

## **Amended Agenda**

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

**Item 6 on the Consent Calendar was moved to the New Business calendar after the posting of the agenda.**



### **Meeting Agenda**

**Tuesday, October 5, 2021**

**Closed Session - 5:30PM**

**Regular Meeting - 6:30PM**

**City Council Chambers  
9700 Seventh Ave., Hesperia CA, 92345  
City Clerk's Office: (760) 947-1007**

### **City Council Members**

**Cameron Gregg, Mayor  
Brigit Bennington, Mayor Pro Tem  
Larry Bird, Council Member  
William J. Holland, Council Member  
Rebekah Swanson, Council Member**

**Nils Bentsen, City Manager  
Eric Dunn, City Attorney**

**See page (3) for details on public meeting guidelines during the  
COVID-19 (Coronavirus) Pandemic**



**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) 947-1026. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.**



## Public Access to City Council Meetings:

City Council meetings are now open to the public within the guidelines provided by the State which may include wearing masks and socially distancing from other attendees.

Public Comments can be made in-person at City Council Meetings and/or can be submitted via telephone recording that will be played during the meeting.

City Council meetings may be viewed live or after the event on the City's website at [www.cityofhesperia.us](http://www.cityofhesperia.us).

## Remote Public Comment:

### Public Comments Made By-Telephone Process

Public comments will be accepted in advance until 5:30 pm on the day of the scheduled meeting by calling and leaving a recorded message at (760) 947-1056. Comments received past 5:30 pm will not be included in the record. If you would like to comment remotely, please follow the protocols below:

- Call (760)947-1056 to leave a detailed message of your public comment.

- Identify your name and the item you wish to comment on in your message.
- Contact information in your voicemail is optional, but will allow staff to easily follow up with you if necessary.
- Each public comment received by voicemail will be played by a staff member for up to three (3) minutes for Consent Calendar/New Business items and up to five (5) minutes for Public Hearing items.

Remote public comments received outside of the comment period outlined above will not be included in the record.

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

**9700 7th Avenue, Council Chambers, Hesperia, CA 92345**

**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.*

**CLOSED SESSION - 5:30 PM**

**Roll Call**

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

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

1. Assistant Secretary for FHEO v. City of Hesperia, California, et al.; Case  
Number 09-16-4717-8

**CALL TO ORDER - 6:30 PM**

**A. Invocation**

**B. Pledge of Allegiance to the Flag**

**C. Roll Call**

*Mayor Cameron Gregg  
Mayor Pro Tem Brigit Bennington  
Council Member Larry Bird*

*Council Member William J. Holland*  
*Council Member Rebekah Swanson*

**D. Agenda Revisions and Announcements by City Clerk**

**E. Closed Session Reports by City Attorney**

**ANNOUNCEMENTS/PRESENTATIONS**

1. Certificate of Recognition to Eagle Scout Isaiah Herrera by the City Council
2. Traffic Enforcement Update by Jon Billings, Captain

**JOINT CONSENT CALENDAR**

1. Page 7 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, September 21, 2021.

**Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, September 21, 2021.

**Staff Person:** Assistant City Clerk Erin Baum

**Attachments:** [Draft CC Min 2021-09-21](#)

2. Page 13 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 Administrative Services Casey Brooksher

**Attachments:** [SR Warrant Run 10-5-2021](#)

[Attachment 1 - Warrant Run](#)

3. Page 15 Treasurer's Cash Report for the unaudited period ended July 31, 2021

**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 Administrative Services Casey Brooksher

**Attachments:** [SR Treasurer's Report 10-5-2021](#)

[Attachment 1 - Treasurer's Report](#)

**4. Page 25**      Vehicle Procurement for Water Production Program**Recommended Action:**

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to adopt Hesperia Water District (HWD) Resolution No. HWD 2021-18, amending the Fiscal Year (FY) 2021-22 Budget and appropriating \$102,360, for the procurement of one (1) new Ford Heavy Duty F-550 truck with a welder body, and eleven foot (11') certified auto crane for the Production program from Sunrise Ford in Fontana.

**Staff Person:**      Director of Public Works Jeremy McDonald

**Attachments:**      [SR Vehicle Procurement for Water Production Program 10-5-2021](#)  
[Resolution HWD 2021-18](#)

**5. Page 27**      Final Tract Map 17959**Recommended Action:**

It is recommended that the City Council adopt Resolution No. 2021-49 approving Final Tract Map No. 17959 to create 31 Single-family Residential lots on approximately 15.6 gross acres designated R-1 18,000 located 218 feet south from the southwest corner of Ranchero Road and Farmdale Avenue (Applicant: Farmdale Homes, LLC APN: 3097-161-06).

**Staff Person:**      Administrative Analyst Bethany Hudson

**Attachments:**      [SR Final Tract Map 17959 10-5-2021](#)  
[Resolution 2021-49](#)  
[Attachment 2 - Final Tract Map 17959](#)

**6. Page 33**      Award Construction Contract for the Ranchero Road Corridor Widening Project, C.O. Nos. 7094 and 7139**Recommended Action:**

It is recommended that the City Council and Board of Directors of the Hesperia Water District 1) award a construction contract for the Ranchero Road Corridor Widening Project (C.O. Nos. 7094 and 7139) to the lowest responsive/responsible bidder, Sully-Miller Contracting Company, Inc. at the base bid amount of \$37,492,000; 2) award bid Add/Alternate Item C in the amount of \$423,630; 3) approve a 10% contingency in the amount of \$3,791,563 for a total not-to-exceed contract amount of \$41,707,193; 4) approve the design of the project represented by the plans and Contract Documents and Specifications; and 5) authorize the City Manager to execute the contract.

**Staff Person:**      Management Analyst Tina Souza

**Attachments:**      [SR Award Contract Ranchero Road Corridor Widening Project 10-5-2021](#)

**PUBLIC HEARING**

*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.*

**7. Page 37 Formation of Underground Utility District 21-01**

**Recommended Action:**

Staff recommends that the City Council adopt Resolution No. 2021-045 establishing an underground utility district at the Northwest corner of the intersection of Seventh Avenue and Ranchero Road (per Exhibits A1 & A2).

**Staff Person:** Project Construction Manager David Burkett

**Attachments:** [SR Formation of Underground Utility District 21-01 10-5-2021](#)

[Resolution 2021-045](#)

[Attachment 2 - Exhibit A1](#)

[Attachment 3 - Exhibit A2](#)

**8. Page 45 Specific Plan Amendment SPLA21-00003; Applicant: SRD Design Studio, Inc; APNs: 3064-551-04, -07 and portions of 3064-551-03, -06 & -08**

**Recommended Action:**

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2021-09 approving Specific Plan Amendment SPLA21-00003 to change approximately 40 gross acres of land within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP).

**Staff Person:** Associate Planner Edgar Gonzalez

**Attachments:** [SR SPLA2021-00003 10-5-2021](#)

[Ordinance 2021-09 with Exhibit "A"](#)

[Attachment 2 - Planning Commission Staff Report with Attachments](#)

**9. Page 55 Conditional Use Permit CUP20-00003 and Minor Exception ME20-00003; Applicant: George Mikhail; APNs: 0357-304-01 & 02**

**Recommended Action:**

The Planning Commission recommends that the City Council adopt Resolution No. 2021-48 approving CUP20-00003 and Minor Exception ME20-00003.

**Staff Person:** Senior Planner Ryan Leonard

**Attachments:** [SR Conditional Use Permit CUP20-00003 and ME20-00003 10-5-2021](#)

[Resolution 2021-48](#)

[Attachment 2 - Conditions of Approval](#)

[Attachment 3 - Planning Commission Staff Report with Attachments](#)

**NEW BUSINESS**

10. Page 97 Discussion of the development standards and requirements of metal accessory buildings

**Recommended Action:**

It is recommended that the City Council review and discuss the existing development standards for the use of metal buildings in Hesperia.

**Staff Person:** Principal Planner Chris Borchert

**Attachments:** [SR Discussion of Development Standards for Accessory Buildings 10-5-2021](#)  
[Attachment 1 - Article X Development Standards for Accessory Buildings](#)

**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 are requested to 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.*

**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, Erin Baum, Assistant City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, September 30, 2021 at 5:30 p.m. pursuant to California Government Code §54954.2.*

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*Erin Baum,  
Assistant 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 - Final

### City Council

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

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Tuesday, September 21, 2021

6:30 PM

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**REGULAR MEETING AGENDA  
HESPERIA CITY COUNCIL  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
HESPERIA HOUSING AUTHORITY  
HESPERIA COMMUNITY DEVELOPMENT COMMISSION  
HESPERIA WATER DISTRICT  
September 21, 2021  
9700 7th Avenue, Council Chambers, Hesperia, CA 92345**

**CLOSED SESSION - 5:30 PM**

**Roll Call**

**Present:** 4 - Mayor Pro Tem Bennington, Council Member Holland, Council Member Swanson and Mayor Gregg  
**Absent:** 1 - Council Member Bird

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

1. Assistant Secretary for FHEO v. City of Hesperia, California, et al.; Case Number 09-16-4717-8
2. Victor Valley Wastewater Reclamation Authority v. City of Hesperia (Claim for Damages)
3. Silverwood Aviation, Inc. et al. v City of Hesperia et al. Case No.5:20-CV-00185

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

1. Negotiating Parties: Mega Factors LTD and City of Hesperia Location: Driving Range Property APN 0398-251-30 Under Negotiation: Price and terms

**CALL TO ORDER - 6:30 PM**

**A. Invocation**

**B. Pledge of Allegiance to the Flag**

**C. Roll Call**

**Present:** 4 - Mayor Pro Tem Bennington, Council Member Holland, Council Member Swanson and Mayor Gregg  
**Absent:** 1 - Council Member Bird

**D. Agenda Revisions and Announcements by City Clerk**

*Items 8 and 9 will be heard in reverse order for clarity.*

## **E. Closed Session Reports by City Attorney**

*Council Member Holland gave an update on VVWRA status.*

### **JOINT CONSENT CALENDAR**

**A motion was made by Holland, seconded by Swanson, that this item be approved. The motion carried by the following vote:**

**Aye:** 4 - Bennington, Holland, Swanson and Gregg

**Nay:** 0

**Absent:** 1 - Bird

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, September 7, 2021.

#### **Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, September 7, 2021.

**Sponsors:** Assistant City Clerk Erin Baum

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 Administrative Services Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended June 30, 2021.

#### **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.

**Sponsors:** Director of Administrative Services Casey Brooksher

4. Vehicle Procurement for Customer Service

#### **Recommended Action:**

It is recommended that the Chair and Board of Directors of the Hesperia Water District authorize the City Manager to approve the purchase of two (2) new right-hand drive Jeep Wrangler Sports from Victorville Motors, in the not-to-exceed amount of \$93,000.

**Sponsors:** Director of Public Works Jeremy McDonald

5. Parcel Map 20198

#### **Recommended Action:**

It is recommended that the City Council adopt Resolution No. 2021-43 approving Parcel Map No. 20198 to create two parcels from 2.1 gross acres zoned agricultural within the A1 zone located on the north side of Mesa Street approximately 270 feet east of Seventh Avenue (Applicant: Robert Melamed; APN: 0414-111-16).

**Sponsors:** Administrative Analyst Bethany Hudson

6. Adopt Measure I Five Year Capital Project Needs Analysis for Fiscal Years 2022/23 through 2026/27

**Recommended Action:**

It is recommended that the Mayor and Council Members adopt Resolution No. 2021-044 approving the Measure I Five-Year Capital Project Needs Analysis submittal to the San Bernardino County Transportation Authority (SBCTA) for Fiscal Years 2022/23 through 2026/27.

**Sponsors:** Administrative Analyst Bethany Hudson

**PUBLIC HEARING**

7. Public Hearing - Redistricting due to 2020 Census

**Recommended Action:**

It is recommended that the City Council 1) Receive a presentation from National Demographics Corporation, the City's redistricting consultant detailing the redistricting process and permissible criteria to be considered to create district boundaries; 2) Conduct a public hearing to receive public input on the redistricting process; and 3) Provide guidance concerning the drafting of redistricting maps.

**Sponsors:** Assistant City Clerk Erin Baum

9. Substantial Amendment to the Community Development Block Grant (CDBG) 2020-2021 Annual Action Plan

**Recommended Action:**

It is recommended that the City Council: 1) Conduct a public hearing and upon accepting public testimony, adopt Resolution No. 2021-47 including any modifications or amendments thereto 2) Approve a Substantial Amendment to the Community Development Block Grant ("CDBG") 2020-2021 Annual Action Plan ("Action Plan") by repurposing a total of \$145,000 from the 2020-2021 Microenterprise Assistance Program (MAP) and unprogrammed funds to the 2020-2021 Emergency Business Assistance Program (EBAP) and 2020-2021 Administration Program; and 3) Authorize the City Manager and/or designee to execute and transmit all necessary documents, including the Substantial Amendment to the Action Plan, and any additional amendments, to assure the City's timely expenditure of CDBG funds.

**Sponsors:** Assistant City Manager Rachel Molina

**A motion was made by Bennington, seconded by Holland, that this item be approved. The motion carried by the following vote:**

**Aye:** 4 - Bennington, Holland, Swanson and Gregg

**Nay:** 0

**Absent:** 1 - Bird

8. Program Year 2020-2021 Community Development Block Grant (CDBG), Consolidated Annual Performance and Evaluation Report (CAPER)

**Recommended Action:**

It is recommended that the City Council conduct a public hearing and upon accepting public testimony: 1) Approve the Program Year (PY) 2020-2021 Consolidated Annual Performance Evaluation Report ("CAPER"); and 2) Authorize the City Manager and/or his designee to submit the PY 2020-2021 CAPER to the U.S. Department of Housing and Urban Development ("HUD"), along with any public testimony and changes thereto as directed by the City Council.

**Sponsors:** Assistant City Manager Rachel Molina

**A motion was made by Holland, seconded by Swanson, that this item be approved. The motion carried by the following vote:**

**Aye:** 4 - Bennington, Holland, Swanson and Gregg

**Nay:** 0

**Absent:** 1 - Bird

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

*Bob Nelson commented on speaking limits.*

*Al Vogler commented on the scheduling of public comments.*

*Daniel Krist commented on community issues.*

*Bret commented on mask mandates.*

**COUNCIL COMMITTEE REPORTS AND COMMENTS**

*Council Member Swanson commented on having Council Member Bird in our thoughts and the success of Hesperia Days.*

*Council Member Holland thanked Council Member Bird for attending VVWRA and commented on mask and vaccine mandates.*

*Mayor Pro Tem Bennington agreed with Council Member Hollands comments, and commented on the success of Hesperia Days, League of California Cities attendance later this week, attendance at AQMD meeting, public comment scheduling, and thanked City staff.*

*Mayor Gregg agreed with Council Member Hollands comments on mask mandates, and commented on the success of Hesperia Days, SBCTA attendance, addressed public comments, and thanked City staff, SBSCD and Fire.*

**CITY MANAGER/CITY ATTORNEY/STAFF REPORTS**

*None*

## **ADJOURNMENT**

*Meeting was adjourned with thoughts for the Bird family at 7:25 PM.*

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*Erin Baum,  
Assistant City Clerk*

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# City of Hesperia

## STAFF REPORT



**DATE:** October 05, 2021

**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 Administrative Services  
Anne Duke, Deputy Finance Director  
Rosa Roman, Accountant

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

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### 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 August 21, 2021 through September 03, 2021.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$1,557,658.96	\$242,998.33	\$0.00	\$1,800,657.29
Successor Agency	7,657,907.27	0.00	0.00	7,657,907.27
Housing Authority	627.90	143.75	0.00	771.65
Community Development Commission	0.00	0.00	0.00	0.00
Water	391,225.40	100,324.03	0.00	491,549.43
<b>Totals</b>	<b>\$9,607,419.53</b>	<b>\$343,466.11</b>	<b>\$0.00</b>	<b>\$9,950,885.64</b>

