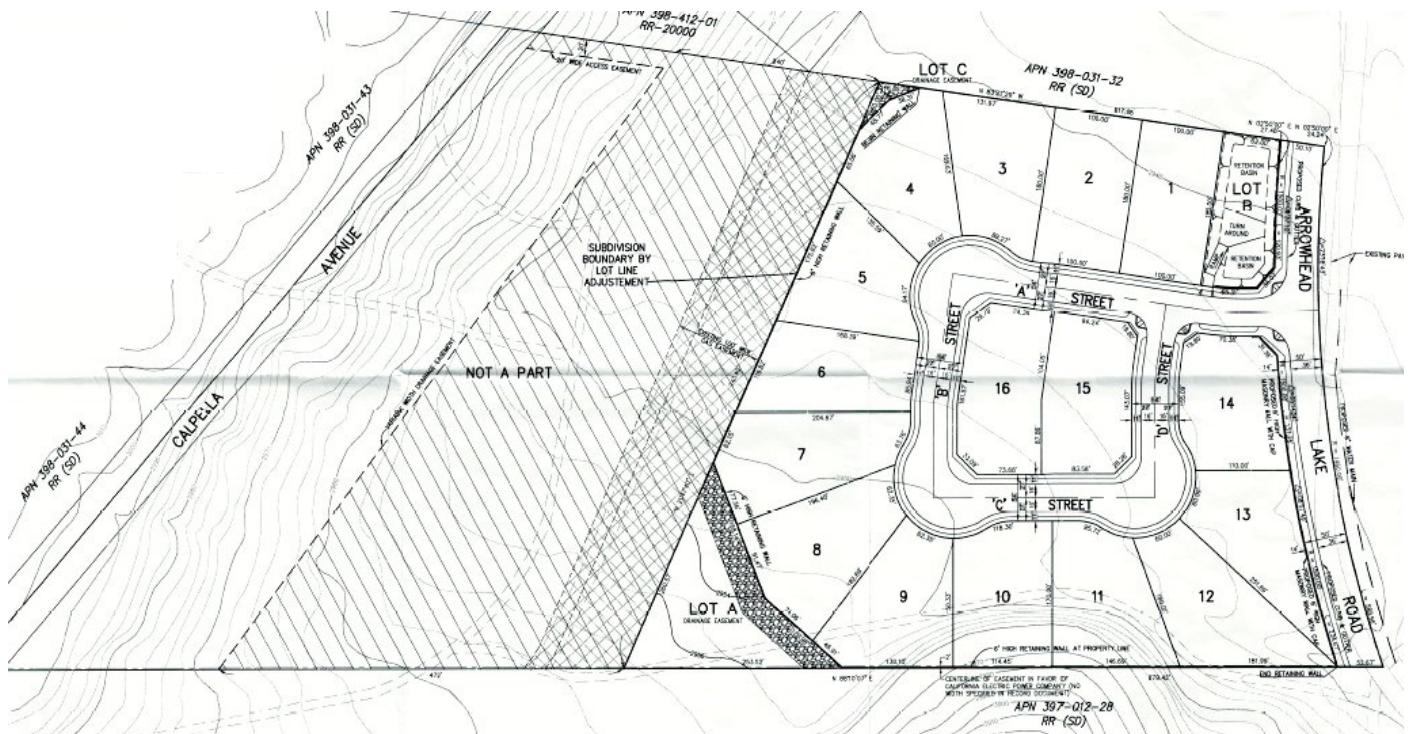
**CITY OF HESPERIA INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

PROJECT DESCRIPTION

1. **Project Title:** General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Daniel S. Alcayaga, AICP, Senior Planner
Phone number: (760) 947-1330.
4. **Project Location:** On the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue (APNs: 0398-031-41 & 42)
5. **Project Sponsor:** Yogesh Goradia
Address: 32063 Pacifica Drive
Rancho Palos Verde, CA 90275
6. **General Plan & zoning:** The site is within the Rural Residential – Special Development (RR-SD) zone
7. **Description of project:** Consideration of General Plan Amendment GPA17-00003 from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract TT17-00002 (TT-17339) to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site. The subdivision includes a 12,073 square foot lot to be used as a retention basin. The subdivision will dedicate a large portion of the property for a drainage easement to allow flows to be conveyed through the property. The project will connect to an existing 8-inch PVC water line in Arrowhead Lake Road. The subdivision will use private septic systems for sewage disposal. Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage. **A site plan for the project is illustrated on page 2.**
8. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.)

The properties to the north and west are within the RR-20000 zone. The land to the south is within the Rural Residential – Special Development (RR-SD) zone. The land to the east is zoned Public (P-Park/Rec). The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east.
9. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) This project is subject to review and approval by the Mojave Desert Air Quality Management District, the Hesperia Water District, Southern California Edison, and Southwest Gas.

EXHIBIT "A"



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (Completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature

Daniel S. Alcayaga, AICP, Senior 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 & 4) ?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (7) ?			X	

Comments.

The property is currently vacant with scattered vegetation **(1)**. The project is bounded by the Arrowhead Lake Road to the east. The site is not in close proximity to any scenic vistas, scenic resources or historic buildings **(2, 3 & 58)**. Arrowhead Lake Road is not considered a scenic highway. The site's proximity to existing development and the current site condition is evidence that the project would have a limited impact upon the visual character of the area. Consequently, the site is not considered a scenic resource.

The proposed residential subdivision will not have any adverse impact to the aesthetics of the area as the residential development is subject to Title 16 zone district **(5 & 6)**, which limit the building height and provide for minimum yard and lot coverage standards as implemented through the building permit review process. The proposed architectural designs and earth tone colors of the buildings will complement the surrounding developments. Consequently, development of the proposed project will not have a significant negative impact upon the visual character or quality of the area **(4)**.

The project will produce light similar to that already being produced by nearby developments and will be subject to the Development Code, which limits the amount of light produced at the boundary of the site, which will not have an adverse impact upon the surrounding properties. The lighting standard will ensure that the development will not have an adverse impact upon the surrounding properties. Further, lighting fixtures must be hooded and directed downward.

The Environmental Impact Report (EIR) for the 2010 General Plan Update addressed development to the maximum build-out of the General Plan **(7)**. This project site is not adjacent to sensitive land uses. Based upon regulations applicable to the project, the use will not adversely affect day or nighttime views in the area. Therefore, approval of the proposed project will not have a 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 (8) ?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (9) ?				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)) (9 & 10) ?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use (1 & 10) ?				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 (8 & 10) ?				X

Comments.

The project site has been partially disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. Additionally, the site does not contain any known unique agricultural soils. Based on the lack of neither past agricultural uses nor designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The soil at this location is classified by the U.S. Soil Conservation Service as Cajon-Wasco, cool, complex, 2 to 9 percent slopes. This soil is limited by moderate to high soil blowing hazard, high water intake rate, and low to moderate available water capacity **(8)**. The proximity of developed uses is further evidence that the site is not viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." **(20)**. The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. The site is also not within the area designated by the State of California as "unique farmland **(8)**." The City of Hesperia General Plan does not designate the site for agricultural use nor is the land within a Williamson Act contract. Therefore, this project has no potential to be used for agriculture.

The City and its Sphere of Influence (SOI) is located within the Mojave bioregion, primarily within the urban and desert land use classes **(10)**. The southernmost portions of the City and SOI contain a narrow distribution of land within the shrub and conifer woodland bioregions. These bioregions do not contain sufficient forest land for viable timber production and are ranked as low priority landscapes **(11)**. The project site is located in an urban area and is substantially surrounded by urban development **(1)**. Since the site is not forested, 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 (12, 13 & 14) ?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (12, 13 & 14) ?			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) (12, 13 & 14) ?		X		
d) Expose sensitive receptors to substandard pollutant concentrations (4, 12 & 13) ?			X	
e) Create objectionable odors affecting a substantial number of people (1, 4, 12 & 13) ?			X	

Comments.

The General Plan Update and its Environmental Impact Report (EIR) addresses the impact of build-out in accordance with the Land Use Plan, with emphasis upon the impact upon sensitive receptors **(12 & 13)**. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The proposed subdivision is not expected to provide pollution at levels that would impact sensitive receptors.

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 **(13)**. 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 **(12 & 13)**. All uses identified within the Hesperia General Plan are classified as area sources by the MDAQMD **(14)**. Programs have been established in the Air Quality Attainment Plan which addresses emissions caused by area sources.

The project will have a temporary impact upon air quality during its construction. The Building and Safety Division dust control measures include limited grading and site watering during construction. As a further safeguard against the potential for blowing dust associated, site watering shall be continued as needed to prevent nuisance dust in accordance with the mitigation measure on page 23.

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 **(15)**. As part of the General Plan Update Environmental Impact Report (GPUEIR), the impact of residential development to the maximum allowable density permitted by the Land Use Plan was analyzed. The projected number of vehicles trips associated with this project is analyzed within Section XV. Transportation/Traffic. Further, the impact of the project does not meet any threshold which requires air quality analysis or mitigation under the Air Quality Attainment

Plan (14). Consequently, the proposed development will not have a significant negative impact upon air quality, with imposition of mitigation measures.

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 (16)?				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 & 16)?				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 & 16)?				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 & 16)?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (1 & 17)?		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 (18)?				X

Comments.

The site is not expected to support the Mohave ground squirrel, given the very low population levels of the species in the region and proximity to existing development. Further, the project site is outside the area considered suitable habitat for the species (19). Similarly, the potential for the existence of a desert tortoise upon the site is extremely low. The site is also outside the range of the arroyo toad, which has been documented to inhabit a portion of the Tapestry Specific Plan and adjacent areas (19).

Since the site contains native plant species, a biological survey was prepared to determine the presence of the desert tortoise, Mohave ground squirrel, burrowing owl, loggerhead shrike, and sharp-skinned hawk (16). The biological report states that none of these nor any other threatened or endangered species inhabit the site. Since the burrowing owl is not sensitive to development and may occupy the site at any time, a mitigation measure requiring another biological survey to determine their presence shall be submitted no more than 30 days prior to commencement of grading activities.

A protected plant plan was prepared as part of the biological report. This protected plant plan will ensure that 42 Joshua Trees which are protected under the City's Native Plant Protection Ordinance, will be relocated or protected in place (16 & 17). A certain amount of which will not be protected as they will be unsuitable for transplanting and/or are unhealthy. The grading plan for the project shall stipulate that all protected plants identified within the report will be relocated or protected in place. The mitigation measure is listed on page 23.

The project site is not within the boundary of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The General Plan Background Technical Report identifies two sensitive vegetation communities **(18)**. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest communities, exist within the Tapestry Specific Plan and vicinity **(18)**. The project site is located approximately less than one mile to the north within the developed portion of the City. Consequently, approval of the project 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 (21) ?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (21) ?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (23) ?				X
d) Disturb any human remains, including those interred outside of formal cemeteries (24) ?			X	

Comments.

The Cultural Resources Sensitivity Map within the Cultural Resource background technical report of the General Plan Update indicates that the site has a high sensitivity potential for containing cultural resources **(23)**. Past records of archeological and paleontological resources were evaluated. This research was compiled from records at the South Central Coastal Information Center located at the California State University, Fullerton.

The project was originally survey in 2005 for cultural resources, and a walkover was done in 2017 **(22 & 58)**. Based on literature review, several recorded prehistoric sites (a village) and a one historical site (a can scatter and a foundation) were identified within one mile of the project area. Historic maps indicated that a portion of the alignment paralleling the Mojave River representing the Mojave Trail exists near the vicinity of the study area. The field survey failed to find any remnants of the features within the property boundaries. The 2005 survey found a single isolate piece of debitage, and the subsequent walkover in 2017 found no additional cultural materials. They study found no indication of subsurface prehistorical deposits evident across the property.

In the event that human remains are discovered during grading activities, grading shall cease until the County Coroner has made the necessary findings in accordance with the California Environmental Quality Act (CEQA) **(24)**. Should the Coroner determine that the remains are Native American, the Native American Heritage Commission (NAHC) shall be contacted and the remains shall be handled in accordance with Public Resources Code Section 5097.98. The NAHC has indicated that the City and Sphere of Influence does not contain any sacred lands **(25)**. Consequently, approval of the project will not have an impact upon cultural resources.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (26 & 27) .				X
ii) Strong seismic ground shaking (26 & 28)?			X	
iii) Seismic-related ground failure, including liquefaction (8 & 26)?				X
iv) Landslides (26)?				X
b) Result in substantial soil erosion or the loss of topsoil (8)?			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 (8 & 26)?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (8 & 27)?				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 (8 & 27)?				X

Comments.

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)**. The nearest fault to the site is the North Frontal fault, located approximately five miles to the east of the City. The Alquist-Priolo Earthquake Fault Zoning Act prohibits structures designed for human occupancy within 500 feet of a major active fault and 200 to 300 feet from minor active faults **(29)**. The project site is not located within an Alquist-Priolo Earthquake Fault Zone **(26, 27 & 28)**. Further, the site is not in an area which has the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse **(27)**.

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 **(68)**, 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.

The soil at this location is classified by the U.S. Soil Conservation Service as Cajon-Wasco, cool, complex, 2 to 9 percent slopes. This soil is limited by moderate to high soil blowing hazard, high water intake rate, and low to moderate available water capacity **(8)**. During construction, soil erosion will be limited through compliance with an approved erosion control plan in accordance with National Pollution Discharge Elimination System (NPDES) and Storm Water Prevention Plan (SWPP) regulations. Although disturbance of the soil will result in significant soil loss due to wind erosion, the site will be fully developed with buildings, paved driveways, roads, and landscaping **(4)**. These improvements will ensure that soil disturbance will not result in significant soil erosion.

Sewer is not in proximity to the project location **(30)**. The subdivision is eligible to use septic systems because all the lots sizes are a minimum of 18,000 square feet consistent with the adopted Local Agency Management Program (LAMP) **(74)**. Consequently, approval of the project will not have an impact upon geology or soils.

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 (31) ?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases (31, 32 & 33) ?			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 **(73)**. 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)**(31)**. The CAP provides policies along with implementation and monitoring which will enable the City of Hesperia to reduce greenhouse emissions 29 percent below business as usual by 2020, consistent with AB 32 **(32)**.

Development of the proposed development is consistent with the greenhouse gas (GHG) emissions analyzed by the General Plan Update Environmental Impact Report (GPUEIR). The development will meet energy conservations measures that meet or exceed Title 24 standards. Landscape areas within the development are required to ensure water efficient plants and a low-flow irrigation system are maintained. In addition, a water budget is required to ensure a water efficient landscaping and irrigation system. 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 (4 & 34) ?			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 (4 & 34) ?			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 (4) ?			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 (18) ?				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 (4) ?				X

Comments.

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

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

Formerly Used Defense Sites

<http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The proposed subdivision will not conflict with air traffic nor emergency evacuation plans. The site is just over three miles east from the Hesperia Airport and is therefore not within a restricted use zone associated with air operations **(36)**. Consequently, implementation of the project will not cause safety hazards to air operations. The site is also not along an emergency evacuation route or near a potential emergency shelter **(37)**. Consequently, the project will not interfere with emergency evacuation plans.

The project's potential for exposing people and property to fire and other hazards was also examined. The site is located within an urbanized area. The southernmost and westernmost portions of the City are at risk, due primarily to proximity to the San Bernardino National Forest **(38 & 43)**. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. All residences are required to have fire sprinklers. San Bernardino County Fire administers the weed abatement program to reduce the potential of vegetation fires. Consequently, approval of the project will not have any impact upon or be affected by hazards and hazardous materials with compliance with an approved HMBP and required mitigation measures.

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 (39) ?			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) (41 & 42) ?			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 (44) ?			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 (44) ?			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 or Flood Insurance Rate Map or other flood hazard delineation map (4 & 45) ?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (4, 45 & 54) ?				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 (44 & 53) ?				X

j) Inundation by seiche, tsunami, or mudflow (46)?				X
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Comments.

Development of the site will disturb more than one-acre of land area. Consequently, the project will be required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to land disturbance (39). Issuance of a Storm Water Pollution Prevention Plan (SWPPP) will also be required, which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting storm water (40). Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts to water quality during project construction.