### ATTACHMENT(S)

1. Warrant Runs

**City of Hesperia**  
**WARRANT RUNS**  
**08/21/2021 - 09/03/2021**

**Attachment 1**

FUND #	FUND NAME	W/E 8/27/2021	W/E 9/3/2021	WARRANT TOTALS		YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
					Wires		
<b>Accounts Payable</b>							
100	GENERAL	\$ 49,305.25	\$ 173,183.01	\$ 222,488.26	\$ -	\$ 5,230,931.89	\$ 5,934,783.93
200	HESPERIA FIRE DISTRICT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
204	MEASURE I - RENEWAL	\$ 149.10	\$ -	\$ 149.10	\$ -	\$ 51,468.47	\$ 228,146.17
207	LOCAL TRANSPORT-SB 325	\$ -	\$ -	\$ -	\$ -	\$ 25,000.00	\$ 16,902.70
209	GAS TAX-RMRA	\$ -	\$ -	\$ -	\$ -	\$ 67,468.24	\$ 318,261.95
210	HFPD (PERS)	\$ -	\$ -	\$ -	\$ -	\$ 1,007,746.00	\$ 975,994.00
251	CDBG	\$ -	\$ -	\$ -	\$ -	\$ 461,192.35	\$ 387,369.16
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
256	ENVIRONMENTAL PROGRAMS GRANT	\$ 5,864.71	\$ -	\$ 5,864.71	\$ -	\$ 9,065.16	\$ 3,858.41
257	NEIGHBORHOOD STABILIZATION PROG	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,719.00
258	CDBG-CV CARES ACT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
260	DISASTER PREPARED GRANT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
263	STREETS MAINTENANCE	\$ 6,007.92	\$ 17,013.55	\$ 23,021.47	\$ -	\$ 435,914.99	\$ 544,855.56
300	DEV. IMPACT FEES - STREET	\$ 45.94	\$ -	\$ 45.94	\$ -	\$ 32,543.33	\$ 38,188.26
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ -	\$ -	\$ -	\$ 21,919.50	\$ 22,615.00
306	DEV. IMPACT FEES - 2018-STREETS	\$ 45.93	\$ -	\$ 45.93	\$ -	\$ 1,901.83	\$ -
396	DEVELOPMENT IMPACT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
399	FEMA-1203-DR (DISASTER)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
400	2004 STREETS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
401	CITY DEBT SERVICES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
501	CFD 91-3 BELGATE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
504	CITY WIDE STREETS - CIP	\$ -	\$ 13,898.50	\$ 13,898.50	\$ -	\$ 66,805.66	\$ 72,044.79
509	CITY FACILITIES CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
800	EMPLOYEE BENEFITS	\$ 84,636.24	\$ 283,883.66	\$ 368,519.90	\$ -	\$ 1,632,300.25	\$ 1,400,118.92
801	TRUST/AGENCY	\$ 1,503.00	\$ 498.17	\$ 2,001.17	\$ -	\$ 665,991.27	\$ 570,667.46
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ 6,283.00	\$ -
807	CFD 2005-1	\$ 921,623.98	\$ -	\$ 921,623.98	\$ -	\$ 925,830.82	\$ 873,476.89
808	HFPD (TRANSITION)	\$ -	\$ -	\$ -	\$ -	\$ 369,875.18	\$ 349,144.56
815	PLAN REVIEW TRUST - FRONTIER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	<b>CITY</b>	<b>\$ 1,069,182.07</b>	<b>\$ 488,476.89</b>	<b>\$ 1,557,658.96</b>	<b>\$ -</b>	<b>\$ 11,012,237.94</b>	<b>\$ 11,738,146.76</b>
163	REDEVELOP OBLIG RETIREMENT-2018	\$ 7,657,907.27	\$ -	\$ 7,657,907.27	\$ -	\$ 7,657,907.27	\$ 7,577,378.44
	<b>SUCCESSOR AGENCY</b>	<b>\$ 7,657,907.27</b>	<b>\$ -</b>	<b>\$ 7,657,907.27</b>	<b>\$ -</b>	<b>\$ 7,657,907.27</b>	<b>\$ 7,577,378.44</b>
370	HOUSING AUTHORITY	\$ 627.90	\$ -	\$ 627.90	\$ -	\$ 3,604.58	\$ 14,458.19
	<b>HOUSING AUTHORITY</b>	<b>\$ 627.90</b>	<b>\$ -</b>	<b>\$ 627.90</b>	<b>\$ -</b>	<b>\$ 3,604.58</b>	<b>\$ 14,458.19</b>
170	COMMUNITY DEVELOPMENT COMMISSION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,135.42
	<b>COMMUNITY DEVELOPMENT COMMISSION</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,135.42</b>
700	WATER OPERATING	\$ 62,573.63	\$ 26,895.91	\$ 89,469.54	\$ -	\$ 2,738,661.59	\$ 3,617,752.79
701	WATER CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ 7,540.15	\$ 305,961.20
710	SEWER OPERATING	\$ 2,715.17	\$ 296,928.94	\$ 299,644.11	\$ -	\$ 920,714.43	\$ 603,499.59
711	SEWER CAPITAL	\$ -	\$ 2,111.75	\$ 2,111.75	\$ -	\$ 148,077.37	\$ 528,101.30
713	SEWER CAPITAL REHAB AND REPLACE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54,882.50
720	RECLAIMED WATER OPERATIONS	\$ -	\$ -	\$ -	\$ -	\$ 487.30	\$ -
	<b>WATER</b>	<b>\$ 65,288.80</b>	<b>\$ 325,936.60</b>	<b>\$ 391,225.40</b>	<b>\$ -</b>	<b>\$ 3,815,480.84</b>	<b>\$ 5,110,197.38</b>
	<b>ACCOUNTS PAYABLE TOTAL</b>	<b>\$ 8,793,006.04</b>	<b>\$ 814,413.49</b>	<b>\$ 9,607,419.53</b>	<b>\$ -</b>	<b>\$ 22,489,230.63</b>	<b>\$ 24,441,316.19</b>
<b>REG. PAYROLL</b>							
	City	\$ -	\$ 242,998.33	\$ 242,998.33	\$ -	\$ 1,190,815.23	\$ 1,125,072.03
	Housing Authority	\$ -	\$ 143.75	\$ 143.75	\$ -	\$ 745.24	\$ 763.67
	Water	\$ -	\$ 100,324.03	\$ 100,324.03	\$ -	\$ 503,980.23	\$ 509,977.68
	<b>PAYROLL TOTAL</b>	<b>\$ -</b>	<b>\$ 343,466.11</b>	<b>\$ 343,466.11</b>	<b>\$ -</b>	<b>\$ 1,695,540.70</b>	<b>\$ 1,635,813.38</b>

\* The year to date totals for this Warrant Report are for the 2021-22 fiscal year starting July 1, 2021; however, the year-to-date totals include a total of \$219,412.79 in payments issued on 6/28/21 and 6/29/21.

# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021

**TO:** Mayor and Council Members  
City Council, Serving 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 Administrative Services  
Anne Duke, Deputy Finance Director  
Nichole Eddleman, Financial Analyst

**SUBJECT:** Treasurer's Cash Report for the unaudited period ended July 31, 2021.

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### 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 July 31, 2021.

### 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

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<u>FUND</u>	<u>VALUE</u>
General Fund (100 & 800)	\$ 12,390,819.52
Fire District Fund (200)	321.00
HFPD (PERS) (210)	2,156,564.23
AB27666 - Transit (254)	23,891.04
AB3229 Supplemental Law (255)	96,174.33
AD No. 91-1 (802)	372,163.04
Beverage Recycling Grant (256)	205,999.99
CFD 2005-1 (807)	1,568,261.75
HFPD Transition (808)	374,245.00
City Wide-Capital Projects (504)	(442,156.33)
Community Dev Block Grant (251, 252, & 253)	287,886.92
Development Impact Fund (300-304)	5,614,211.79
Development Impact Fund 2018 (306-312)	8,290,885.36
Development Impact Fund A-04 Drainage (313)	960,135.17
CDBG-CV Cares Act (258)	0.00
Disaster (260)	44,131.74
Gas Tax Fund (205)	666,879.65
Gas Tax - RMRA (209)	777,876.68
Gas Tax Swap (206)	328,920.44
Local Transportation SB325 (207)	2,255,773.87
Measure I - Renewal (204)	6,366,622.01
Neighborhood Stabilization Prog (257)	2,445,007.31
Public Works Street Maint (263)	786,239.49
Trust Fund (801, 803-806, & 815)	1,997,992.68
2012 Water Rights Acquisition (402)	1,622,136.85
2013 Refunding Lease Rev Bonds (403)	1,875,856.47
 <b>TOTAL CITY FUNDS</b>	 <b><u>\$ 51,066,840.00</u></b>

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**SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

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<u>FUND</u>	<u>VALUE</u>
RORF Retention - (163)	\$ <u>8,261,815.14</u>

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**HESPERIA HOUSING AUTHORITY**

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<u>FUND</u>	<u>VALUE</u>
Hesperia Housing Authority Fund (370)	\$ 3,650,287.59
VVEDA Housing Authority (371)	1,820,137.53
<b>TOTAL HOUSING AUTHORITY FUNDS</b>	<b>\$ <u>5,470,425.12</u></b>

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**COMMUNITY DEVELOPMENT COMMISSION**

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<u>FUND</u>	<u>VALUE</u>
Community Development Commission Fund (170)	\$ <u>(595,698.66)</u>

## **WATER**

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<b><u>FUND</u></b>	<b><u>VALUE</u></b>
Water Operating (700)	\$ 7,473,640.21
Water Capital (701)	(7,564,555.76)
Water Capital Rehab and Replace (703)	1,421,230.63
Water Contamination Mitigation (704)	1,915,695.21
Sewer Operating (710)	13,156,365.35
Sewer Capital (711)	2,963,085.53
Sewer Capital Rehab and Replace (713)	743,297.46
Reclaimed Water Operations (720)	(234,911.93)
<b>TOTAL WATER FUNDS</b>	<b><u>\$ 19,873,846.70</u></b>

*City of Hesperia*  
**Investment Report**  
**Unaudited**  
July 31, 2021

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>
<b>Investments under the direction of the City:</b>								
Local Agency Investment Funds	State of Calif.	0.221%	31-Jul-21	Demand	\$ 47,995,737.97	47,995,737.97	47,995,737.97	
Local Bank Checking Accounts	U.S. Bank	n/a	31-Jul-21	Demand	3,071,102.03	3,071,102.03	3,071,102.03	
<b>Total Unaudited Investments under the direction of the City</b>					<b>\$ 51,066,840.00</b>	<b>\$ 51,066,840.00</b>	<b>\$ 51,066,840.00</b>	

**Investments under the direction of fiscal agents:**

2012 Lease Revenue Bonds	Union	0.000%	31-Jul-21	Demand	1.82	1.82	1.82	2012 - Water Rights Revenue Fund
2012 Lease Revenue Bonds	Union	0.010%	31-Jul-21	Demand	1,452,239.51	1,452,239.51	1,452,239.51	2012 - Water Rights Reserve Fund
2012 Lease Revenue Bonds	Union	0.000%	31-Jul-21	Demand	0.31	0.31	0.31	2012 - Water Rights Surplus Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	0.000%	31-Jul-21	Demand	3.75	3.75	3.75	2005 Civic Plaza - Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	0.010%	31-Jul-21	Demand	1,149,835.66	1,149,835.66	1,149,835.66	2005 Civic Plaza - Reserve Fund
2013 Refunding Lease Revenue Bonds	Union	0.000%	31-Jul-21	Demand	0.31	0.31	0.31	2005 Civic Plaza - Surplus Rev Fund
2014 CFD 2005-1 Refunding	Union	0.010%	31-Jul-21	Demand	365.99	365.99	365.99	2014 CFD 05-1 - Bond Fund
2014 CFD 2005-1 Refunding	Union	0.010%	31-Jul-21	Demand	1,428,341.28	1,428,341.28	1,428,341.28	2014 CFD 05-1 - Reserve Fund
2014 CFD 2005-1 Refunding	Union	0.010%	31-Jul-21	Demand	23,889.62	23,889.62	23,889.62	2014 CFD 05-1 Administrative Expense Bonds
Deposits - Workers' Comp	PERMA	n/a	31-Jul-21	n/a	1,526,516.50	1,526,516.50	1,526,516.50	GL 1352
<b>Total Unaudited Investments under the direction of fiscal agents</b>					<b>\$ 5,581,194.75</b>	<b>5,581,194.75</b>	<b>5,581,194.75</b>	

**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 Villaseñor, Senior Accountant

**Investment Report****Unaudited**July 31, 2021

<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>
<b>Investments under the direction of the City:</b>								
Local Agency Investment Funds	State of Calif.	0.221%	31-Jul-21	Demand	\$ 7,764,958.92	\$ 7,764,958.92	7,764,958.92	
Local Bank Checking Accounts	U.S. Bank	n/a	31-Jul-21	Demand	496,856.22	496,856.22	496,856.22	
<b>Total Unaudited Investments under the direction of the City</b>					<b>\$ 8,261,815.14</b>	<b>\$ 8,261,815.14</b>	<b>\$ 8,261,815.14</b>	

**Investments under the direction of fiscal agents:**

2018 Refunding Bonds	Union	0.000%	31-Jul-21	Demand	1.00	1.00	1.00	2018A & 2018B - Debt Service Account
2018 Refunding Bonds	Union	0.040%	31-Jul-21	Demand	83.37	83.37	83.37	2018A & 2018B - Interest Account
2018 Refunding Bonds	Union	0.000%	31-Jul-21	Demand	1.00	1.00	1.00	2018A & 2018B - Reserve Account
<b>Total Unaudited Investments under the direction of fiscal agents</b>					<b>\$ 85.37</b>	<b>\$ 85.37</b>	<b>\$ 85.37</b>	

**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.**

  
Virginia Villasenor, Senior Accountant

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

*Hesperia Housing Authority*

ATTACHMENT 3


**Investment Report**

**Unaudited**

July 31, 2021

<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>
<b>Investments under the direction of the City:</b>							
Local Agency Investment Funds	State of California	0.221%	31-Jul-21	Demand	\$ 5,141,439.94	5,141,439.94	5,141,439.94
Local Bank Checking Accounts	U.S. Bank	n/a	31-Jul-21	Demand	328,985.18	328,985.18	328,985.18
<b>Total Unaudited Investments under the direction of the City</b>					<b>\$ 5,470,425.12</b>	<b>\$ 5,470,425.12</b>	<b>\$ 5,470,425.12</b>

*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**July 31, 2021

<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>
<b>Investments under the direction of the City:</b>							
Local Agency Investment Funds	State of California	0.221%	31-Jul-21	Demand	\$ (559,874.02)	(559,874.02)	(559,874.02)
Local Bank Checking Accounts	U.S. Bank	n/a	31-Jul-21	Demand	(35,824.64)	(35,824.64)	(35,824.64)
<b>Total Unaudited Investments under the direction of the City</b>					<b>\$ (595,698.66)</b>	<b>\$ (595,698.66)</b>	<b>\$ (595,698.66)</b>

*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 Villaseñor, Senior Accountant

*Hesperia Water District*  
**Investment Report**  
**Unaudited**  
July 31, 2021

ATTACHMENT 5

<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	0.221%	31-Jul-21	Demand	\$ 18,678,656.03	18,678,656.03	18,678,656.03	
Local Bank Checking Accounts	U.S. Bank	n/a	31-Jul-21	Demand	1,195,190.67	1,195,190.67	1,195,190.67	
<b>Total Unaudited Investments under the direction of the City</b>					<b>\$ 19,873,846.70</b>	<b>\$ 19,873,846.70</b>	<b>\$ 19,873,846.70</b>	

**Investments under the direction of fiscal agents:**

Deposits - Workers' Comp	PERMA	n/a	31-Jul-21	n/a	760,308.36	760,308.36	760,308.36	GL 1352
<b>Total Unaudited Investments under the direction of fiscal agents</b>					<b>\$ 760,308.36</b>	<b>\$ 760,308.36</b>	<b>\$ 760,308.36</b>	

**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

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# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021  
**TO:** Chair and Board Members, Hesperia Water District  
**FROM:** Nils Bentsen, City Manager  
**BY:** Jeremy McDonald, Director of Public Works  
Robert Worby, Fleet/Warehouse Supervisor  
**SUBJECT:** Vehicle Procurement for Water Production Program

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### RECOMMENDED ACTION

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to adopt Hesperia Water District (HWD) Resolution No. HWD 2021-18, amending the Fiscal Year (FY) 2021-22 Budget and appropriating \$102,360, for the procurement of one (1) new Ford Heavy Duty F-550 truck with a welder body, and eleven foot (11') certified auto crane for the Production program from Sunrise Ford in Fontana.

### BACKGROUND

During FY 2021-22, a service truck which was purchased in 2008 and utilized by the Production program suffered catastrophic engine failure. The Production program requires a replacement vehicle to continue to maintain the quality of existing City services. Staff has located one truck that meets the program's needs.

### ISSUES/ANALYSIS

The FY 2021-22 Budget does not include funding for the addition of one (1) service truck within Production, needed by the program for daily operations. Typically, a formal bid would be prepared for interested vendors to provide pricing with the lowest responsive/responsible bid presented to the City Council for authorization prior to purchasing the vehicle. Unfortunately, due to current economic conditions, vendors have been unwilling to hold prices and any existing inventory due to demand outpacing supply. Vehicles being manufactured can take at least nine months to a year or more for delivery.

### FISCAL IMPACT

Funding for the one (1) Production vehicle is not available within Fund 700 (Water Operating). Therefore, staff is requesting approval from the Board of Directors of the Hesperia Water District to increase the Production program Budget by appropriating \$102,360 via HWD Resolution No. 2021-18.