The development may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (4). 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 (44). The proposed development is not allowed to concentrate or redirect storm water flow. A retention basin is proposed to handle the sites increase in runoff, the project site is not impacted (69). 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 storm water runoff prior to any release. The release will be no greater than the amount of runoff which currently leaves the site prior to development. In addition, the site is not within a Flood Zone, based upon the latest Flood Insurance Rate Map (54).

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, a portion of the project site has the potential to be inundated by floodwater (44 & 53). The areas most affected by a dam failure are located in the low lying areas of southern Rancho Las Flores, most of the Antelope Valley Wash, and properties near the Mojave River. The project is not considered an essential or critical facility, and does not store large quantities of hazardous material. The project is required to be constructed consistent with the recommendations of a hydrological study prepared by a State-certified engineer (69).

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 (46). Similarly, the potential for a seiche to occur is remote, given the limited number of large water bodies within the City and its sphere. A seiche would potentially occur only in proximity to Silverwood Lake, Hesperia Lake and at recharge basins (46). In addition, 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 (8).

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 (41).

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere of Influence (SOI). The UWMP indicates that the City is currently using available water supply, which is projected to match demand beyond the year 2030 **(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 the project is considered less than significant.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community (1) ?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (47) ?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan (18) ?				X

Comments.

The site is currently vacant and a residential subdivision is proposed on the site **(1)**. Therefore, the use will not physically divide an established community. A general plan amendment to R1-18000 is consistent with zoning of nearby properties. The current zoning RR(SD) allows development with a specific plan, which allows a subdivision of varying lot sizes. The density of this subdivision is similar to what can be developed with a specific plan **(47 & 61)**. 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 **(18)**. These vegetation communities, the Southern Sycamore Alder Woodland and Mojave Riparian Forest community, exist within the Tapestry Specific Plan and vicinity **(18)**. The project site is located just under one mile to the north of this specific plan within the developed portion of the City. Therefore, development of the project would have a less than significant impact upon land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (48) ?				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 (48) ?				X

Comments.

According to data in the Conservation Element of the City's General Plan, no naturally occurring important mineral resources occur within the project site **(48)**. 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. Although the project is near a

wash/river, which contains sand and gravel, 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, 4 & 49) ?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (50 & 51) ?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (52) ?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (52) ?			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 (36) ?				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 (36) ?				X

Comments.

Approval of the proposed project will result in both construction noise and operational noise, mostly associated with trucks and vehicular traffic to and from the site. According to the General Plan, the majority of noise sources within the City are mobile sources, which include motor vehicles and aircraft **(49)**. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be mostly from traffic caused by arriving and departing vehicles.

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 **(49)**. The Noise Ordinance contains an exemption from the noise level regulations during grading and construction activities occurring between 7:00 A.M. and 7:00 P.M., Monday through Saturday, except federal holidays.

The nearest major roadway in the vicinity to the development is Arrowhead Lake Road along the eastern project boundary. This arterial roadway generates noise levels up to 56 CNEL **(55)**. The proposed land uses are not sensitive to noise. The boundary of the site is more than three miles from the Hesperia Airport. At this distance, the project is not impacted by any safety zones associated with this private airport **(36)**. The project site is even farther from the Southern California Logistics Airport (SCLA) and the Apple Valley Airport and will not be affected by any safety zones for these airports. In addition, the site is over three miles from the Burlington Northern Santa Fe Railroad **(51 & 56)**. Therefore, area impacts by noise and vibration generated by the project are less than significant.

Certain activities particularly sensitive to noise include sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration, which will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses as are residential and school uses. The nearest sensitive use is Ranchero Middle School located one mile to the west. Construction noise will subside once the construction phase is completed.

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 density 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 **(15)**. No additional noise impact beyond that previously analyzed would occur.

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) (4) ?			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 & 9) ?				X

Comments.

The site is in close proximity to water and other utility systems **(30)**. As a result, development of the project would not require significant extension of major improvements to existing public facilities. The site is vacant and is identified for residential development **(1 & 9)**. Therefore, the project will not displace any existing housing, necessitating the construction of replacement housing elsewhere.

The population in Hesperia has increased mainly because of the availability of affordable housing in the high desert and its proximity to the job-rich areas of the Inland Empire. The proposed development will not induce substantial population growth as the development will provide additional housing opportunities for future and existing residents. Based upon the limited size, development of the project would have a less than significant impact upon population and housing.

XIV. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1 & 2) :			X	
Fire protection? (1 & 2)			X	

Police protection? (1 & 2)			X	
Schools? (1 & 2)			X	
Parks? (1 & 2)			X	
Other public facilities? (1 & 2)			X	

Comments.

The proposed project will create a very slight increase in demand for public services (2). The project will connect to an existing water line in Arrowhead Lake Road (30). The subdivision will use private septic systems for sewage disposal. Full street improvements comprised of curb, gutter, and sidewalk will be constructed along the project frontage as part of development of the site (61). Additionally, development impact fees will be assessed at the time that building permits are issued for construction of the site (59). These fees are designed to ensure that appropriate levels of capital resources will be available to serve any future development. Consequently, satisfactory levels of public services will be maintained. Therefore, the proposed project will not have a significant impact upon public services.

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 (9)?			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 (4)?			X	

Comments.

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 (63)?			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 (64)?			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) (1 & 61) ?			X	
e) Result in inadequate emergency access (4) ?			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 (64 & 65) ?				X

Comments.

The proposed project fronts upon Arrowhead Lake Road, which are to be constructed as a 100-foot wide Arterial roadway **(63)**. As part of development of this project, Arrowhead Lake Road will be constructed to City standards, including curb, gutter, and sidewalk across the project frontage and pavement tapers beyond the frontage, improving safety. Access to and within the site has been evaluated by both the City and the San Bernardino County Fire Department.

The City's General Plan includes a non-motorized transportation network **(75)**. The site fronts upon Arrowhead Lake Road, which is part of the Bikeway System Plan. A Class II bike path will ultimately be constructed within Arrowhead Lake Road. This will provide a viable alternative to the use of automobiles.

The project site is located just over three miles from the Hesperia Airport and is not within an airport safety zone **(9)**. Consequently, the project will not cause a change in air traffic patterns nor an increase in traffic levels or location. The project site will also not impact the air traffic patterns for the Southern California Logistics Airport nor the Apple Valley Airport.

According to the Institute of Traffic Engineers, Trip Generation, 9th Edition, approval of the proposed 16-lot subdivision would create an estimated 153 daily vehicle trips (9.57 daily trips per dwelling unit). Based upon the street improvements to be constructed, the impact upon transportation facilities associated with the proposed development is considered to be less than significant. During the development review process, there were extensive revisions to the tract map's internal circulation plan in order to limit the number of connections along Arrowhead Lake Road. In addition, payment of the required development impact fees at the time of building permit issuance will provide funding for the construction of arterial roadways and traffic signals to reduce the impacts of additional vehicular traffic.

The City's Circulation Plan is consistent with the Congestion Management Program (CMP) for San Bernardino County **(64)**. The CMP requires a minimum Level of Service (LOS) standard of "E." When a jurisdiction requires mitigation to a higher LOS, then the jurisdiction's standard takes precedence. The Circulation Element requires a minimum LOS of D for street segments instead of LOS E. The Element also strives to maintain a LOS of C or better on roadways which exhibit an LOS better than D. The LOS of Arrowhead Lake Road, which is B, will not be significantly negatively affected by the number of vehicle trips to be created by the proposed 16 lot subdivision. As a result, the project's impact upon traffic will not exceed the impact analyzed by the GPUEIR.

The General Plan Update identifies areas where future residential, commercial, industrial, and institutional development will occur. The GPUEIR analyzed the impact upon transportation at build-out of the General Plan to the maximum allowable density permitted by the Land Use Plan. Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with transportation impacts **(15)**.