### ALTERNATIVE(S)

1. Provide alternative direction to staff.

### ATTACHMENT(S)

1. HWD Resolution No. 2021-18

**RESOLUTION NO. HWD 2021-18**

**A RESOLUTION OF THE BOARD OF DIRECTORS HESPERIA WATER DISTRICT, CITY OF HESPERIA, CALIFORNIA, AMENDING THE FISCAL YEAR 2021-22 HESPERIA WATER DISTRICT BUDGET BY APPROPRIATING AN ADDITIONAL \$102,360 IN WATER OPERATIONS FUND 700**

**WHEREAS**, the Board of Directors of the Hesperia Water District adopted the Fiscal Year (FY) 2021-22 Budget on June 15, 2021; and

**WHEREAS**, the anticipated total expenditure of \$102,360 will occur in the FY 2021-22 Budget; and

**WHEREAS**, the FY 2021-22 Water District Budget does not include \$102,360 for the purchase of a service truck for use in the Production program; and

**WHEREAS**, the Board of Directors of the Hesperia Water District has reviewed the proposed amendment information and have found it acceptable.

**NOW THEREFORE**, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF HESPERIA WATER DISTRICT AS FOLLOWS:

- Section 1. The District hereby amends the FY 2021-22 Water District Operating Budget and appropriates \$102,360 to Account No. 700-29-400-4020-8420.
- Section 2. That the above is true and correct and adopted as findings.
- Section 3. That the Secretary to the Board of Directors of the City of Hesperia Water District shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**ADOPTED AND APPROVED** this 5<sup>th</sup> day of October, 2021.

---

Cameron Gregg, Chair

ATTEST:

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Melinda Sayre, Board Secretary

# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021

**TO:** Mayor and Council Members

**FROM:** Nils Bensten, City Manager

**BY:** Rachel Molina, Assistant City Manager  
Bethany Hudson, Administrative Analyst

**SUBJECT:** Final Tract Map 17959

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### RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2021-49 approving Final Tract Map No. 17959 to create 31 Single-family Residential lots on approximately 15.6 gross acres designated R-1 18,000 located 218 feet south from the southwest corner of Ranchero Road and Farmdale Avenue (Applicant: Farmdale Homes, LLC APN: 3097-161-06).

### BACKGROUND

On January 25, 2006, the Development Review Committee recommended that Tentative Tract Map No. 17959 be advanced to the Planning Commission for approval, creating 31 Single-family Residential lots on 15.6 gross acres, designated R-1 18,000 located 218 feet south from the southwest corner of Ranchero Road and Farmdale Avenue. Planning Commission approved Tentative Tract Map 17959 on March 23, 2006.

Staff has reviewed the maps and determined that it complies with all General Plan and zoning regulations, all required conditions of approval with one exception, and with all local ordinances related to the creation of these parcels. Due to the time needed for completing the annexation, the condition to annex into the Hesperia Recreation and Park Lighting and Landscape District shall be satisfied prior to the issuance of building permits. The developer has executed a Subdivision Agreement and furnished the required securities for the public improvements in accordance with local ordinances and the Subdivision Map Act.

### 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. 2021-49
2. Final Tract Map No. 17959

**RESOLUTION NO. 2021-49**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17959 TO CREATE 31 LOTS ON 15.6 GROSS ACRES, ZONED SINGLE FAMILY RESIDENTIAL R-1 18000, LOCATED 218 FEET SOUTH FROM THE SOUTHWEST CORNER OF RANCHERO ROAD AND FARMDALE AVENUE. (APPLICANT: FARMDALE HOMES, LLC)**

**WHEREAS**, on January 25, 2006 the Development Review Committee recommended that Tentative Tract Map No. 17959 be advanced to the Planning Commission for approval; and

**WHEREAS**, on March 23, 2006 the Planning Commission approved Tentative Tract Map No. 17959; and

**WHEREAS**, Tract Map No. 17959 is to create 31 Single-family Residential lots on 15.6 gross acres zoned Single-family Residential (R-1 18000), located 218 feet south from the southwest corner of Ranchero Road and Farmdale 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. Final Tract Map No. 17959 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 5<sup>th</sup> day of October 2021.

---

Cameron Gregg  
Mayor

ATTEST:

---

Melinda Sayre  
City Clerk

# TRACT MAP NO. 17959

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

BEING A SUBDIVISION OF PARCEL 2 AND A PORTION OF PARCEL 1 OF PARCEL MAP NO. 5781, AS PER MAP RECORDED IN BOOK 57, PAGES 23 AND 24 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**MARSHALL ENGINEERING GROUP, INC. APRIL 2018**  
**WILLIAM M. RAYMOND JR. L.S. 7279**

### OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SUBDIVIDED AS SHOWN ON THE ANNEXED MAP AND THAT WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP.

WE HEREBY IRREVOCABLY OFFER TO DEDICATE TO THE CITY OF HESPERIA, THE PUBLIC IN GENERAL, AND TO ANY OF THE SEVERAL PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, AN EASEMENT FOR PUBLIC ROADS, HIGHWAYS, AND PUBLIC UTILITY PURPOSES IN, UNDER, OVER, THROUGH, AND ACROSS FARMDALE AVENUE, ADALINE STREET, MILTON AVENUE, AND FLINTRIDGE STREET, AS SHOWN ON THE ANNEXED MAP.

WE ALSO HEREBY IRREVOCABLY OFFER TO DEDICATE TO THE CITY OF HESPERIA LOT "A" FOR DRAINAGE, STORM DRAIN, RETENTION BASIN, SLOPE MAINTENANCE, AND OPEN SPACE PURPOSES AS SHOWN ON THE ANNEXED MAP.

WE ALSO HEREBY IRREVOCABLY OFFER TO DEDICATE TO THE CITY OF HESPERIA ALL RIGHTS OF VEHICULAR INGRESS TO OR EGRESS FROM LOTS 3 AND 13, OVER AND ACROSS THE SOUTHERLY LINE OF ADALINE STREET AND LOTS 12, 22, AND 31, OVER AND ACROSS THE NORTHERLY LINE OF FLINTRIDGE STREET, AS SHOWN ON THE ANNEXED MAP.

THE EXPRESSED RIGHTS TO THE PUBLIC IN GENERAL AND TO THE SEVERAL UTILITY COMPANIES SHALL BE AND SHALL REMAIN INTERIOR TO THE SUPERIOR RIGHTS OF THE CITY OF HESPERIA.

FARMDALE HOMES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS OWNER.

BY: Stanley H. Mullins TITLE: MANAGING MEMBER  
 BY: [Signature] TITLE: Managing Member

### NOTARY ACKNOWLEDGMENT

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 DOCUMENT.

STATE OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
 ON 9/23/21 BEFORE ME, ANGEL GONZALES, NOTARY PUBLIC,

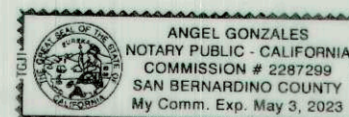
PERSONALLY APPEARED, STANLEY H. MULLINS / ADAM CASTANEDA, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES WERE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR 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

SIGNATURE [Signature]  
 NAME OF NOTARY ANGEL GONZALES

COUNTY IN WHICH COMMISSIONED SAN BERNARDINO  
 DATE COMMISSION EXPIRES MAY 3, 2023  
 COMMISSION NUMBER 2287299



### AVIGATION EASEMENT

A RIGHT OF FLIGHT FOR THE PASSAGE OF AIRCRAFT HEREIN AFTER REFERRED TO IN THE AIR SPACE ABOVE THE SURFACE OF THE HEREIN AFTER DESCRIBED PREMISES, TOGETHER WITH THE RIGHT OF SUCH AIRCRAFT TO CAUSE IN SUCH AIR SPACE SUCH NOISE, VIBRATION, SMOKE, AND OTHER EFFECTS AS MAY BE INHERENT IN THE OPERATION, MAINTENANCE, REPAIR, REHABILITATION, MANUFACTURING, EXPERIMENTATION OR TESTING OF AIRCRAFT, INCLUDING, WITHOUT LIMITATION COMPONENTS THEREOF, NOW KNOWN OF HEREAFTER USED OR, PROPOSED TO BE USED, FOR NAVIGATION OF, OR FLIGHT IN THE AIR, USING SAID AIR SPACE FOR LANDING AT, OR TAKING OFF FROM, OR OPERATION AT, OR ON: (1) HESPERIA AIRPORT OR ANY SUCCESSOR AIRPORT LOCATED ON OR UPON ALL OR ANY PORTION OF THE PROPERTY NOW KNOWN AS HESPERIA AIRPORT, A COPY OF THE LOCATION OF SAID HESPERIA AIRPORT.

### BOARD OF SUPERVISORS' CERTIFICATE:

I HEREBY CERTIFY 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 THE ANNEXED 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 SPECIAL ASSESSMENTS, AND SAID BOND IS HEREBY ACCEPTED.

DATED: \_\_\_\_\_

LAURA WELCH  
 CLERK OF THE 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 THE ANNEXED MAP FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE, ESTIMATED TO BE \$ \_\_\_\_\_

DATED: \_\_\_\_\_

OSCAR VALDEZ, COUNTY AUDITOR-CONTROLLER/TREASURER/TAX COLLECTOR  
 COUNTY OF SAN BERNARDINO

BY: \_\_\_\_\_ DEPUTY

### COMPOSITE DEVELOPMENT PLAN:

A COMPOSITE DEVELOPMENT PLAN HAS BEEN PREPARED FOR THIS TRACT AND IS ON FILE WITH THE CITY OF HESPERIA PLANNING DEPARTMENT.

### SOILS REPORT NOTE:

A SOILS REPORT WAS PREPARED FOR THIS TRACT BY CONVERSE CONSULTANTS, HASHMI S. E. QUAZI, G.E. 2517, ON NOVEMBER 14 2005 AND IS ON FILE WITH THE CITY OF HESPERIA BUILDING DEPARTMENT.

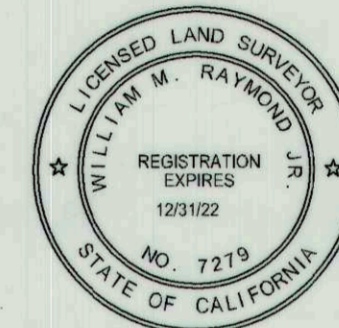
### SIGNATURE OMISSIONS NOTE:

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

1. THE COUNTY OF SAN BERNARDINO HOLDER OF AN OFFER OF DEDICATION FOR PUBLIC ROAD, COUNTY HIGHWAY AND PUBLIC UTILITY PURPOSES AND INCIDENTAL PURPOSES, RECORDED AUGUST 16, 1982 AS INSTRUMENT NO. 82-160665 OF OFFICIAL RECORDS. PORTIONS OF SAID EASEMENT FALL INTO PROPOSED OFFERS OF DEDICATION TO THE CITY OF HESPERIA.
2. THE CITY OF HESPERIA HOLDER OF AN OFFER OF DEDICATION FOR PUBLIC ROAD, COUNTY HIGHWAY AND PUBLIC UTILITY PURPOSES AND INCIDENTAL PURPOSES, RECORDED JANUARY 23, 2008 AS INSTRUMENT NO. 2008-0030040 OF OFFICIAL RECORDS. PORTIONS OF SAID EASEMENT FALL INTO PROPOSED OFFERS OF DEDICATION TO THE CITY OF HESPERIA.

### 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 ADAM CASTANEDA ON APRIL 17, 2018 AND SAID SURVEY IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP. ALL MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE 12/31/2021 AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



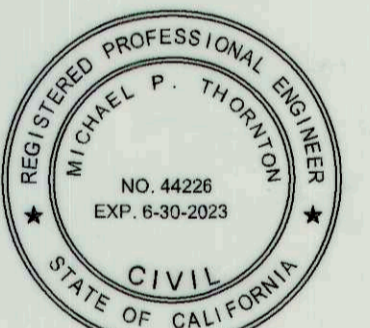
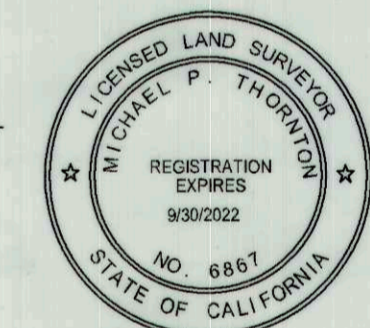
DATE: 9/22/2021

[Signature]  
 WILLIAM M. RAYMOND JR.  
 PROFESSIONAL LAND SURVEYOR NO. 7279  
 EXPIRATION DATE: DECEMBER 31, 2022

### CITY ENGINEER'S STATEMENT

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

[Signature]  
 MICHAEL P. THORNTON, CITY ENGINEER  
 R.C.E. 44226 & P.L.S. 6867



DATED: SEP. 23, 2021

### CITY COUNCIL'S ACCEPTANCE AND ABANDONMENT CERTIFICATE

THE UNDERSIGNED OFFICER ON BEHALF OF THE CITY COUNCIL PURSUANT TO AUTHORITY CONFERRED BY TITLE NO. 17 OF THE CITY OF HESPERIA MUNICIPAL CODE, HEREBY APPROVES THE ANNEXED MAP AND ACCEPTS FARMDALE AVENUE, FLINTRIDGE STREET, ADALINE STREET, AND MILTON AVENUE, SUBJECT TO THEIR IMPROVEMENTS IN ACCORDANCE WITH CITY STANDARDS, AND ALSO ACCEPTS LOT "A" FOR DRAINAGE, STORM DRAIN, RETENTION BASIN, SLOPE MAINTENANCE, AND OPEN SPACE PURPOSES, AS DEDICATED.

IN ADDITION, THE UNDERSIGNED HEREBY ACCEPTS ALL RIGHTS OF VEHICULAR ACCESS FROM LOTS 3 AND 13, OVER AND ACROSS THE SOUTHERLY LINE OF ADALINE STREET AND LOTS 12, 22, AND 31, OVER AND ACROSS THE NORTHERLY LINE OF FLINTRIDGE STREET AS SHOWN ON THE ANNEXED MAP.

DATED: \_\_\_\_\_

[Signature]  
 MELINDA SAYRE  
 CITY CLERK OF THE CITY OF HESPERIA

### SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE:

THIS MAP HAS BEEN FILED UNDER DOCUMENT NUMBER \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, AT \_\_\_\_\_ M., IN BOOK: \_\_\_\_\_

OF \_\_\_\_\_ TRACT MAP PAGES \_\_\_\_\_, AT THE REQUEST

OF: \_\_\_\_\_

IN THE AMOUNT OF \$ \_\_\_\_\_

BOB DUTTON  
 AUDITOR-RECORDER-COUNTY CLERK  
 COUNTY OF SAN BERNARDINO

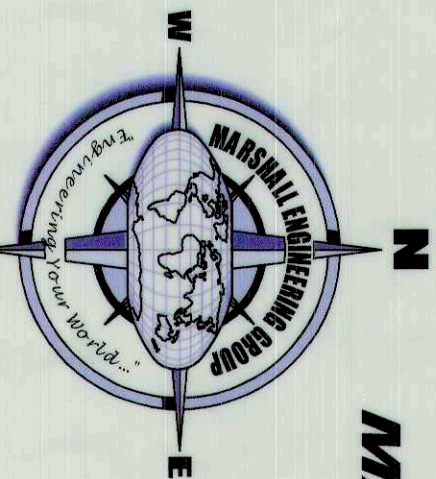
BY: \_\_\_\_\_  
 DEPUTY RECORDER

# TRACT MAP NO. 17959

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

BEING A SUBDIVISION OF PARCEL 2 AND A PORTION OF PARCEL 1 OF PARCEL MAP NO. 5781, AS PER MAP RECORDED IN BOOK 57, PAGES 23 AND 24 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**MARSHALL ENGINEERING GROUP, INC. APRIL 2018**



## BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE  
BASED ON THE CENTERLINE OF RANCHERO  
ROAD SHOWN AS N 88°15'11" E PER  
RECORD OF SURVEY NO. 02-033 RECORDED  
IN BOOK 117, PAGE 95, OF RECORD OF  
SURVEYS.

SCALE: 1" = 160'

FD 2" IP NO TAG, DN 0.5' ACCEPTED AS  
2" IP TAGGED RCE 25657 PER PM 5910  
PMB 5663, DESTROYED IN  
CONSTRUCTION OF TRACT NO. 14937.