XVII. TRIBAL CULTURAL RESOURCES.	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

The questions related to impacts to tribal cultural resources required as part of Assembly Bill 52 approved by the Office of Administrative Law on September 27, 2016 were included in this checklist. All California Native American tribes that requested to be informed pursuant to Public Resources Code 21080.3.1(a) (aka AB-52) and California Government Code Sections 65352.3, 65352.4, 65562, and 65560 requirements (aka SB-18) were notified prior to release of this environmental document. San Manuel Band of Mission Indians and Twenty-Nine Palms Band of Mission Indians requested consultation. As a result of consultation, it was agreed that archeological and tribal monitors would be present during all soil disturbing and grading activities. The mitigation measure is listed on page 23.

The Cultural Resources Sensitivity Map within the Cultural Resource background technical report of the General Plan Update indicates that the site has a high sensitivity potential for containing cultural resources **(23)**. The site was investigated by Analytical Archaeology on August 2017 and June 2005. Based on literature review, several recorded prehistoric sites (one a village) and a one historical site (a can scatter and a foundation) were identified within one mile of the project area. The field survey failed to find any remnants of the features within the property boundaries. The 2005 survey found a single isolate piece of debitage, and the subsequent walkover in 2017 found no additional cultural materials. The study found no indication of subsurface prehistorical deposits evident across the property. Consequently, approval of the project will not have an impact upon cultural resources with mitigation.

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 (66) ?				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 (67 & 68) ?			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 (69) ?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (41 & 42) ?			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 (67 & 68) ?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (70 & 72) ?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste (71) ?			X	

Comments.

The project will connect to an existing water line in Arrowhead Lake Road (30). The subdivision will use private septic systems for sewage disposal. As part of construction of the project, the City requires installation of an on-site drainage system which will retain any additional storm water created by the impervious surfaces developed as part of the project **(69)**. Consequently, based upon a 100-year storm event, development of this project will not increase the amount of drainage impacting downstream properties beyond that which would occur prior to its development. Additionally, the drainage system will contain a filtration system preventing contamination of the environment.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin **(41)**.

The Hesperia Water District (HWD) is the water purveyor for the City and much of its Sphere of Influence (SOI). The UWMP indicates that the City is currently using available water supply, which is projected to match demand beyond the year 2030 **(42)**. The HWD has maintained a water surplus through purchase of water transfers, allocations carried over from previous years, and recharge efforts.

The City is in compliance with the California Integrated Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled **(72)**. Currently, approximately 63 percent of the solid waste within the City is being recycled **(70 & 71)**. The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 1,500 tons per day in order to accommodate future development. Therefore, the project will not cause a significant negative impact upon utilities and service systems.

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

Comments.

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

XIV. EARLIER ANALYSES.

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

The Certified General Plan Environmental Impact Report.

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

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

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

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

1. The applicant shall water all unpaved areas as necessary to control dust.
2. A pre-construction survey for the burrowing owl shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading.
3. 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.
4. Archeological and tribal monitors shall be present during all soil disturbing and grading activities consistent with the project's conditions of approval.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia flown taken in Spring 2018 and on-site field investigations conducted in October 2018.
- (2) Section 3.1.2 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.1-3.
- (3) Section 3.0 of the 2010 City of Hesperia General Plan Open Space Element, pages OS-13 thru OS-27.
- (4) Application and related materials for General Plan Amendment GPA17-00003 & Tentative Tract TT17-00002 (TT-17339)
- (5) Chapter 16.16 of the Hesperia Municipal Code.
- (6) Chapter 16.16, Article 1 of the Development Code, including the general plan land use map
- (7) Section 3.1.4 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.1-6.
- (8) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Pages 23 thru 24 and Map Sheet No. 31.
- (9) 2010 Official Map showing the General Plan Land Use and zoning of the City of Hesperia and its sphere of influence.
- (10) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.5.
- (11) 2010 Fire and Resource Assessment Program (FRAP), prepared by the California Department of Forestry and Fire Protection, Figure 1.1.4.
- (12) Air Quality Section of the 2010 City of Hesperia General Plan Conservation Element, pages CN-47 thru CN-51.
- (13) Section 3.3 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.3-1 thru 3.3-30.
- (14) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (15) Statement of overriding considerations for the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR).
- (16) Supplement for Original Tortoise Study and Joshua Tree Reports prepared by Altec Land Planning dated February 1 , 2018

- (17) Chapter 16.24 of the City of Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (18) Section 3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 8 and 9.
- (19) Section 3.3.2 of the 2010 City of Hesperia General Plan Update Conservation Element background technical report, pages 14 thru 25.
- (20) 1988 United States Bureau of Land Management California Desert Conservation Area map.
- (21) Appendix C of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages C-1 thru C-34.
- (22) Section 6 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 22 thru 38.
- (23) Cultural Resource Sensitivity Map Exhibit 5c of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (24) Section 7 of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report, pages 61 and 62.
- (25) Letter dated September 25, 2006 from Dave Singleton of the Native American Heritage Commission within Appendix B of the 2010 City of Hesperia General Plan Update Cultural Resource Element background technical report.
- (26) Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, pages SF-5 thru SF-8.
- (27) Exhibit SF-1 of Section 3.0 of the 2010 City of Hesperia General Plan Safety Element, page SF-9.
- (28) Figure 1-2 of Section 1.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-5.
- (29) Chapter 1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 1-12.
- (30) Current Hesperia water and sewer line atlas
- (31) Section 1 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 1.
- (32) Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 18.
- (33) Table 5 of Section 3 of the 2010 City of Hesperia General Plan Update Climate Action Plan, page 20 and 21.
- (34) Hazardous Materials Section of the 2010 Hesperia General Plan Safety Element, page SF-32.
- (35) Section 5 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, pages 5-4 and 5-5.
- (36) Section 3 of the 2010 City of Hesperia General Plan Update Land Use Element, pages LU-71 and LU-72.
- (37) Disaster Preparedness, Response, and Recovery Section of the 2010 Hesperia General Plan Safety Element, pages SF-37 thru SF-48.
- (38) Fire Hazard Section of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.7-9.
- (39) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-13.
- (40) Section 3.8.3 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.8-15.
- (41) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, pages CN-7 thru CN-10.

- (42) Mojave Water Agency letter dated March 27, 1996.
- (43) Exhibit SF-2 of the 2010 City of Hesperia General Plan Update Safety Element, page SF-19.
- (44) Flooding Hazards Section of the 2010 City of Hesperia General Plan Update Safety Element, pages SF-16 thru SF-18.
- (45) 1996 Hesperia Master Plan of Drainage
- (46) Section 3.0 of the 2010 City of Hesperia General Plan Update Safety Element, page SF-8.
- (47) Chapter 16.16, Article IV of the Development Code
- (48) Section 3.0 of the 2010 City of Hesperia General Plan Update Conservation Element, page CN-20.
- (49) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-4.
- (50) Section 16.20.125 of the Hesperia Municipal Code, pages 464 thru 467 and Table NS-5 of Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, pages NS-11 and NS-12.
- (51) Table 7 of Section 2.2.1 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 22.
- (52) Table 3.11-10 of the 2010 Hesperia General Plan Update Environmental Impact Report (GPUEIR), page 3.11-45.
- (53) Dam Inundation Map within Section 3.2 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-22.
- (54) FEMA Flood Map within Section 3.1 of the 2010 City of Hesperia General Plan Update Safety Element background technical report, page 3-9.
- (55) Table 9 within Section 2.2 of the 2010 City of Hesperia General Plan Update Noise Element background technical report, page 20.
- (56) Section 2.0 of the 2010 City of Hesperia General Plan Update Noise Element, page NS-13.
- (57) 2012 Trip Generation Manual, Volume II, 9th Edition, Institute of Transportation Engineers
- (58) Cultural Resource Assessment prepared by Analytic Archaeology, LLC dated August 2017.
- (59) 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. Park impact fees are established by the Hesperia Recreation and Park District. School fees are established by the Hesperia Unified School District.
- (60) 2016 California Plumbing Code
- (61) Chapter 17.08 Tentative and Final Maps of the Subdivisions Code
- (62) California Health and Safety Code Section 25232 (b) (1) (A-E).
- (63) Traffic Circulation Plan within Section 3.0 of the 2010 City of Hesperia General Plan Update Circulation Element, page CI-17.
- (64) Section 2.2 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 4-17.
- (65) Sections 6.3 and 6.4 of the 2010 City of Hesperia General Plan Update Circulation Element background technical report, pages 74 and 75.