FD 1" IP, FLUSH TAGGED LS  
5306 PER P.M. 225/42-44  
N 88°15'11" E  
[1323.75]

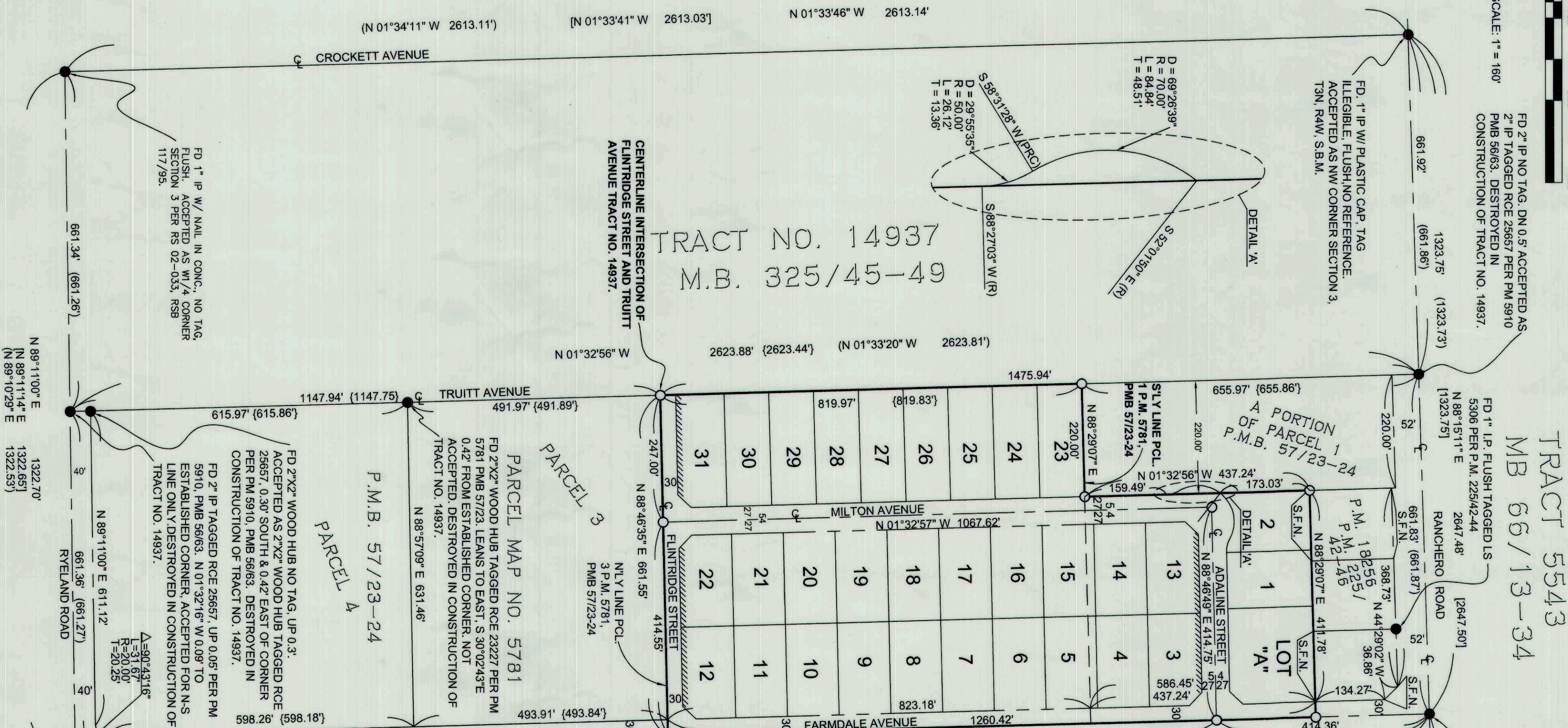
FD 1" IP W/ PLASTIC CAP LS 5308, DN  
0.2' PER RECORD OF SURVEY 02-033,  
BOOK 117, PAGE 95, ACCEPTED AS W  
1/16 CORNER SECTION 3, DESTROYED  
BY STREET CONSTRUCTION ON  
FARMDALE AVENUE.

FD 1" IP W/ PLASTIC CAP, TAG  
ILLEGIBLE, FLUSH, NO REFERENCE  
ACCEPTED AS NW CORNER SECTION 3,  
T3N, R4W, S.B.M.

FD 1 1/4" BRASS CAP RCE 6820  
DN 0.5' IN LIEU OF 1" I.P. PER  
RS 02-033, RSB 117/95,  
ACCEPTED AS N 1/4 CORNER,  
PER P.M. 225/42-44 SECTION 3  
T3N, R4W, S.B.M.

## SURVEYOR'S NOTES

1. THIS TRACT CONTAINS 16.04 ACRES GROSS
  2. THIS TRACT CONTAINS 31 NUMBERED LOTS AND 1 LETTERED LOT.
  3. ( ) INDICATES RECORD DATA PER PM 5910, PMB 5663.  
( ) INDICATES RECORD DATA PER RS 02-033, RSB 117/95.  
( ) INDICATES RECORD DATA PER PM 5781, PMB 5723.
  4. ● INDICATES MONUMENT FOUND AS NOTED.
  5. ○ INDICATES SET 1" IP 18" LONG (MIN.) WITH PLASTIC  
CAP "PLS 7279", FLUSH, UNLESS OTHERWISE NOTED.
  6. LOT CORNERS ADJACENT TO STREETS REFERENCED BY LEAD & TAG  
"PLS 7279" IN CURB ON EXTENSION OF LOT LINES, EXCEPT AT CORNER  
CUTBACKS, UNLESS OTHERWISE NOTED.
  7. LOT CORNERS ADJACENT TO TRACT BOUNDARY REFERENCED BY  
BRASS NAIL & TAG "PLS 7279" IN WALL ON EXTENSION OF LOT LINES,  
EXCEPT AT CORNER STREET FRONTAGE, UNLESS OTHERWISE NOTED.  
LOTS (3-22) SET 1" IP 18" LONG (MIN.) WITH PLASTIC CAP "PLS 7279" AT  
ALL REAR CORNERS.
- INDICATES NON-VEHICULAR ACCESS

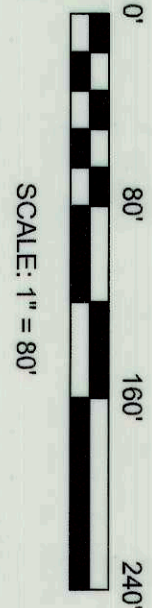
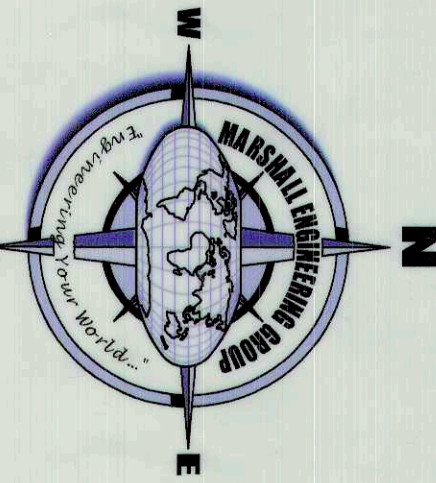


# TRACT MAP NO. 17959

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

BEING A SUBDIVISION OF PARCEL 2 AND A PORTION OF PARCEL 1 OF PARCEL MAP NO. 5781, AS PER MAP RECORDED IN BOOK 57, PAGES 23 AND 24 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**MARSHALL ENGINEERING GROUP, INC. APRIL 2018**



## BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF RANCHERO ROAD SHOWN AS N 88°15'11" E PER RECORD OF SURVEY 02-033 RECORDED DECEMBER 10, 2002 IN BOOK 117 PAGE 95.

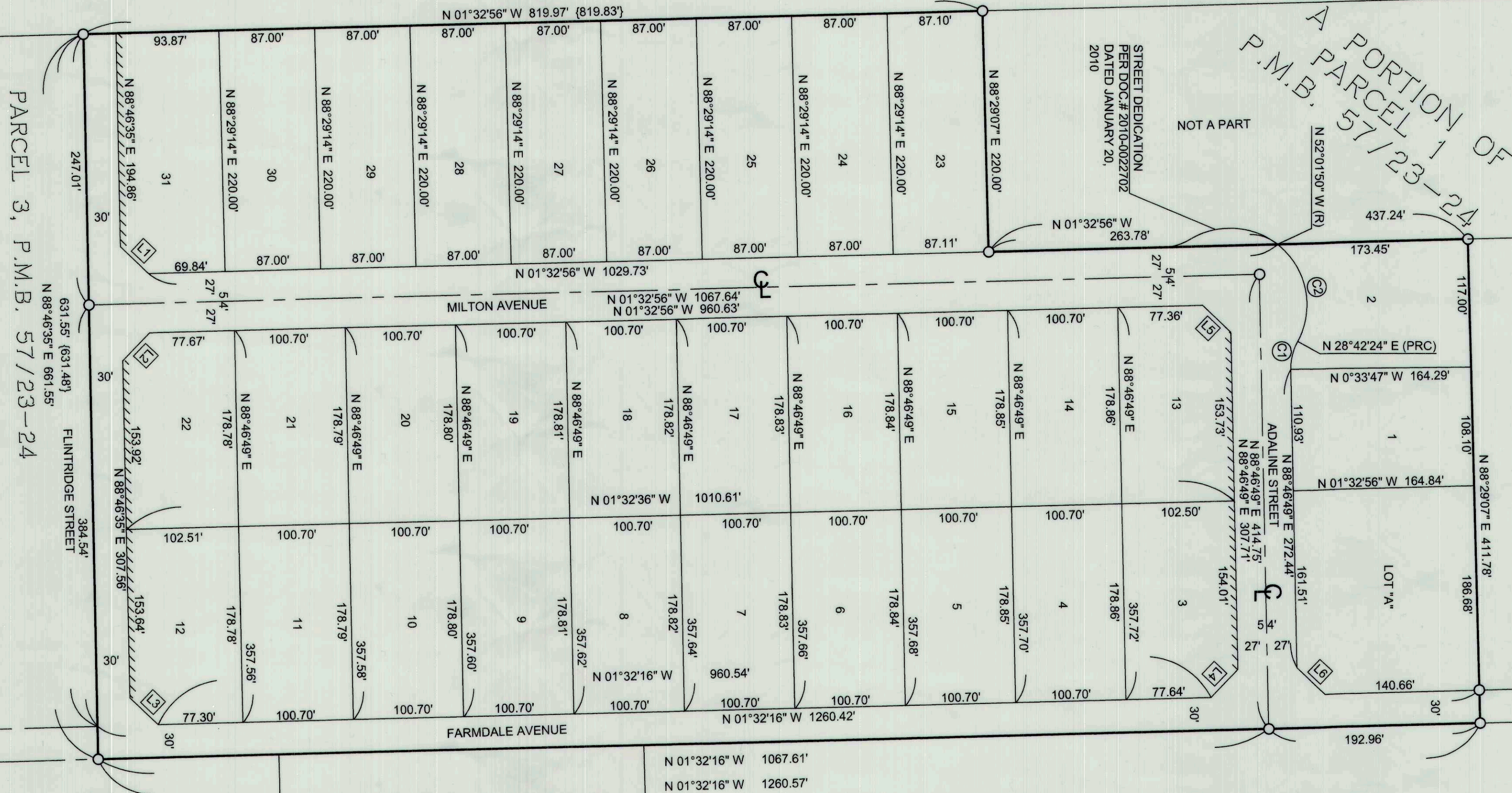
INDICATES NON-VEHICULAR ACCESS

LINE DATA		CURVE DATA	
LINE	BEARING	RADIUS	DELTA ANGLE
L1	N 43°36'50" E	50.00'	29°55'35"
L2	N 46°23'10" W	70.00'	80°44'15"
L3	N 43°32'39" E		
L4	N 46°22'43" W		
L5	N 43°36'57" E		
L6	N 43°37'17" E		

C#	RADIUS	DELTA ANGLE	LENGTH	TANGENT
C1	50.00'	29°55'35"	26.12'	13.36'
C2	70.00'	80°44'15"	98.64'	59.51'

## SURVEYOR'S NOTES

- THIS TRACT CONTAINS 16.04 ACRES GROSS
- THIS TRACT CONTAINS 31 NUMBERED LOTS AND 1 LETTERED LOT.
- ( ) INDICATES RECORD DATA PER PM 5910, PMB 56/63.  
( ) INDICATES RECORD DATA PER RS 02-033, RSB 117/95.  
( ) INDICATES RECORD DATA PER PM 5781, PMB 57/23.
- INDICATES MONUMENT FOUND AS NOTED.
- INDICATES SET 1" IP 18" LONG (MIN.) WITH PLASTIC CAP "PLS 7279" FLUSH, UNLESS OTHERWISE NOTED.
- LOT CORNERS ADJACENT TO STREETS REFERENCED BY LEAD & TAG "PLS 7279" IN CURB ON EXTENSION OF LOT LINES, EXCEPT AT CORNER CUTBACKS, UNLESS OTHERWISE NOTED.
- LOT CORNERS ADJACENT TO TRACT BOUNDARY REFERENCED BY BRASS NAIL & TAG "PLS 7279" IN WALL ON EXTENSION OF LOT LINES, EXCEPT AT CORNER STREET FRONTAGE, UNLESS OTHERWISE NOTED. LOTS (3-22) SET 1" IP 18" LONG (MIN.) WITH PLASTIC CAP "PLS 7279" AT ALL REAR CORNERS.



TRACT 14937  
M.B. 325 / 45-49

PARCEL 3, P.M.B. 57/23-24

A PORTION OF THE NE 1/4, OF THE NW 1/4, SECTION 3, T3N, R4W, S.B.M.

# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021

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

**FROM:** Nils Bentsen, City Manager

**BY:** Rachel Molina, Assistant City Manager  
Tina Souza, Senior Management Analyst

**SUBJECT:** Award Construction Contract for the Ranchero Road Corridor Widening Project, C.O. Nos. 7094 and 7139

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### RECOMMENDED ACTION

It is recommended that the City Council and Board of Directors of the Hesperia Water District 1) award a construction contract for the Ranchero Road Corridor Widening Project (C.O. Nos. 7094 and 7139) to the lowest responsive/responsible bidder, Sully-Miller Contracting Company, Inc. at the base bid amount of \$37,492,000; 2) award bid Add/Alternate Item C in the amount of \$423,630; 3) approve a 10% contingency in the amount of \$3,791,563 for a total not-to-exceed contract amount of \$41,707,193; 4) approve the design of the project represented by the plans and Contract Documents and Specifications; and 5) authorize the City Manager to execute the contract.

### BACKGROUND

The Ranchero Corridor Project consists of several improvements in three phases: I) the undercrossing at the Burlington Northern Santa Fe Railway Company (BNSF) railroad tracks (at the eastern terminus of the corridor project boundary) which was completed in June 2013; II) the interchange at Interstate 15 (I-15) (at the western terminus of the corridor project boundary) which was completed in March 2015; and III) improvements to widen the five-mile roadway segment of Ranchero Road from two lanes to five lanes between these two structures for increased vehicular capacity, the Ranchero Road Corridor Widening Project (Project). The widening of the roadway includes replacing and widening the bridge over the California Department of Water Resources (DWR) aqueduct, as well as widening the at-grade crossing of Union Pacific Railroad (UPRR) railroad tracks. The Ranchero Road Corridor project is the City's highest priority for roadway capital construction.

Work on the Project began in 2007 with initial surveys followed by the start of design in 2008, which was ultimately met with suspension of the Project on various occasions due to lack of funding. Most notably, the loss of Redevelopment Agency funds significantly delayed Project progress. The design of the Project is complete, and the Project is ready to enter the construction phase.

The Project is being constructed in partnership with San Bernardino County (SBC), apart from the aqueduct crossing, which is a City only portion of the overall corridor project. Roughly half of the Project is within the SBC's jurisdiction. A Memorandum of Understanding (MOU) with SBC was approved by the City Council in May of 2011 to share the cost of the environmental and design [plans, specifications, and estimates (PS&E)] services. A subsequent amendment to

include the construction phase of the project was approved by the City Council on March 17, 2020.

In addition, the City Council approved a funding agreement with San Bernardino County Transportation Authority (SBCTA) on June 20, 2017, along with a subsequent amendment on March 17, 2020, for the utilization of Measure I, Major Local Highway Program (MLHP) funds for the Project.

## ISSUES/ANALYSIS

There are multiple components and construction plan sets for the Project which collectively make up one project, referred to as the Ranchero Road Corridor Widening Project, which is how the project was bid.

This project was advertised for bids beginning on July 1, 2021 and more than 18,000 contractors were notified about the project through Public Purchase, the City's online bidding platform. This includes potential prime contractors and subcontractors. Bids were received, opened, and publicly read on September 21, 2021.

The City received seven bids, which were utilized to determine the lowest responsible/responsive bidder:

Sully-Miller Contracting Company	\$37,492,000.00
Security Paving Company, Inc.	\$39,979,505.25
Skanska USA Civil West CA District, Inc.	\$40,276,266.65
Granite Construction Company	\$42,160,500.00
Riverside Construction Company, Inc.	\$42,386,369.95
Griffith Company	\$43,939,045.40
C.A. Rasmussen, Inc.	\$45,297,660.90

After review of the submitted bids, staff has determined that Sully-Miller Contracting Company (Sully-Miller) is the lowest responsive/responsible bidder. Founded in 1923, Sully-Miller has extensive experience in constructing various infrastructure projects with expertise in transportation infrastructure. Sully-Miller has performed work for numerous, counties, water districts, airports, Caltrans, and cities, including many local projects in the Mojave River Valley region. They have a reputation for quality and reliability. Because of their extensive experience with delivering large, complex projects, combined with their industry reputation, staff believes Sully-Miller can meet the construction needs of the project.