- (66) Section 3.8 of the 2010 City of Hesperia General Plan Update Environmental Impact Report (GPUEIR), pages 3.8-8 thru 3.8-14.
- (67) Environmental policies of the Lahontan Regional Water Quality Control Board regarding use of private wastewater treatment systems.
- (68) 2016 California Building Code
- (69) Drainage Analysis prepared by Nikita Dave and Yogesh Goradia dated February 2018
- (70) 2014 California Department of Resources, Recycling and Recovery Annual AB939 Report.
- (71) California Integrated Waste Management Act (AB 939).
- (72) Quarterly data of the San Bernardino County Disposal Reporting System for the 3rd quarter 2014.
- (73) Section 15183.5 – Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, March 18, 2010 Amendments to the Guidelines for Implementation of the California Environmental Quality Act.
- (74) Local Agency Management Program (LAMP) prepared by City of Hesperia and Charles Abbot & Associates
- (75) Exhibit CI-23 - Non-motorized Transportation Plan, Circulation Element of the 2010 General Plan, Page CI-57

ATTACHMENT 5

RESOLUTION NO. PC-2019-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL GENERAL PLAN LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY FROM RURAL RESIDENTIAL – SPECIAL DEVELOPMENT (RR-SD) TO SINGLE-FAMILY RESIDENCE WITH A MINIMUM LOT SIZE OF 18,000 SQUARE FEET (R1-18000) ON 20.2 GROSS ACRES LOCATED ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE (GPA17-00003)

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

WHEREAS, Yogesh Goradia filed an application requesting approval of GPA17-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 20.2 gross acres within the Rural Residential-Special Development (RR-SD) designation located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue and consists of Assessor's Parcel Numbers 0398-031-41 & 42; and

WHEREAS, the Application, as contemplated, proposes to change the General Plan Land Use designation of the subject property and the expanded application from Rural Residential- Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000); and

WHEREAS, Yogesh Goradia has also filed an application requesting approval of Tentative Tract Map TT17-00002 (TT-17339) to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site; and

WHEREAS, the subject site is currently vacant. The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east; and

WHEREAS, the subject property is currently within the Rural Residential-Special Development (RR-SD) designation, which is proposed to be changed to R1-18000. The properties to the north and west are within the RR-20000 zone. The land to the south is within the Rural Residential – Special Development (RR-SD) zone. The land to the east is zoned Public (P-Park/Rec); and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 28, 2019, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND19-01 was subsequently prepared; and

WHEREAS, on February 14, 2019, 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 February 14, 2019 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND19-01 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment;
- (b) The Planning Commission has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The area of the proposed General Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. The proposed R1-18000 designation is appropriate at this location as there are similar subdivisions of similar density to the west and north of the proposed project. There is a combination of properties designated RR-20000 and R1-18000 in the area making the General Plan Amendment consistent with surrounding properties. The applicant has submitted a development proposal that shows the proposed residential subdivision can stand alone. The proposal addresses all infrastructure needs and other developmental constraints by adequately addressing access, water, sewage disposal, and drainage issues.
- (d) The proposed General Plan Amendment is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The applicant has submitted a residential subdivision that meets the standards of the R1-18000 General Plan designation, and addresses infrastructure needs.
- (e) The proposed General Plan Amendment is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan. Primary access, which will be from Arrowhead Lake Road, meets fire standards. The subdivision will connect to City water that exists in Arrowhead Lake Road. The development will use private septic systems for sewage disposal consistent with the adopted Local Agency Management Plan (LAMP). The subdivision will have a retention basin to address on-site flows beyond that which has occurred historically and will dedicate a large portion of the property for a drainage easement to allow off-site flows to be conveyed through the property.

- (f) The development within the proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically Land Use Goal L.G.10 that promotes policies that will ensure maximum utilization of existing facilities and infrastructure within the City because the proposed development will utilize the streets and services available to existing development in the area.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby recommends that the City Council adopt General Plan Amendment GPA17-00003, amending the General Plan map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND19-01, which is attached to the staff report for this item.

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

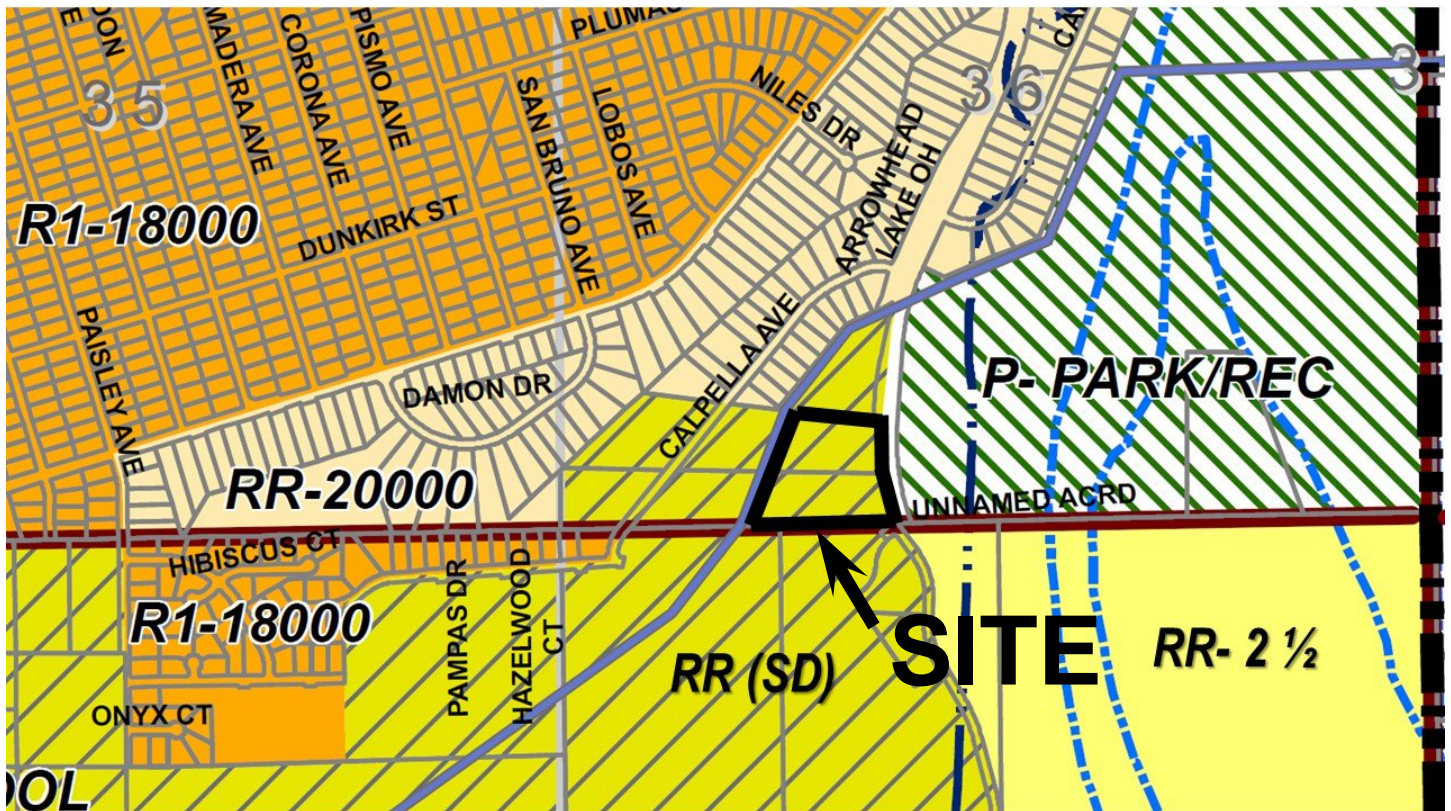
ADOPTED AND APPROVED this 14th day of February 2019.