The City is responsible for contracting with and paying Sully-Miller directly. Subsequently, the City is charged with requesting reimbursement from SBCTA for the MLHP funds as well as requesting reimbursement from granting agencies for grant funds related to the Project. The City will receive direct payment from SBCTA for its share of the County's portion of the Project in addition to the City's portion. The City will subsequently invoice SBC for the balance of their portion of the costs related to construction within their jurisdiction.

Further, the City will receive direct reimbursement for the Senate Bill (SB) 1 Local Partnership Program (LPP) competitive grant funds and the CalRecycle grant funds awarded to the Project. SBCTA is utilizing SB1 LPP formula funds which will also be reimbursed directly to the City.

## FISCAL IMPACT

Funding has been included in the Fiscal Year (FY) 2021-22 Capital Improvement Program (CIP) Budget, under Construction Order Numbers (C.O. Nos.) 7094, 7131, 7139, 7146, and 7154, for a combined budget of \$44,951,604 for the Ranchero Road Improvements-Seventh Avenue to Mariposa Road, Traffic Signal at Ranchero Road/Maple Avenue, Ranchero Road Aqueduct Crossing, Traffic Signal at Ranchero Road/Cottonwood Avenue, and Traffic Signal at Ranchero Road/Seventh Avenue, collectively referred to as the Ranchero Road Corridor Widening Project. Funds will be incorporated in the FY 2022-23 CIP budget as needed to complete the project. The estimated costs related to the Project and each agency's share are as follows:

Expense Description	Estimated Future			
	Project Costs	City Share	County Share	SBCTA Share
Roadway Construction	24,302,214	5,779,816	4,694,528	13,827,870
Bridge Construction	13,613,416	8,018,302	-	5,595,114
Construction Contingency (10%)	3,791,563	1,379,812	469,453	1,942,298
<b>Construction Award Subtotal</b>	<b>\$ 41,707,193</b>	<b>\$ 15,177,930</b>	<b>\$ 5,163,981</b>	<b>\$ 21,365,282</b>
Construction Management	6,703,178	2,482,611	806,183	3,414,384
Other Construction Related	400,000	85,405	82,620	231,975
Administration	75,000	42,500	32,500	-
Design Support	349,990	174,995	174,995	-
Other Pre-Construction Related	190,000	103,900	45,000	41,100
<b>Other Anticipated Costs Subtotal</b>	<b>\$ 7,718,168</b>	<b>\$ 2,889,411</b>	<b>\$ 1,141,298</b>	<b>\$ 3,687,459</b>
<b>Total Estimated Future Expense Through Project Completion</b>	<b>\$ 49,425,361</b>	<b>\$ 18,067,341</b>	<b>\$ 6,305,279</b>	<b>\$ 25,052,741</b>
<b>Funding</b>				
LPP Grants	(16,095,000)	(2,900,000)	(1,000,000)	(12,195,000)
CalRecycle Grant	(250,000)	(100,000)	(150,000)	-
Developer Contribution	(12,665,910)	(12,665,910)	-	-
<b>Total Agency Funded</b>	<b>\$ 20,414,451</b>	<b>\$ 2,401,431</b>	<b>\$ 5,155,279</b>	<b>\$ 12,857,741</b>

Costs as presented herein this staff report, the figures above are simply estimates for informational purposes only to provide a general idea of costs going forward. Each category total is subject to change during construction in accordance with the total contract limits of previous Council and/or Board approved contracts, this contract under this staff report, and/or within the City's purchasing policy.

## ALTERNATIVE(S)

1. Provide alternative direction to staff.

## ATTACHMENT(S)

None

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# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Rachel Molina, Assistant City Manager  
David R. Burkett, Project Construction Manager

**SUBJECT:** Formation of Underground Utility District 21-01

---

### RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2021-045 establishing an underground utility district at the Northwest corner of the intersection of Seventh Avenue and Ranchero Road (per Exhibits A1 & A2).

### BACKGROUND

In response to local government interest in enhancing the aesthetics of their communities, in 1967 the California Public Utilities Commission (CPUC) established electric tariff Rule 20A. This program provides for the conversion of overhead utility lines to underground. Conversion projects under Rule 20A are funded by all of the utility's ratepayers throughout their service territory. Rule 20A conversion projects are intended to underground existing distribution and sub-transmission voltage lines and poles under CPUC jurisdiction in areas that benefit the public interest as defined by criteria set by the CPUC.

Each year Southern California Edison (SCE) establishes an annual allocation of "work credits". These work credits are allocated to cities and counties using a formula found under Rule 20. Staff identified the Northwest corner of the intersection of Seventh Avenue and Ranchero Road as an ideal location for a conversion project. SCE determined the City's available work credits and provided an estimate of the cost of the proposed Rule 20A underground project. Undergrounding is generally undertaken for primarily aesthetic reasons.

### ISSUES/ANALYSIS

The creation of an Underground Utility District will enable the City to use Southern California Edison Rule 20A funds to relocate unsightly utility lines underground. Rule 20A establishes the methodology for converting overhead utility lines to underground. Generally, the project must meet criteria that serves a general public benefit to all electric ratepayers.

In order to underground the utility lines at the proposed location using Rule 20A funding, the City Council must make a determination that such undergrounding is in the general public interest for a minimum of one of the 5 reasons outlined under CPUC Rule 20A. Staff has established that 2 of the 5 criteria are met at the proposed location as follows:

1. The street, road, or right of way serves as a major thoroughfare for the general public and carries a heavy volume of pedestrian, bicycle, rail, vehicular or other traffic. Heavy traffic volume means a minimum of 5,000 average trips per day.
2. The street, or road, or right of way is considered an arterial street or major collector as defined by the California Department of Transportation's California Road System functional classification system.

Ranchero Road far exceeds 5,000 average trips per day and meets the first criteria listed. Both Ranchero Road and Seventh Avenue are classified as arterial streets and therefore both roadways meet the second criteria listed.

Conversion of overhead utilities to underground facilities will provide a substantial aesthetic benefit to the City of Hesperia along the Ranchero Road corridor. Staff is recommending that the Council adopt Resolution 2021-045 establishing an underground utility district at the Northwest corner of the intersection of Seventh Avenue and Ranchero Road as described in Exhibits A1 & A2.

#### **FISCAL IMPACT**

There are no fiscal impacts to the City of Hesperia for this work. The undergrounding work is estimated by Southern California Edison (SCE) to cost approximately \$900,000, which will be completely funded with SCE Rule 20A set-aside funds. The use of Rule 20A set-aside funds are restricted to utility undergrounding.

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

1. Provide alternative direction to staff

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

1. Resolution 2021-045
2. Exhibit A1
3. Exhibit A2

## **RESOLUTION NO. 2021-045**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 21-01 AT THE NORTHWEST CORNER OF THE INTERSECTION OF SEVENTH AVENUE AND RANCHERO ROAD**

**WHEREAS**, By Resolution 2021-040, a public hearing was called for Tuesday, October 5, 2021, at the hour of 6:30 p.m. in the Council Chambers in City Hall, located at 9700 Seventh Avenue, Hesperia, California to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service in any such district; and

**WHEREAS**, it has been recommended that such an Underground Utility District, hereinafter called District, be formed at the northwest corner of the intersection of Seventh Avenue and Ranchero Road, as shown on Exhibits A1 and A2 attached hereto, and more specifically described as:

“The Northwest Corner of Ranchero Road and Seventh Avenue, defined as the centerline of the intersection of both streets and extending approximately 230 feet west, not including pole 4123196E (protect in place), and extending 330 feet north, not including pole 4123200E (protect in place).”; and

**WHEREAS**, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and utilities concerned in the manner and for the time required by law; and

**WHEREAS**, such hearing has been duly and regularly held, and all persons interested have been given an opportunity to be heard.

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

- Section 1. That this Council hereby finds and determines that the public necessity, health, safety and welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supply of electric, communication, and all other utility services at the northwest corner of Seventh Avenue and Ranchero Road as described herein. Such described area is hereby established as Underground Utility District No. 21-01.
- Section 2. The Council further finds that (1) Both Seventh Avenue and Ranchero Road are identified as arterial roadways within the circulation element, and (2) that the roadway or right of way is extensively used by the general public and carries heavy volumes of vehicular traffic.

- Section 3. That all poles, overhead wires and associated structures shall be removed and underground installations made in said Underground Utility District.
- Section 4. That all service conversions will be funded with Rule 20A allocations.
- Section 5. That the area to be included in the District is shown upon that certain map entitled PROPOSED DISTRICT BOUNDARY RULE 20A UNDERGROUND UTILITY DISTRICT, CITY OF HESPERIA, dated July 30, 2021, which is on file in the office of the City Clerk of the City of Hesperia.
- Section 6. That the City Clerk, within ten (10) days after the adoption of this resolution, shall mail a copy hereof to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.
- Section 7. 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 5<sup>th</sup> day of October, 2021.

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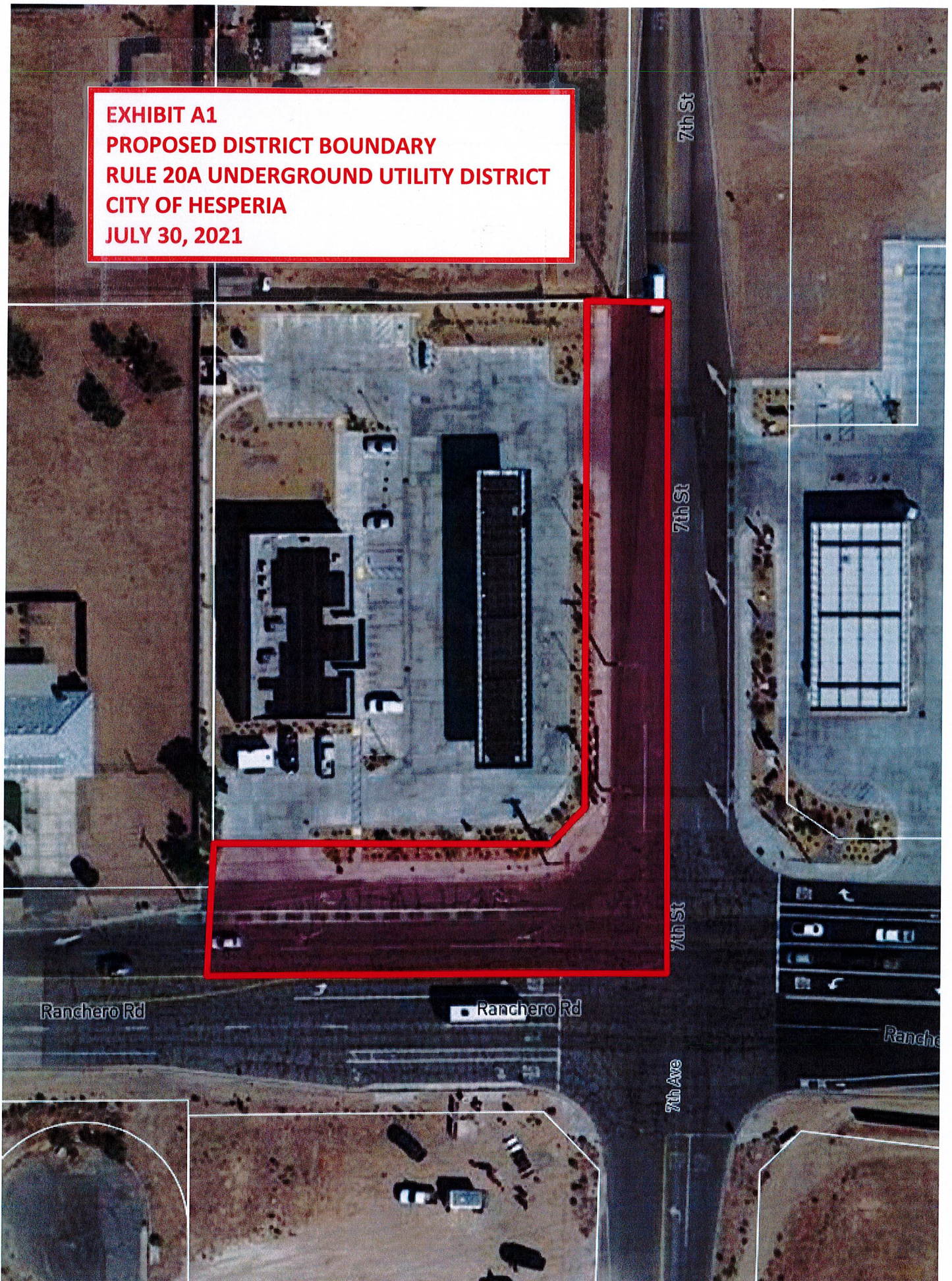
Cameron Gregg, Mayor

ATTEST:

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Melinda Sayre  
City Clerk

**EXHIBIT A1  
PROPOSED DISTRICT BOUNDARY  
RULE 20A UNDERGROUND UTILITY DISTRICT  
CITY OF HESPERIA  
JULY 30, 2021**







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# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Chris Borchert, Principal Planner  
Edgar Gonzalez, Associate Planner

**SUBJECT:** Specific Plan Amendment SPLA21-00003; Applicant: SRD Design Studio, Inc; APNs: 3064-551-04, -07 and portions of 3064-551-03, -06 & -08

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### RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2021-09 approving Specific Plan Amendment SPLA21-00003 to change approximately 40 gross acres of land within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP).

### PROJECT SUMMARY

**Proposal:** SRD Design Studio, Inc, submitted an application requesting a Specific Plan Amendment to change approximately 40 gross acres of land from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP). Over the past few years, the retail industry has undergone a major shift as traditional retail uses face stiffening competition from online-only stores. Although the City originally planned for the subject parcels to be developed with commercial uses, very little interest has ever been expressed from commercial developers. Given that the subject parcels are not located in close proximity to a freeway interchange, it is unlikely that the subject parcels would ever be developed with regional-serving commercial uses.

**Location:** Generally located on the west side of Highway 395, east of the wash and approximately 600 feet north of Aspen Street (APNs: 3064-551-04, -07 and portions of 3064-551-03, -06 & -08).

**Planning Commission Review:** On September 9, 2021, the Planning Commission voted 5-0 to forward this item to the City Council with a recommendation for approval.

**Conclusion:** The change from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) is appropriate as retail trends are shrinking the amount of needed square footage and close proximity to a freeway interchange is critical. Furthermore, changing the zoning of the area to Commercial Industrial Business Park (CIBP) will further the City's goal to attract investment and jobs to the City.

### ATTACHMENT(S)

1. Ordinance No. 2021-09, with Exhibit "A"
2. Planning Commission Staff Report with attachments

## **ORDINANCE NO. 2021-09**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 40 GROSS ACRES OF LAND WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) (SPLA21-00003)**

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

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

**WHEREAS**, the applicant submitted an application for Specific Plan Amendment SPLA21-00003 described herein (hereinafter referred to as the "Application"); and

**WHEREAS**, the application proposes to change approximately 40 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP); and

**WHEREAS**, there has been very little interest from developers to develop the property with commercial uses due to: 1) a shift in the retail industry as traditional retail uses face stiffening competition from online-only stores, and 2) the subject parcels are not located in close proximity to a freeway interchange; and

**WHEREAS**, it is unlikely the subject parcels would ever be developed with regional-serving commercial uses and are more likely to be developed with a mix of manufacturing, warehousing and light industrial uses that would otherwise be allowed in the Commercial Industrial Business Park (CIBP) zone; and

**WHEREAS**, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment does not include any development. As future development is proposed, the proposed project will be reviewed independently for CEQA compliance. In addition, the proposed Specific Plan Amendment would not introduce any new significant environmental impacts that were not previously analyzed in the General Plan Environmental Impact Report; and

**WHEREAS**, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

**WHEREAS**, on October 5, 2021, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

**NOW THEREFORE**, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

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

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA21-00003, to change approximately 40 gross acres of land within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP), as shown on Exhibit "A".

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101

**ADOPTED AND APPROVED** on this 5<sup>th</sup> day of October 2021.

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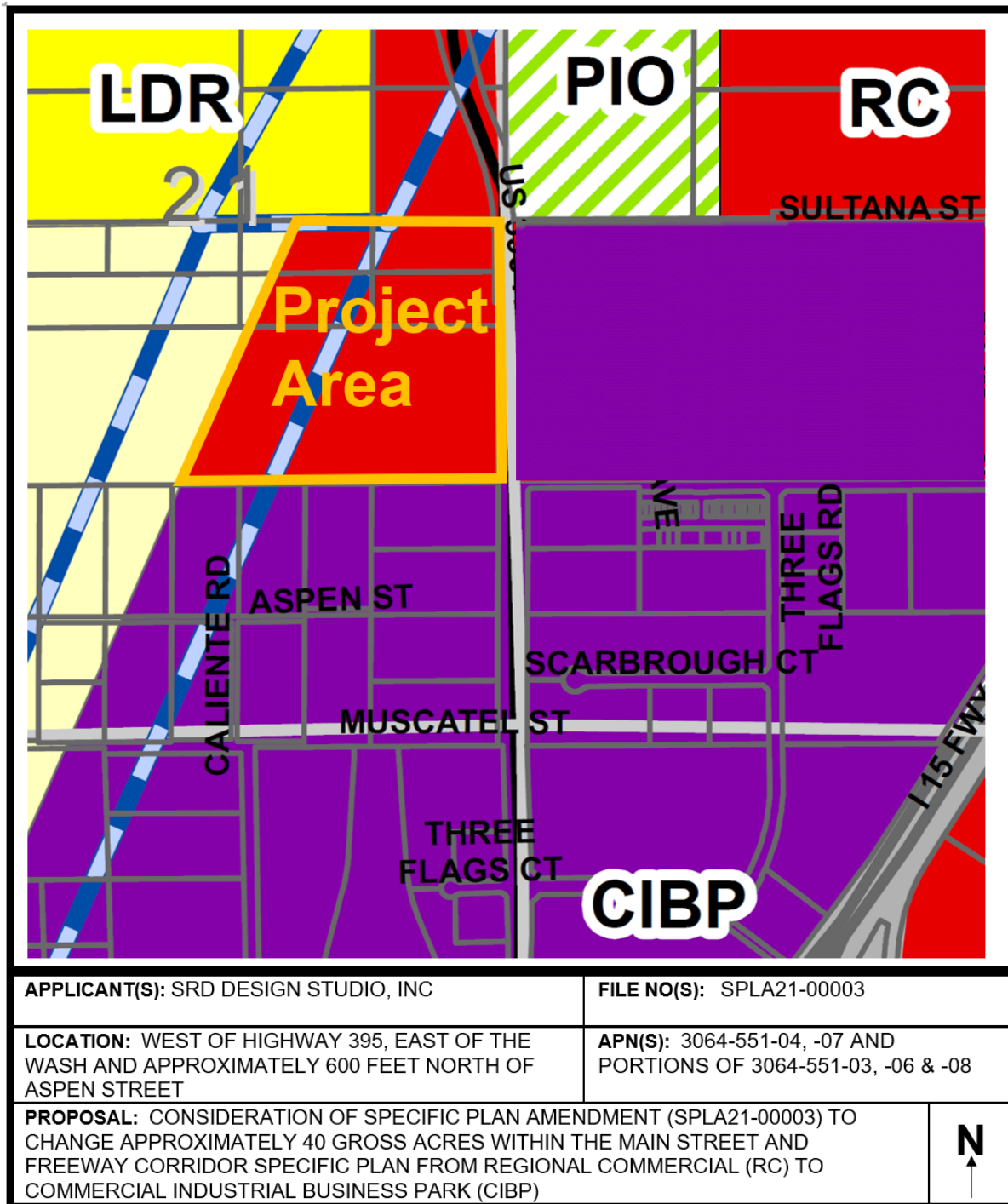
Cameron Gregg, Mayor

ATTEST:

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Melinda Sayre, City Clerk

## Exhibit "A"



### GENERAL PLAN & ZONING MAP

## Attachment 2



**DATE:** September 9, 2021  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Edgar Gonzalez, Associate Planner  
**SUBJECT:** Specific Plan Amendment SPLA21-00003; Applicant: SRD Design Studio, Inc; APNs: 3064-551-04 through 07 and portions of 3064-551-03, -06 & -08

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2021-15 recommending that the City Council introduce and place on first reading an ordinance approving SPLA21-00003.

### BACKGROUND

**Proposal:** SRD Design Studio, Inc, submitted an application requesting a Specific Plan Amendment to change approximately 40 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) (Attachment 1). The CIBP zone would permit service commercial, manufacturing, warehousing, and light industrial uses, mainly conducted in enclosed buildings.

**Location:** Generally located on the west side of Highway 395, east of the wash and approximately 600 feet north of Aspen Street (APNs: 3064-551-04, 07 and portions of 3064-551-03, 06 & 08).

**General Plan and Land Uses:** The project consists of five vacant parcels that total approximately 40 gross acres. The subject parcels are currently zoned Regional Commercial (RC) and Rural Estate Residential (RER) within the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 1. All surrounding properties consist of vacant land.

### ISSUES/ANALYSIS

**Land Use:** The subject parcels are within the previous Competitive Edge racetrack, which was closed approximately three years ago, due to lack of business activity. The City of Hesperia recently offered the property for sale and received multiple bids in which several expressed interest in developing the subject parcels as industrial, specifically for warehouse distribution centers. As these types of uses are restricted in Regional Commercial (RC) zone, staff is recommending changing the zone from commercial to industrial to be consistent with adjacent zones in the area by allowing industrial uses.

Although the City originally planned for the subject parcels to be developed with commercial uses, very little interest has ever been expressed from commercial developers. Furthermore, within the past few years the retail industry has undergone a major shift as traditional retail uses face

stiffening competition from online-only stores. Given that the subject parcels are not located in close proximity to a freeway interchange, and retailers are closing some of their stores, it is unlikely that the subject parcels would ever be developed with regional-serving commercial uses.

**Drainage:** Any future development will be required to handle the increase in storm water runoff as a result of construction of a project. Future applicants will be required to submit a drainage study when they apply for a site plan review.

**Water and Sewer:** The subject parcels have the ability to connect to an existing water line and will be required to extend the existing sewer line for connection.

**Environmental:** The project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan. Regional Commercial has a higher impact to services than Commercial Industrial Business Park.

**Conclusion:** The proposed Specific Plan Amendment will allow future applications to move forward with building and site design for this location. The change from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) is appropriate as retail trends are shrinking the amount of needed square footage and close proximity to freeway interchanges is critical. Furthermore, changing the zoning of the area to Commercial Industrial Business Park (CIBP) will further the City's goal to attract investment and jobs to the city.

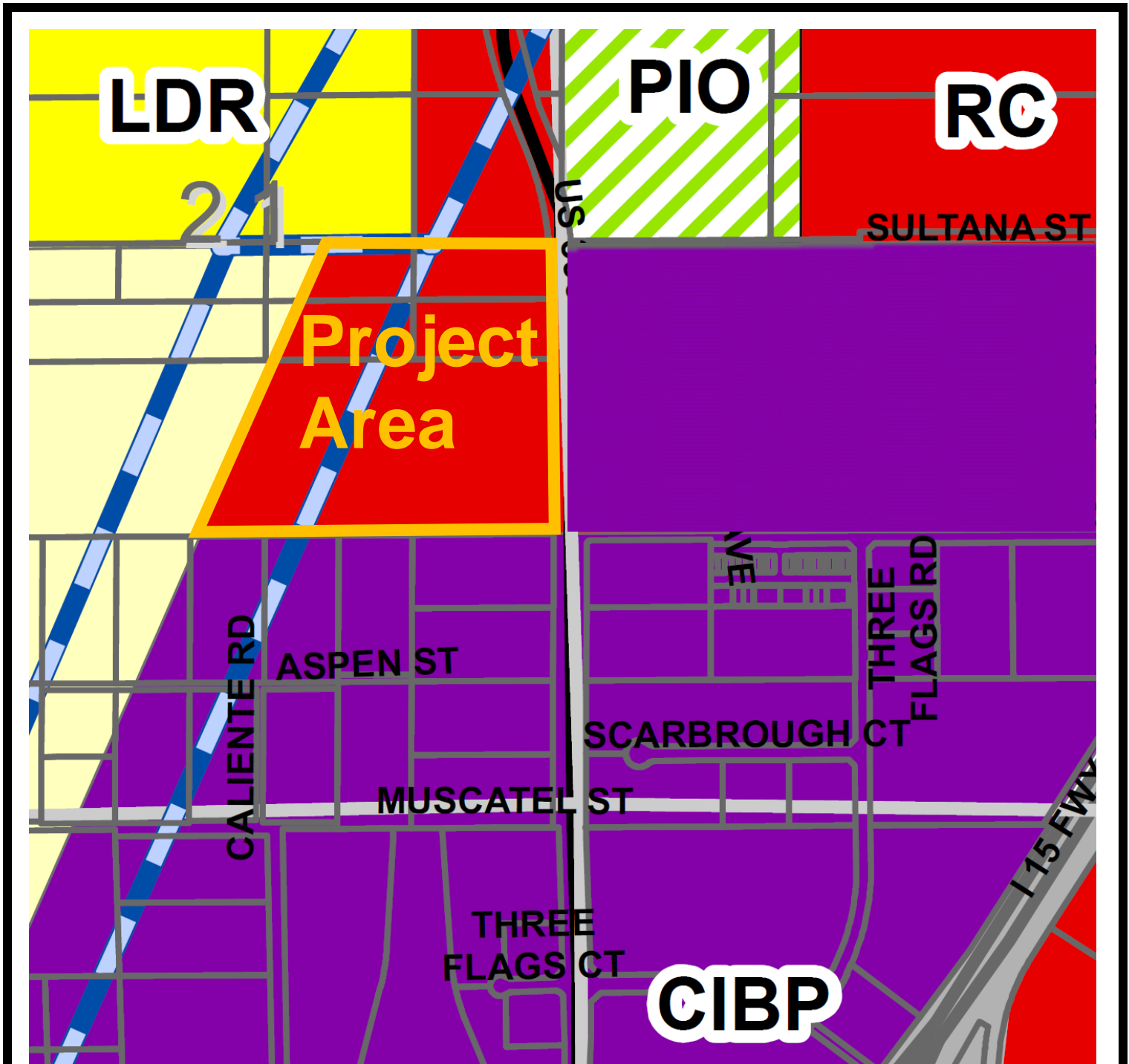
## **ALTERNATIVE(S)**

Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. General Plan Map
2. Aerial Photo
3. Resolution No. PC-2021-15

# ATTACHMENT 1



**APPLICANT(S):** SRD DESIGN STUDIO, INC

**FILE NO(S):** SPLA21-00003

**LOCATION:** WEST OF HIGHWAY 395, EAST OF THE WASH AND APPROXIMATELY 600 FEET NORTH OF ASPEN STREET

**APN(S):** 3064-551-04, -07 AND PORTIONS OF 3064-551-03, -06 & -08

**PROPOSAL:** CONSIDERATION OF SPECIFIC PLAN AMENDMENT (SPLA21-00003) TO CHANGE APPROXIMATELY 40 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP)



## GENERAL PLAN & ZONING MAP

# ATTACHMENT 2



**APPLICANT:** SRD DESIGN STUDIO, INC

**FILE NO:** SPLA21-00003

**LOCATION:** WEST OF HIGHWAY 395, EAST OF THE WASH AND APPROXIMATELY 600 FEET NORTH OF ASPEN STREET

**APN(S):** 3064-551-04, -07 AND PORTIONS OF 3064-551-03, -06 & -08

**PROPOSAL:** CONSIDERATION OF SPECIFIC PLAN AMENDMENT (SPLA21-00003) TO CHANGE APPROXIMATELY 40 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUISNESS PARK (CIBP)



## AERIAL PHOTO

# ATTACHMENT 3

## RESOLUTION NO. PC-2021-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 40 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) (SPLA21-00003)**

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

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

**WHEREAS**, the applicant has submitted an application for SPLA21-00003 described herein (hereinafter referred to as the "Application") for assessor's parcels 3064-551-04, 07, and portions of 3064-551-03, 06 & 08; and

**WHEREAS**, the application proposes to change approximately 40 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP); and

**WHEREAS**, there has been very little interest from developers to develop the property with commercial uses due to: 1) a shift in the retail industry as traditional retail uses face stiffening competition from online-only stores, and 2) the subject parcels are not located in close proximity to a freeway interchange; and

**WHEREAS**, it is unlikely the subject parcels would ever be developed with regional-serving commercial uses and are more likely to be developed with a mix of manufacturing, warehousing and light industrial uses that would otherwise be allowed in the Commercial Industrial Business Park (CIBP) zone; and

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

**WHEREAS**, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

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

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

Section 2. The subject parcels of the proposed Amendment are suitable for the land uses allowed in the Commercial Industrial Business Park zoning classification, and adequate space exists which can meet the standards for setbacks, height, floor area ratio, parking and circulation within the proposed Specific Plan designation.

Section 3. The proposed change in zone will not have a significant adverse impact on surrounding properties or the community in general, as the property is south and east of an existing CIBP zone, has the wash as a western border and Highway 395 as an eastern border.

Section 4. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan. The subject parcels are capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

Section 5. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPLA21-0003, to change approximately 40 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) as shown on Attachment 1.

Section 6. That the Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** on this 9<sup>th</sup> day of September 2021.

---

Cody Leis, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission

# City of Hesperia STAFF REPORT



**DATE:** October 5, 2021

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Chris Borchert, Principal Planner  
Ryan Leonard, Senior Planner

**SUBJECT:** Conditional Use Permit CUP20-00003 and Minor Exception ME20-00003;  
Applicant: George Mikhail; APNs: 0357-304-01 & 02

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## RECOMMENDED ACTION

The Planning Commission recommends that the City Council adopt Resolution No. 2021-48 approving CUP20-00003 and Minor Exception ME20-00003.

## PROJECT SUMMARY

**Proposal:** 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling canopy with 6 fuel islands, and a 960 square foot diesel fueling canopy with 1 fuel island on 1.4 gross acres. A Minor Exception (ME20-00003) to allow a reduction of one parking space has also been filed.

The project is located within a census tract that is allowed to have 10 off-sale alcohol licenses and there are 11 active licenses currently in place. Therefore, approval of CUP20-00003 will exceed the maximum limitation of off-sale alcohol licenses within the census tract and the City will be required to make a finding of public convenience and necessity.

**Location:** On the southwest corner of Mariposa Road and Oak Hill Road.

**Planning Commission Review:** On September 9, 2021 the Planning Commission voted 3-1 (Commissioner Burke voted against the project; Commissioner Steeno recused herself) to forward this item to the City Council with a recommendation for approval.

**Conclusion:** The project conforms to the development standards of the Main Street and Freeway Corridor Specific Plan with adoption of Minor Exception ME20-00003 to allow for a reduction of one parking space. Further, on March 3, 2020 the Planning Commission and City Council held a joint workshop to discuss the number of alcohol establishments in the City. Although there were varying opinions, including that Main Street as a whole is over concentrated with alcohol outlets, there was not a clear consensus if additional alcohol establishments should be approved in other parts of the City. It is requested that the City Council review the findings of facts in Resolution 2021-48, and determine if the CUP should be approved.

## ATTACHMENT(S)

1. Resolution No. 2021-48
2. Conditions of Approval

3. Planning Commission Staff Report with attachments

**RESOLUTION NO. 2021-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 7 FUEL DISPENSERS, A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 4,464 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, IN CONJUNCTION WITH A MINOR EXCEPTION TO ALLOW A REDUCTION OF ONE PARKING SPACE ON APPROXIMATELY 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (CUP20-00003)**

**WHEREAS**, George Mikhail has filed an application requesting approval of CUP20-00003 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.4 gross acres located on the southwest corner of Mariposa Road and Oak Hill Road and consists of Assessor's Parcel Numbers 0357-304-01 & 02; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling station with 6 fuel islands and a 960 square foot diesel fueling station with 1 fuel island; and

**WHEREAS**, the applicant has also filed an application requesting approval of a Minor Exception (ME20-00003) to allow a reduction of one parking space; and

**WHEREAS**, the 1.4 gross acre site is currently vacant with a billboard; the property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station; and

**WHEREAS**, the subject property as well as the surrounding properties are currently within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan; and

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

**WHEREAS**, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

**WHEREAS**, on October 5, 2021, 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 October 5, 2021 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 1.4 gross acres and can accommodate a 4,464 square foot convenience store, 2,040 square foot drive-thru restaurant, a 4,620 square foot fueling station with 6 fuel islands, and a 960 square foot diesel fueling station within 1 fuel island and 37 parking spaces. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (b) The granting of the minor exception would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because the 1.4 gross acre parcel is irregularly shaped and restricted from meeting certain development standards. In addition, the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking.
- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Regional Commercial (RC) zone of the Specific Plan with approval of this Conditional Use Permit. With the exception of required parking spaces, the project meets all of the development standards of the RC zone. Furthermore, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (d) The proposed sale of beer, wine and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan and Development Code. The sale of alcoholic beverages at this location supports the public convenience and necessity and is consistent with the allowable uses within the RC zone with approval of a Conditional Use Permit.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the RC zone of the Specific Plan. A convenience store and drive-thru restaurant are allowable uses, and the fueling station and sale of alcoholic beverages are allowed with approval of a Conditional Use permit.