Chair, Planning Commission

ATTEST:

Cecilia Alonzo, Planning Commission Secretary

Exhibit "A"



GPA17-00003

A GENERAL PLAN AMENDMENT FROM RURAL RESIDENTIAL- SPECIAL DEVELOPMENT (RR-SD) TO SINGLE-FAMILY RESIDENCE WITH A MINIMUM LOT SIZE OF 18,000 SQUARE FEET (R1-18000) ON APPROXIMATELY 11.1 GROSS ACRES

ATTACHMENT 6

RESOLUTION NO. PC-2019-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO CREATE 16 SINGLE-FAMILY RESIDENTIAL LOTS ON 11.1 ACRES OF A 20.2 GROSS ACRE SITE LOCATED ON THE WEST SIDE OF ARROWHEAD LAKE ROAD, APPROXIMATELY 900 FEET SOUTH OF CALPELLA AVENUE (TT17-00002/TT-17339)

WHEREAS, Yogesh Goradia has filed an application requesting approval of Tentative Tract Map No. TT-17339, Case Number TT17-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to the east 11.1 acres of a 20.2 gross acre site within the Rural Residential- Special Development (RR-SD) designation located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue and consists of Assessor's Parcel Numbers 0398-031-41 & 42; and

WHEREAS, the Application, as contemplated, proposes to create 16 single-family residential lots and a retention basin; and

WHEREAS, Yogesh Goradia has also filed an application requesting approval to change the General Plan Land Use designation of the subject property from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000); and

WHEREAS, the subject site is currently vacant. The properties to the north are vacant and include a single-family residence. The land is vacant to the south and west. Hesperia Lake Park exists to the east; and

WHEREAS, the subject property is currently within the Rural Residential-Special Development (RR-SD) designation, which is proposed to be changed to R1-18000. The properties to the north and west are within the RR-20000 zone. The land to the south is within the Rural Residential – Special Development (RR-SD) zone. The land to the east is zoned Public (P-Park/Rec); and

WHEREAS, an environmental Initial Study for the proposed project was completed on January 28, 2019, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND19-01 was subsequently prepared; and

WHEREAS, on February 14, 2019, 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 February 14, 2019 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND19-01 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Tentative Tract will have a significant effect on the environment;
- (b) The Planning Commission has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site 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; and
- (d) 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.
- (e) 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; and
- (f) 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 will use private septic systems 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

- (g) 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
- (h) 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.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Tentative Tract TT17-00002 (TT-17339), subject to the Conditions of Approval as set forth in ATTACHMENT "A" and the Mitigated Negative Declaration ND-2019-01 which is attached to the staff report for this item.

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

ADOPTED AND APPROVED this 14th day of February 2019.

Chair, Planning Commission

ATTEST:

Cecilia Alonzo, Planning Commission Secretary

ATTACHMENT "A"
List of Conditions for TT17-00002

Approval Date: March 05, 2019

Effective Date: March 05, 2019

Expiration Date: March 05, 2022

This list of conditions applies to Consideration of Tentative Tract TT17-00002 (TT-17339) in conjunction with General Plan Amendment GPA17-00003 to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue (Applicant: Yogesh Goradia: APNs: 0398-031-41 & 42)

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 Surveyors Office Final Map Standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,404.75 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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)

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

AGREEMENTS/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
NOT IN COMPLIANCE

COMPLIED BY

NON-VEHICULAR ACCESS. Vehicular access rights across the project frontage on Arrowhead Lake Road and along the northerly property line of Lot 14 shall be dedicated to the City of Hesperia and labeled as N.V.A. on the Final map. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS-IOD. The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall be a minimum of fifty-four (54') feet wide per City standards. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERIMETER STREETS. The Developer shall grant to the City an Irrevocable Offer of Dedication for Arrowhead Lake Road. The dedication shall be at a 50-foot half-width per the City standards for a Major Arterial Roadway Standard. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS Shall be designed to the City standard for a 54-foot wide roadway per City standards, as indicated below. Curb face is to be at 16-feet 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
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS-WATER. Interior water service shall be a looped system of 8 P.V.C. water lines with hydrants at 660 foot intervals, including loops through the cul-de-sacs utilizing utility easements. Water mains in easements shall be ductile iron pipe. All utility easements shall be 15 feet minimum in width on one lot unless it is shared with another utility, in which case 20 feet is required on one lot 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 per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NON-VEHICULAR ACCESS. Vehicular access rights along Arrowhead Lake Road shall be dedicated to the City of Hesperia, and labeled on the Final map. (E, P)

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.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LOT LINE ADJUSTMENT. A lot line adjustment shall be recorded matching the configuration of the tentative tract Map. (P/E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. 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: 1000 GPM for a 2-hour duration at 20 psi residual operating pressure. Fire Flow is based on a 3600 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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)

TRIBAL RESOURCES.

TCR-1

Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology and a Tribal monitor representing the San Manuel Band of Mission Indians and the Twenty-Nine Palms Band of Mission Indians (consulting Tribes) shall be present for all ground-disturbing activities that occurs within the proposed project area. A sufficient number of archaeological and Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. Monitoring and associated costs will be at the expense of the property owner.

TCR-2

A Monitoring, Discovery, Treatment, and Disposition Plan (MDTDP) shall be created prior to any and all ground-disturbing activity in consultation with the consulting Tribes and agreed to by all Parties. The MDTDP shall provide details regarding the hiring of tribal monitors, the process for in-field treatment of inadvertent discoveries, and the disposition of inadvertently discovered non-funerary resources. Inadvertent discoveries of human remains and/or funerary object(s) are subject to California State Health and Safety Code Section 7050.5, and the subsequent disposition of those discoveries shall be decided by the Most Likely Descendent (MLD), as determined by the Native American Heritage Commission (NAHC), should those findings be determined as Native American in origin.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRIBAL RESOURCES.

The Twenty-Nine Palms Band of Mission Indians is proposing that a monitor selected or accepted by the Twenty-Nine Palms Band of Mission Indians be present throughout the process of grading as an independent observer to determine if there are any objects or indication of any significant past presence of Mission Indians of the site. Should the findings be positive, the future course of action shall be in accordance with the accepted practice per laws of California. The expense of the Monitor and any future action required to handle the found artifacts shall be borne by the Owner of the Project. The Developer of the Project shall be fully responsible for notifying the Twenty-Nine Palms Band of Mission Indians in a timely manner and coordinating this effort.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPING/IRRIGATION PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division with the required application fees. The landscaping plans shall be for the required areas along along Arrowhead Lake Road, along the street side yard and front yards of numbered lots, and within Lot A as required by the Planning Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P, RPD)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required school fees. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FENCING PLANS. A combination four foot high wrought iron fence and two-foot-high split face masonry wall shall

be constructed along the boundary of the retention basin in accordance with City standards (except along the boundary of the basin abutting private lots, where a six foot high split face masonry wall with decorative cap is required). Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MASONRY WALL/ FENCING PLANS. A six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to Arrowhead Lake Road, and along the street side (north) yard of Lot 14 in accordance with City standards. In addition, a six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to the lettered lot A from the rear property line to the minimum front yard setback. Two complete sets of engineered construction plans for the required walls shall be submitted to the Building and Safety counter for review. (P)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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
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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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/her own expense. Relocation/undergrounding of utilities shall be identified upon submittal of the construction plans. (P, E, W/S)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

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 CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

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

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DATE: March 19, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Michael Blay, Assistant City Manager
SUBJECT: Receive and File Report – Illegal Parking Issues

RECOMMENDED ACTION

It is recommended that the City Council receive and file this report on Hesperia City Ordinance 16.20.090 and 16.20.095 related to City parking standards and give direction to staff.

BACKGROUND

On February 5, 2019 Council Member Jeremiah Brosowske requested staff prepare a report for discussion related to the parking of commercial vehicles in non-residential areas, specifically on vacant lots. Mayor Larry Bird followed up by asking for a staff report on the City's parking ordinance in general.

On July 19, 2011 a public hearing was held to introduce Hesperia Ordinance 2011-07 amending Section 16.20.095 E of the Hesperia Municipal Code to prohibit the parking of vehicles on vacant non-residential lots. This ordinance applies to commercial vehicles, passenger cars, light trucks, or any other type of vehicle. The City Council voted 5-0 to approve the ordinance. A second reading of the ordinance was held on August 2, 2011 for adoption and the City Council again voted 5-0 to approve the ordinance.