- (f) The site for the proposed use will have adequate access based upon its frontage along Mariposa Road. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (g) The overconcentration of the census tract is not a negative factor because there are three establishments (Walmart, Target, and Marriott Hotel) that are not similar in size or scale to the proposed project.
- (h) The proximity of other similar establishments within the same census tract is not heavily concentrated with alcohol establishments. The Oak Hills Market is located approximately 400 feet to the south of the proposed project and the next closest establishment is located approximately 3 miles to the north in the unincorporated area of Oak Hills.
- (i) When comparing the proximity of similar establishments that have comparable freeway frontages there are two establishments located along Fashion Court that have similar freeway frontages east of the Interstate 15 freeway that currently serve motorists traveling along the freeway.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves Conditional Use Permit CUP20-00003, subject to the conditions of approval as shown in Attachment "A", which is attached to the staff report for this item.

Section 4. 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** on this 5<sup>th</sup> day of October 2021.

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Cameron Gregg, Mayor

ATTEST:

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Melinda Sayre, City Clerk

**ATTACHMENT "A"**  
**List of Conditions for CUP20-00003**

**Approval Date: October 05, 2021**

**Effective Date: October 16, 2021**

**Expiration Date: October 16, 2024**

This list of conditions applies to: Consideration of Conditional Use Permit CUP20-00003 to construct a vehicle fuel station with a 4,464 square foot convenience store and a 2,040 square foot drive-thru restaurant, and to allow the off-sale of beer, wine and liquor (Type 21) in conjunction with a Minor Exception (ME20-00003) to allow a reduction of one parking space on 1.4 gross acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan, located on the southwest corner of Mariposa Road and Oak Hill Road (Applicant: George Mikhail; APNs: 0357-304-01 & 02)

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

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

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

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

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

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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**

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document

review and pay all applicable fees. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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, Bethany Hudson at (760) 947-1438 or bhudson@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.  
A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.  
B. Drywells shall be constructed by a contractor qualified in the construction of drywells.  
C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.  
D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.  
E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall

be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

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

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ONSITE RETENTION/INFILTRATION-FUELING STATIONS. The project shall provide an EPA-approved oil and gasoline stop valve to protect any retention/infiltration or detention

facilities. Specifications and installation details shall be included in project plans.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

- A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
- B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
- C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board. Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see: <https://www.casqa.org/resources/bmp-handbooks>

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice Of Intent Receipt Letter and the project WDID No. to the City.

Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the projects Erosivity Waiver Certification and Waiver ID to the City.

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the

NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and provide

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

MINOR EXCEPTION. These conditions are concurrent with approval of Minor Exception ME20-00003 to allow a reduction of one parking space.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRASH RECEPTACLE. A trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be screened with a permanent enclosure and shall be shown on the grading and improvement plans. In addition, the trash receptacle shall be maintained at all times and emptied on a regular basis so as to prevent overflow.

#### **CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

**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**

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and private hydrant locations. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. The Developer shall also coordinate and submit plans to the County for review and approval as the 8" ACP water main in Mariposa across project frontage is CSA 70-J water. Out of area service agreement will also be required. (E)

**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. CIVIL PLANS, INCLUDING GRADING, WILL NOT BE APPROVED AND NO GRADING PERMIT WILL BE ISSUED BY THE CITY UNTIL APPROVAL FROM CALTRANS FOR STORM WATER DISCHARGE ONTO THEIR RIGHT OF WAY AND BLOCK WALL CONSTRUCTION ALONG CALTRANS RIGHT OF WAY HAS BEEN SUBMITTED TO THE CITY WITH A COPY OF A CALTRANS ENCROACHMENT PERMIT. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Mariposa Road. The right of way full width for Mariposa Road shall be one-hundred (100') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City standards is required at all intersections. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owners (CALTRANS) who are affected by concentrated off site storm water discharge from any on site retention basins and storm water runoff. The Acceptance letter, must be submitted to the City's Engineering Department for plan check approval. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

OUT OF AREA SERVICE AGREEMENT. The Developer shall submit completed documents indicating approval for an Out of Area Service Contract per City of Hesperia San Bernardino County Special District Service Area 70 and L.A.F.C.O. (Local Agency Formation Commission) requirements. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

MARIPOSA ROAD. Developer shall construct half-width (to center-line) improvements on Mariposa Road across the project frontage, based on City's 100-foot Mariposa Road Arterial Roadway Standard. The curb face is to be located 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:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**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. GRADING PLAN, WILL NOT BE APPROVED AND NO GRADING PERMIT WILL BE ISSUED BY THE CITY UNTIL APPROVAL FROM CALTRANS FOR STORM WATER DISCHARGE ONTO THEIR RIGHT OF WAY AND BLOCK WALL CONSTRUCTION ALONG CALTRANS RIGHT OF WAY HAS BEEN SUBMITTED TO THE CITY WITH A COPY OF A CALTRANS ENCROACHMENT PERMIT.

(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) (CALTRANS) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(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**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

#### **CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

A. School Fees (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE 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. 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)

**CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

- A. Development Impact Fees (B)
- B. Park Fees (Not applicable to commercial and industrial developments (B)
- C. Utility Fees (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

replaced. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

## Others

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ALCOHOL SALES. The project is subject to Section 16.16.370 of the Municipal Code which provides standards for the continued operation of alcohol establishments, and sets forth grounds for the modification, revocation and termination of this conditional use permit if it is found to be in violation of this section.

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

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



**DATE:** September 9, 2021  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP20-00003 and Minor Exception ME20-00003;  
Applicant: George Mikhail; APNs: 0357-304-01 & 02

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## RECOMMENDED ACTION

It is recommended that the Planning Commission consider the proposed project and determine whether to adopt Resolution Nos. PC-2021-12 and PC-2021-13, recommending that the City Council approve CUP20-00003 and Minor Exception ME20-00003.

## BACKGROUND

**Proposal:** A Conditional Use Permit (CUP) has been filed to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling canopy with 6 fuel islands, and a 960 square foot diesel fueling canopy with 1 fuel island on 1.4 gross acres (Attachment 1). A Minor Exception (ME20-00003) to allow a reduction of one parking space has also been filed.

**Location:** On the southwest corner of Mariposa Road and Oak Hill Road.

**Current General Plan, Zoning and Land Uses:** The site is currently vacant with an existing billboard that will be removed during construction. The site is within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station (Attachment 3).

## ISSUES/ANALYSIS

**Conditional Use Permit:** The Specific Plan requires approval of a CUP for the proposed fueling station and the sale of alcoholic beverages. In addition, the City Council adopted Ordinance No. 2017-08 on October 3, 2017 which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action. Such establishments must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan.

The proposed CUP consists of the development of a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (Type 21 License). The northern boundary of the project site is located at the intersection of Mariposa Road and Oak Hill Road.

Mariposa Road is designated as a Major Arterial with a 128-foot-wide ultimate right-of-way. Oak Hill Road which serves as the overpass to the I-15 freeway is not classified on the Circulation Plan. The southern boundary of the project is located at the intersection of Mariposa Road and the on and off-ramp for the I-15 freeway. The on and off-ramp is also not classified on the Circulation Plan.

Staff determined that the trip generation for the on and off-ramp would be comparable to that of an arterial or major arterial roadway. Therefore, even though the site does not meet the strict and literal interpretation of the Development Code since it is not within 500 feet of an intersection of two arterial or major arterial streets, staff determined that the project site meets the intent of the requirement.

**Conformance with Development Standards:** With the exception of parking, the proposed development complies with the standard development regulations including the minimum building requirements, landscaping, and building setbacks. The parking ordinance requires a minimum of 38 parking spaces, based upon 4 spaces per 1,000 square feet of gross floor area for the convenience store and 10 spaces per 1,000 square foot of gross floor area for the fast-food restaurant. As proposed the project provides 37 parking spaces.

Staff believes that a minor exception can be approved to allow for a parking space reduction. Often times the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking. However, if the minor exception were not approved the applicant would be required to provide an additional parking stall or reduce the building footprint to meet the parking requirements.

**Building Design:** The building design complies with the architectural guidelines of the Specific Plan. The exterior of the building utilizes a stucco finish with horizontal and vertical reveals, varying accent colors and decorative accent walls. The building incorporates changes in wall and roof planes and includes tower elements at the corners of the building. Other attributes include steel awnings, cornices, and decorative pop-outs on the walls of the building (Attachment 4). The project also provides a surplus of landscaping. The minimum required landscape coverage is 10% of the developed site; the project provides 11,094 square feet (18%) of total landscape coverage.

**Alcohol Sales:** The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). Table 1 identifies 11 active off-sale alcohol licenses within Census Tract 100.17 (Attachment 5). ABC authorizes this census tract to have 10 off-sale licenses. Therefore, approval of CUP20-00003 will exceed the limitation of 10 licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 6).

**Table 1: Existing Off-Sale Licenses in Census Tract 100.17**

Status	Business Name	Business Address	Type of License
Active	Pilot Travel Center	8701 Hwy 395	20-Beer and Wine
Active	Grand View Mobil	13302 Ranchero Rd	21-Beer, Wine, and Liquor
Active	Target	12795 Main St	21-Beer, Wine, and Liquor
Active	Walmart	13401 Main St	21-Beer, Wine, and Liquor
Active	Union 76	11490 Fashion Ct	21-Beer, Wine, and Liquor
Active	Ranchero Chevron	11510 Fashion Ct	21-Beer, Wine, and Liquor
Active	Springhill Suites Marriott	9625 Mariposa Rd	20-Beer and Wine
Active	The Depot 5	13187 Main St	21-Beer, Wine, and Liquor

Active	Arco Am/PM	12078 Three Flags Ct	20-Beer and Wine
Active	Oak Hills Market	6000 Mariposa Rd	21-Beer, Wine, and Liquor
Active	Main Street Shell	12675 Main St	20-Beer and Wine

In determining whether to approve an additional license in an over concentrated tract the Planning Commission may consider the following circumstances. First, when comparing the 11 existing business in this census tract the Target, Walmart, and Marriott Hotel are notable because they are larger than 12,000 square feet. They are not similar in size or scale to the proposed project and aren't subject to the requirements of Ordinance No. 2017-08.

Another item to consider is the proximity of other similar establishments within the same census tract. The Oak Hills Market is located approximately 400 feet to the south of the proposed project. The next closest establishment is the Grand View Mobil located at the intersection of Ranchero Road and Escondido Avenue, which is outside the City limits and approximately three miles to the northeast of the project.

Lastly, the Commission may also consider the proximity of other similar establishments that have comparable freeway frontages to that of the proposed project. Within this census tract there are two establishments located along Fashion Court that have similar freeway frontages east of the I-15 freeway. These two establishments are located approximately 1.7 miles to the north of the project site and are accessible via the Ranchero Road off-ramp. Like the proposed project, both establishments are located to the east of the I-15 freeway and currently serve motorist traveling along the I-15 freeway corridor.

**Traffic/Street Improvements:** Access to the site will be provided by a full access driveway approach off of Mariposa Road. As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along the project frontage of Mariposa Road. The new street improvements will connect to the existing curb, gutter and sidewalk in place along Oak Hill Road.

The General Plan acknowledges that the existing Oak Hill Road interchange is not designed to accommodate large volumes of traffic. Specifically, as future development occurs in the area and traffic volumes increase, the existing interchange may need to be modified so that the on and off ramps meet current acceleration and deceleration design requirements. However, the ultimate improvements for the interchange are not currently planned and are unknown at this time. Therefore, the project was not required to consider the design of future interchange improvements beyond the required roadway dedications.

**Drainage:** Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is proposed to store the increased runoff generated from the project. During large storm events, excess flow will discharge from the site into a concrete spillway on the northern boundary of the site and ultimately into Caltrans right-of-way.

**Water and Sewer:** The applicant shall obtain approval of an Out-Of-Area Service Agreement and Will Serve letter from County Service Area 70, Zone J. The subject parcels will be served by an approved septic system.

**Environmental:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-

construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls. The project would also be required to comply with the City's Desert Native Plant Protection Ordinance which requires the project applicant to prepare and submit a protected plant plan prior to the issuance of any grading permits. The protected plant plan will determine if the site contains any Joshua Trees, and whether they can be relocated or protected in place.

**Conclusion:** The project conforms to the policies of the Specific Plan and is consistent with the General Plan with adoption of a Minor Exception. For the reasons described above, approval of a Minor Exception will not result in an adverse impact to neighboring properties.

Further, on March 3, 2020 the Planning Commission and City Council held a joint workshop to discuss the number of alcohol establishments in the City. Although there were varying opinions, including that Main Street as a whole is over concentrated with alcohol outlets, there was not a clear consensus if additional alcohol establishments should be approved in other parts of the City.

Also discussed at the workshop was the financial aspect of adding additional gas stations. Additional gas stations, especially on Main Street, typically do not bring additional sales tax revenue as the motorist is likely to gas up somewhere in Hesperia. This location at the top of the Cajon Pass is similar in that a motorist travelling north or southbound on the freeway has multiple options at Ranchero and Main Street, along with the existing gas station to the south at the Oak Hill Road interchange.

It is requested that the Planning Commission review the findings of facts in Resolution PC-2021-12, and determine if the CUP should be approved.

## **FISCAL IMPACT**

None.

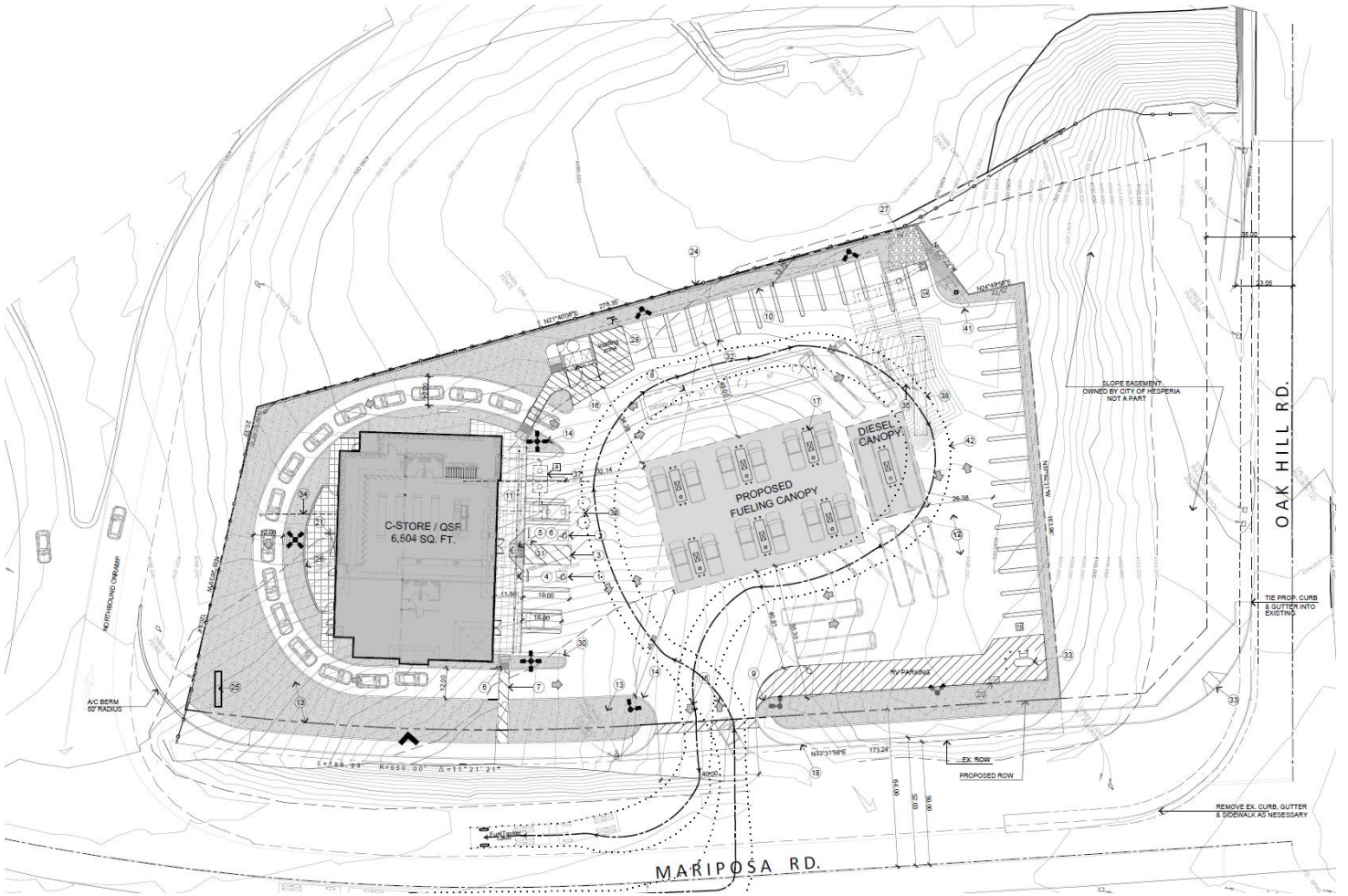
## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. Site Plan
2. General Plan
3. Aerial photo
4. Color elevations
5. Census Tract Map
6. Resolution No. PC-2021-12, with list of conditions (CUP)
7. Resolution No. PC-2021-13 (ME)