Many other cities have parking ordinances similar to Hesperia's including:

- Apple Valley Code 12.38.020(f) Parking of commercial vehicles is prohibited on vacant lots
- Victorville Code 12.28.250 Commercial vehicle parking prohibited on any portion of a highway, street, road, alley, or public right-of-way
- Barstow Code 19.06.050 (d) Every parcel of land used for parking must be surfaced or paved with a minimum of 2.5 inches of asphalt concrete
- Rialto Code 18.58.020 L The use of vacant or undeveloped lots or parcels of land for the parking or storing of motor vehicles is prohibited

ISSUES/ANALYSIS

Hesperia's parking ordinance covers regulations for both residential and non-residential parking standards. The parking ordinance is similar to other cities with one exception. Unlike most cities, Hesperia allows commercial vehicle parking on residential lots of at least 18,000 sq. feet. Additional commercial vehicles, up to three (3) total, may be parked on residential lots with the addition of one (1) vehicle per half acre. This liberal parking standard recognizes the value of

truck drivers in our community and allows them to park their commercial vehicle at their residence.

Businesses wishing to cater to the trucking industry have voluntarily built commercial truck parking as part of their development plan. An example of this is the Motel 6 located at 9757 Cataba Rd. Hesperia. Motel 6 built an oversize parking lot to include approximately a dozen parking spaces for commercial vehicles. This allows truck drivers to legally park, with permission, on private property and patronize the business.

In 2018 Hesperia Code Enforcement officers issued 893 commercial vehicle citations of which 73 were the result of citizen complaints. At the time a citation is issued, the officer takes a photograph of the vehicle parked in violation of the ordinance. Each citation carries a fine of \$100. The majority of the violations were for Municipal Code 16.20.095 E – parking on an undeveloped lot while the next two commonly cited sections were for Code 16.20.090 H 3 (a) - residential street parking prohibited for commercial vehicles and Code 16.20.095 F 1 – non-residential street parking prohibited for commercial vehicles.

Parking violators wishing to appeal a citation are afforded a process to do so. The first step of the appeal process requires the submittal of a written form to the Code Enforcement supervisor who may dismiss or uphold the citation. Violators wishing to appeal the supervisor's ruling may request an administrative hearing with a hearing officer supplied by Data Ticket. Finally, violators wishing to appeal the hearing officer's ruling may file an appeal with the San Bernardino County Superior Court.

FISCAL IMPACT

The discussion of this item will have no fiscal impact on the City. Amending the parking ordinance would result in a loss of revenue directly proportional to a reduction in the number of citations written.

ALTERNATIVE(S)

1. Provide alternate direction to staff.

ATTACHMENT(S)

1. Hesperia Municipal Code 16.20.090
2. Hesperia Municipal Code 16.20.095
3. Aerial photograph of Main St. west of Interstate 15
4. Photograph of driveway to 12798 Main St. Hesperia

ATTACHMENT 1**16.20.090 - Residential parking standards.**

In addition to those standards contained in Section 16.20.085 of this article, the following design standards shall apply to residential districts and developments:

- A. Covered off-street parking spaces in a garage or carport shall be a minimum of nine feet in width and nineteen (19) feet in depth of unobstructed area provided for parking purposes. A fully enclosed two-car garage shall have a minimum interior size of nineteen (19) feet in width and nineteen (19) feet in depth. The required minimum measurements may not include the exterior walls or supports of the structure.
- B. Driveways providing access to garages, carports and parking areas serving two or less dwelling units shall be a minimum of twelve (12) feet in width. When an accessory garage is proposed, which is required for either the principal residence or a second dwelling unit, the driveway requirements shall be as follows:
 - 1. For developed residential lots less than two acres in size, the driveway providing access to an accessory garage shall be surfaced with asphalt paving a minimum of two inches in thickness or concrete with a minimum thickness of three and one-half inches or other permanent, impervious surfacing material per the specifications of the reviewing authority. An alternate surface material may be considered by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.
 - 2. For developed residential lots greater than two acres in size which front upon an unpaved street, the driveway providing access to an accessory garage shall be dust-proofed with either slag, gravel, or similar surface material as approved by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.
- C. Driveways providing access to garages, carports, and open parking spaces serving three or more dwelling units shall be a minimum of thirteen (13) feet in width for one-way traffic, and twenty-six (26) feet for two-way traffic. Where garages or carports are located on both sides of the driveway, a thirty-foot wide accessway between garage or carport spaces for two-way traffic shall be provided.
- D.

Driveways which are separate from the right-of-way or common drive aisle and which provide access to garages shall be a minimum length of twenty (20) feet, excluding that portion within the public right-of-way or common drive aisle.

- E. No property owner shall sublease, subrent or otherwise make available to residents of other properties, the off-street parking spaces required by this article, except for parking of commercial vehicles, as defined in Section 16.20.090(H).
- F. All required covered off-street parking spaces shall be located so as to be conveniently accessible to the dwelling unit served by such parking space, not to exceed one hundred fifty (150) feet or as approved by the reviewing authority.
- G. All recreational vehicle parking and/or storage areas located within the front yard as allowed by the development code, or other applicable adopted city ordinance, resolution, or code shall be surfaced with either concrete, asphalt, gravel, or crushed rock. Recreational vehicles shall not be stored in the public right-of-way. "Stored" is defined as being parked in the public right-of-way for more than seventy-two (72) hours.

H. Commercial Vehicle Parking in Residential and Agricultural Areas.

1. Definitions.

- a. This subsection shall apply to commercial vehicles having a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand (26,000) pounds, or more, parked or left standing in residential or agricultural areas.
- b. For purposes of this subsection, and unless otherwise stated, a truck shall be considered to be one truck or tractor and up to two trailers (Note: a set of double trailers is considered as one trailer).

2. Parking Requirements in General.

- a. No commercial vehicle shall be left to idle for longer than five minutes, nor blow air horns.
- b. No commercial vehicle shall have cargo transferred from such commercial vehicle to another.
- c. No refrigeration unit on any commercial vehicle shall be operated within three hundred (300) feet of any inhabited place, except with the consent of the person in charge of each such inhabited place.
- d.

Commercial vehicles used for the transportation of hazardous waste, materials, or garbage, or which harbor vermin or pestilence, or which emit noxious or noisome odors, shall not be parked or stored in residential or agricultural areas.

3. Street Parking.

- a. It shall be unlawful for any person to park or leave standing on any public street, including within the public right-of-way, any commercial vehicle.

Exceptions:

- i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.
- ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site.
- b. No commercial vehicle shall be parked or left standing on any street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or twelve (12) feet per lane, if more than one lane, and under no circumstances parked in any travel lanes.
- c. No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection.

4. Parking on Private Property.

- a. One commercial vehicle may be parked on the operator's lot if such lot is at least eighteen thousand (18,000) square feet in area.
- b. One additional commercial vehicle, up to a maximum of three such vehicles, may be parked on the operator's lot for each additional one-half acre of land.
- c. No commercial vehicle shall be parked or left standing unless all parts of such vehicle are at least fifteen (15) feet from houses on adjacent properties.
- d. A commercial vehicle may be parked in the driveway of the operator's lot, provided that such vehicle is fully on private property so as not to obstruct the view on the public street.
- e. Storage of trailers in front setback areas is prohibited.

- f. Parking of commercial vehicles on property immediately adjacent to and with the same street frontage as an operator's residential property is permitted when the adjacent property is under the same ownership, or with the express written consent of the property owner.
- I. A maximum of two of each type of accessory vehicle, up to a maximum of six accessory vehicles, may be stored outside of a building on any residentially or agriculturally zoned property. No accessory vehicle shall be stored on a residentially or agriculturally zoned property unless a lawfully established and occupied residence exists on the property. Accessory vehicles shall not be stored between the front property line and the primary residential structure, except within the driveway. In addition, each accessory vehicle shall be at least fifteen (15) feet from the primary residential structure on adjacent properties and at least ten feet behind the street side yard property line. In no event shall an accessory vehicle be used as a dwelling unit.

(Ord. No. 2010-07, § 3(Exh. A), 10-5-10; Ord. No. 2012-12, § 3(Exh. A), 7-3-12)

ATTACHMENT 2**16.20.095 - Nonresidential parking standards.**

- A. Motorcycles. Facilities with twenty-five (25) or more parking spaces shall provide at least one designated parking area for use by motorcycles. Developments with over one hundred (100) spaces shall provide motorcycle parking at the rate of one percent. Areas delineated for use by motorcycles shall meet standards set forth in Section 16.20.085(J).
- B. Bicycles. Commercial and office areas may provide locking facilities for bicycle parking at any location convenient to the facility for which they are designated. Whenever possible, weatherproofing or facility covering should be used.
- C. Transportation Plans. Facilities may decrease their required number of parking spaces, subject to the adoption by the reviewing authority of an approved transportation management plan supplied by the applicant which may include, but is not limited to, provisions for mass transit, car pooling, staggered work hours, etc.
- D. Where nonresidential parking areas abut residential land use districts, they shall be screened pursuant to the Development Code.
- E. Parking on Undeveloped Lots in Nonresidential Areas. It is unlawful for commercial vehicles, passenger cars, light trucks, or any other type of vehicle to be located on vacant, nonresidential lots. This prohibition applies whether vehicles are parked to allow the drivers to patronize a business or make a pick-up or delivery of materials or goods to or from any building or site, are displayed for sale on a lot owned by the registered vehicle owner, or any other purpose except:
 - i. As part of an approved temporary use permit for the sale of Christmas trees or pumpkins, a circus or carnival, or other use authorized by Section 16.12.382.
 - ii. A use authorized by an approved site plan review or conditional use permit.
 - iii. During development of the site pursuant to approved building and grading permits.
- F. Street Parking in Nonresidential Areas.
 - 1. It shall be unlawful for any person to park or leave standing on any public street, including within the public right-of-way, any commercial vehicle, except:

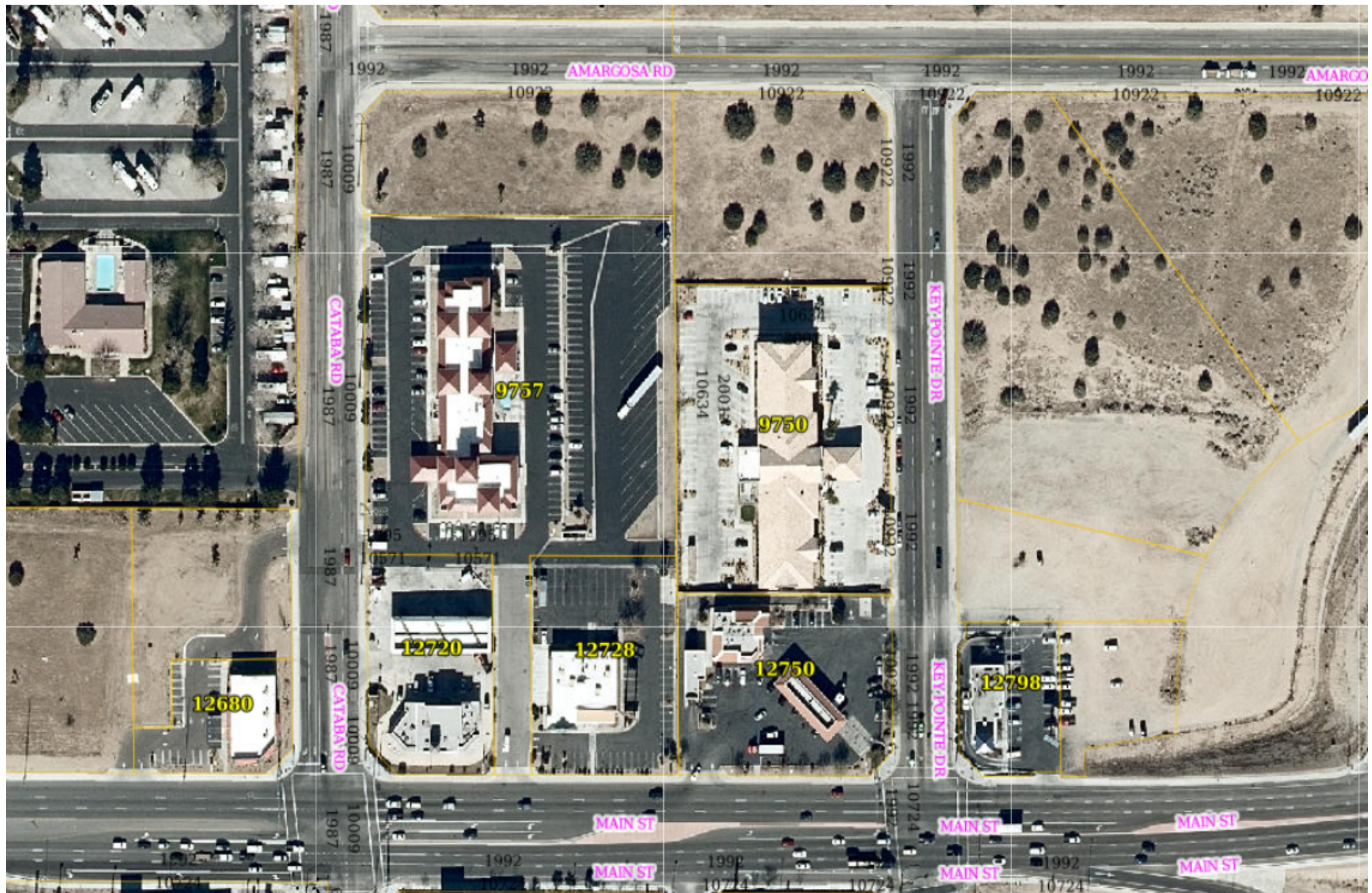
- i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.
- ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site, provided parking is allowed within the street.
- iii. No commercial vehicle shall be parked or left standing on any street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or twelve (12) feet per lane, if more than one lane, and under no circumstances parked in any travel lanes.
- iv. No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection.
 - a. The city manager or designee is authorized to issue permits for exceptional circumstances based on criteria developed by the city council and adopted by resolution, to the public street parking requirements in this subsection under the terms and conditions set forth below:
 - b. Any bona fide resident of the city who is an operator of a commercial vehicle may apply to the city manager, or designee thereof, for a permit exempting such commercial vehicle from the provisions of this subsection. The permit shall be in such form as may be approved by the city manager. Application for such a permit shall be made on a form approved by, and subject to such verification as may be required by the city manager, and shall be accompanied by such fee as may be prescribed by resolution of the city council.
 - c. Each permit issued shall be valid for a period of one year. Applications for renewal of a permit shall be submitted to the city manager at least ten days prior to the expiration date of the then current permit. Each application for a renewal of a permit hereunder shall be accompanied by such fee as fixed by resolution of the city council.
 - d. Each permit issued shall be nontransferable and shall apply only to the particular vehicle or vehicles described in the application. Each person receiving a permit hereunder shall attach the permit sticker

to the inside of the driver's side window or wind wing. The permit sticker shall be in such form as is approved by the city manager and police chief.

- e. Vehicles for which permits have been issued, and upon which permit tags are properly affixed as required by this subsection may be parked within the public right-of-way in accordance with the provisions of this subsection.
- f. A parking permit issued hereunder may be revoked for good cause following a hearing conducted by the city manager. In such instance, written notice of the city manager's intent to revoke the permit shall be provided to the affected permittee by first class mail, sent to the address set forth in the permittee's application, and a hearing before the city manager shall be scheduled to occur within fifteen (15) days. At the conclusion of such hearing, the city manager may take no action, revoke the permit, or attach conditions to the permit which, if not satisfied, will cause the permit to be deemed revoked; provided, no less than five (5) days' prior written notice of revocation is given to the permittee at the address specified above. The city manager's decision shall be final. For purposes of this subsection, "good cause" includes, but is not limited to, violation by the permittee of any provision of this article or any other provision of law pertaining to the parking of vehicles, occurring in connection with use of the permitted commercial vehicle.

(Ord. No. 2010-07, § 3(Exh. A), 10-5-10; Ord. No. 2011-07, 8-2-11; Ord. No. 2012-12, § 3(Exh. A), 7-3-12)

ATTACHMENT 3



1" = 188ft

Sub Title

02/21/2019



This map may represent a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up to date information.

ATTACHMENT 4