# ATTACHMENT 1



**APPLICANT(S):** GEORGE MIKHAIL

**FILE NO(S):** CUP20-00003 &  
ME20-00003

**LOCATION:** SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

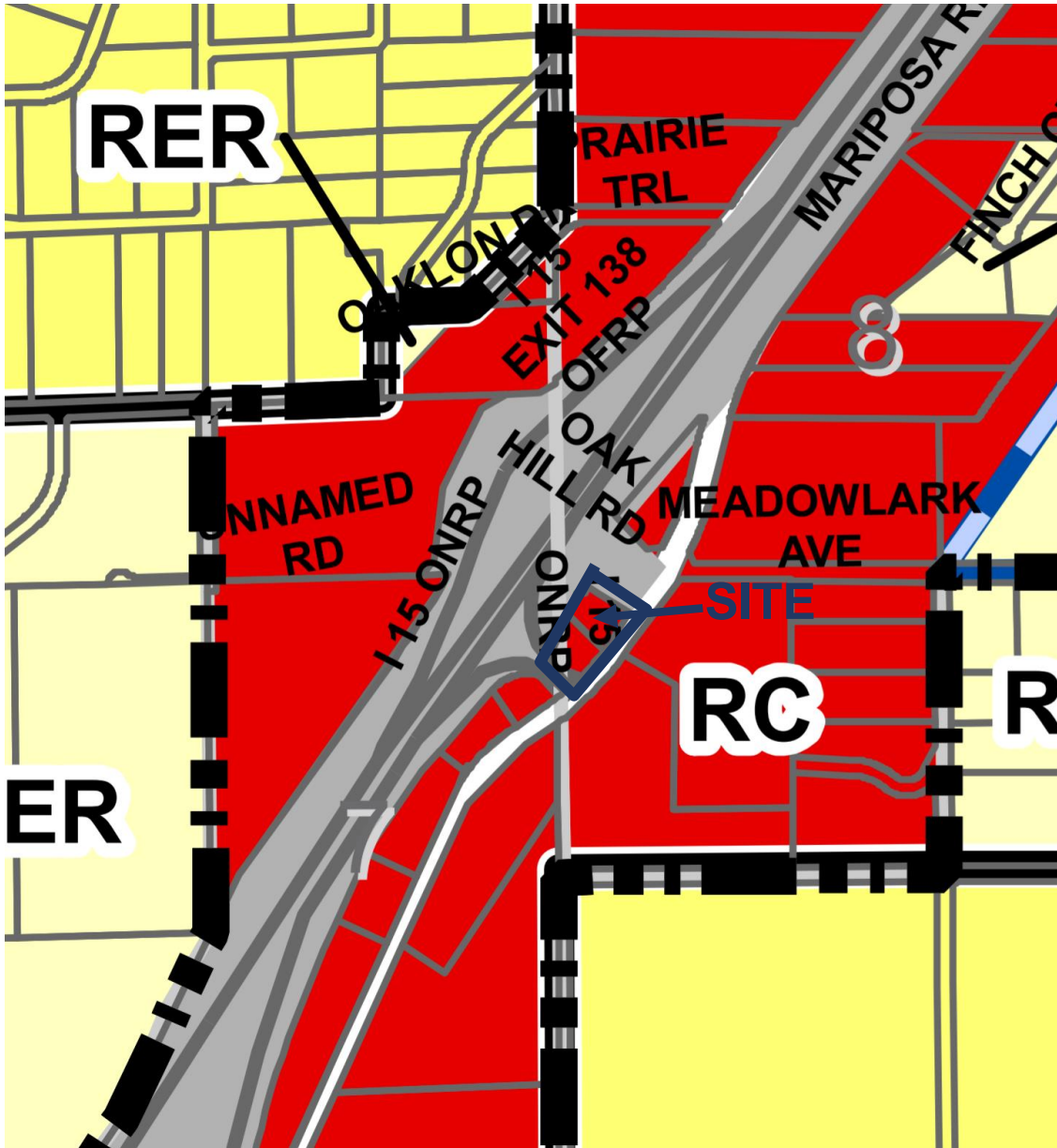
**APN(S):**  
0357-304-01&02

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



## SITE PLAN

# ATTACHMENT 2



**APPLICANT(S):** GEORGE MIKHAIL

**FILE NO(S):** CUP20-00003 & ME20-00003

**LOCATION:** SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

**APN(S):**  
0357-304-01&02

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



## GENERAL PLAN MAP

# ATTACHMENT 3



**APPLICANT(S):** GEORGE MIKHAIL

**FILE NO(S):** CUP20-00003 & ME20-00003

**LOCATION:** SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

**APN(S):**  
0357-304-01&02

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



# ATTACHMENT 4



**APPLICANT(S):** GEORGE MIKHAIL

**FILE NO(S):** CUP20-00003 & ME20-00003

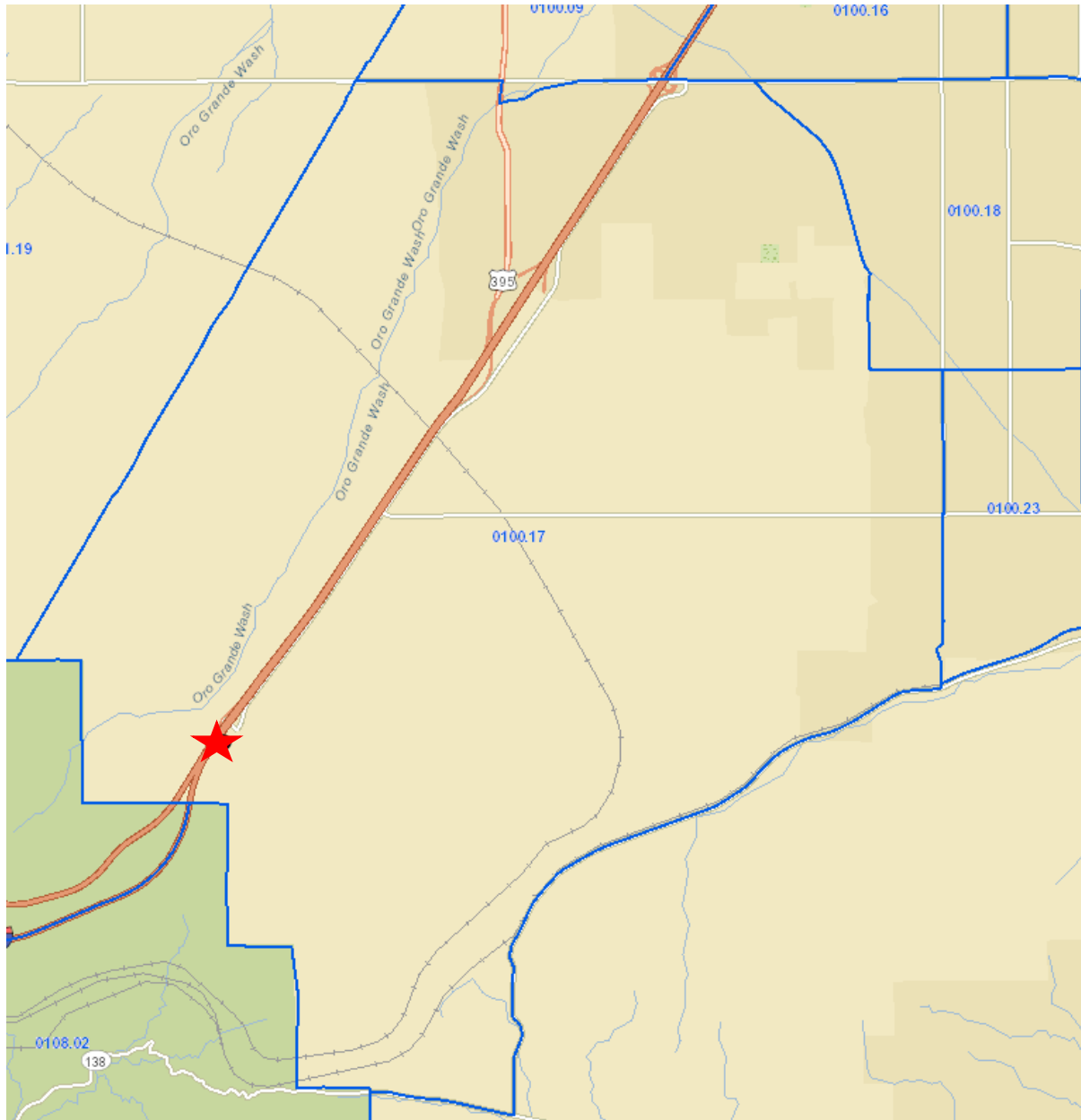
**LOCATION:** SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

**APN(S):**  
0357-304-01&02

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

## COLOR ELEVATION

# ATTACHMENT 5



**APPLICANT(S):** GEORGE MIKHAIL

**FILE NO(S):** CUP20-00003 & ME20-00003

**LOCATION:** SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

**APN(S):**  
0357-304-01&02

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



## CENSUS TRACT MAP

# ATTACHMENT 6

## RESOLUTION NO. PC-2021-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 7 FUEL DISPENSERS, A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 4,464 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, ON APPROXIMATELY 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (CUP20-00003)**

**WHEREAS**, George Mikhail has filed an application requesting approval of CUP20-00003 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.4 gross acres located on the southwest corner of Mariposa Road and Oak Hill Road and consists of Assessor's Parcel Numbers 0357-304-01 & 02; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling station with 6 fuel islands and a 960 square foot diesel fueling station with 1 fuel island; and

**WHEREAS**, the applicant has also filed an application requesting approval of a Minor Exception (ME20-00003) to allow a reduction of one parking space; and

**WHEREAS**, the 1.4 gross acre site is currently vacant with a billboard; the property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station; and

**WHEREAS**, the subject property as well as the surrounding properties are currently within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan; and

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

**WHEREAS**, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 9, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 1.4 gross acres and can accommodate a 4,464 square foot convenience store, 2,040 square foot drive-thru restaurant, a 4,620 square foot fueling station with 6 fuel islands, and a 960 square foot diesel fueling station within 1 fuel island and 37 parking spaces. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (b) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Regional Commercial (RC) zone of the Specific Plan with approval of this Conditional Use Permit. With the exception of required parking spaces, the project meets all of the development standards of the RC zone. Furthermore, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (c) The proposed sale of beer, wine and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan and Development Code. The sale of alcoholic beverages at this location supports the public convenience and necessity and is consistent with the allowable uses within the RC zone with approval of a Conditional Use Permit.
- (d) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the RC zone of the Specific Plan. A convenience store and drive-thru restaurant are allowable uses, and the fueling station and sale of alcoholic beverages are allowed with approval of a Conditional Use permit.
- (e) The site for the proposed use will have adequate access based upon its frontage along Mariposa Road. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (f) The overconcentration of the census tract is not a negative factor because there are three establishments (Walmart, Target, and Marriott Hotel) that are not similar in size or scale to the proposed project.
- (g) The proximity of other similar establishments within the same census tract is not heavily concentrated with alcohol

establishments. The Oak Hills Market is located approximately 400 feet to the south of the proposed project and the next closest establishment is located approximately 3 miles to the north in the unincorporated area of Oak Hills.

- (h) When comparing the proximity of similar establishments that have comparable freeway frontages there are two establishments located along Fashion Court that have similar freeway frontages east of the Interstate 15 freeway that currently serve motorists traveling along the freeway.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP20-00003, subject to the conditions of approval as shown in Attachment "A".

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

**ADOPTED AND APPROVED** on this 9<sup>th</sup> day of September 2021.

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Cody Leis, Chair, Planning Commission

ATTEST:

---

Maricruz Montes, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for CUP20-00003**

Approval Date:  
Effective Date: Pending City Council Approval  
Expiration Date:

This list of conditions applies to: Consideration of Conditional Use Permit CUP20-00003 to construct a vehicle fuel station with a 4,464 square foot convenience store and a 2,040 square foot drive-thru restaurant, and to allow the off-sale of beer, wine and liquor (Type 21) in conjunction with a Minor Exception (ME20-00003) to allow a reduction of one parking space on 1.4 gross acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan, located on the southwest corner of Mariposa Road and Oak Hill Road (Applicant: George Mikhail; APNs: 0357-304-01 & 02)

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

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

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

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

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

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

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	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)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	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, Bethany Hudson at (760) 947-1438 or bhudson@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)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	<p>DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.</p> <p>A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.</p> <p>B. Drywells shall be constructed by a contractor qualified in the construction of drywells.</p> <p>C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.</p> <p>D. The excavation for the drywell shall penetrate a minimum</p>

of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

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

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years

for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ONSITE RETENTION/INFILTRATION-FUELING STATIONS. The project shall provide an EPA-approved oil and gasoline stop valve to protect any retention/infiltration or detention facilities. Specifications and installation details shall be included in project plans.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

- A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
- B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
- C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board. Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see: <https://www.casqa.org/resources/bmp-handbooks>

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice Of Intent Receipt Letter and the project WDID No. to the City.

Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the projects Erosivity Waiver Certification and Waiver ID to the City.

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and provide

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

MINOR EXCEPTION. These conditions are concurrent with approval of Minor Exception ME20-00003 to allow a reduction of one parking space.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRASH RECEPTACLE. A trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be screened with a permanent enclosure and shall be shown on the grading and improvement plans. In addition, the trash receptacle shall be maintained at all times and emptied on a regular basis so as to prevent overflow.

#### **CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property

address posted. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

**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**

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and private hydrant locations. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. The Developer shall also coordinate and submit plans to the County for review and approval as the 8" ACP water main in Mariposa across project frontage is CSA 70-J water. Out of area service agreement will also be required. (E)

**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. CIVIL PLANS, INCLUDING GRADING, WILL NOT BE APPROVED AND NO GRADING PERMIT WILL BE ISSUED BY THE CITY UNTIL APPROVAL FROM CALTRANS FOR STORM WATER DISCHARGE ONTO THEIR RIGHT OF WAY AND BLOCK WALL CONSTRUCTION ALONG CALTRANS RIGHT OF WAY HAS BEEN SUBMITTED TO THE CITY WITH A COPY OF A CALTRANS ENCROACHMENT PERMIT. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Mariposa Road. The right of way full width for Mariposa Road shall be one-hundred (100') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City standards is required at all intersections. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owners (CALTRANS) who are affected by concentrated off site storm water discharge from any on site retention basins and storm water runoff. The Acceptance letter, must be submitted to the City's Engineering Department for plan check approval. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to

review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

OUT OF AREA SERVICE AGREEMENT. The Developer shall submit completed documents indicating approval for an Out of Area Service Contract per City of Hesperia San Bernardino County Special District Service Area 70 and L.A.F.C.O. (Local Agency Formation Commission) requirements. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

MARIPOSA ROAD. Developer shall construct half-width (to center-line) improvements on Mariposa Road across the project frontage, based on City's 100-foot Mariposa Road Arterial Roadway Standard. The curb face is to be located 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:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**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. GRADING PLAN, WILL NOT BE

APPROVED AND NO GRADING PERMIT WILL BE ISSUED BY THE CITY UNTIL APPROVAL FROM CALTRANS FOR STORM WATER DISCHARGE ONTO THEIR RIGHT OF WAY AND BLOCK WALL CONSTRUCTION ALONG CALTRANS RIGHT OF WAY HAS BEEN SUBMITTED TO THE CITY WITH A COPY OF A CALTRANS ENCROACHMENT PERMIT. (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) (CALTRANS) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(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**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

## CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

A. School Fees (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE 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. 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)

#### **CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

A. Development Impact Fees (B)

B. Park Fees (Not applicable to commercial and industrial developments (B)

C. Utility Fees (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format to

the City's Engineering Department. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

## **Others**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ALCOHOL SALES. The project is subject to Section 16.16.370 of the Municipal Code which provides standards for the continued operation of alcohol establishments, and sets forth grounds for the modification, revocation and termination of this conditional use permit if it is found to be in violation of this section.

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

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

# ATTACHMENT 7

## RESOLUTION NO. PC-2021-13

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A MINOR EXCEPTION TO ALLOW A REDUCTION OF ONE PARKING SPACE IN CONJUNCTION WITH A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 7 FUEL DISPENSERS, A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 4,464 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, ON APPROXIMATELY 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (ME20-00003)**

**WHEREAS**, George Mikhail has filed an application requesting approval of Minor Exception 20-00003 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.4 gross acres located on the southwest corner of Mariposa Road and Oak Hill Road and consists of Assessor's Parcel Numbers 0357-304-01 & 02; and

**WHEREAS**, the applicant has also filed an application requesting approval of a Conditional Use Permit, CUP20-00003 to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling station with 6 fuel islands and a 960 square foot diesel fueling station with 1 fuel island; and

**WHEREAS**, The Development Code requires the proposed development to have 38 parking spaces, and with approval of the Minor Exception the proposal would be permitted to have 37 parking spaces; and

**WHEREAS**, the 1.4 gross acre site is currently vacant with a billboard; the property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station; and

**WHEREAS**, the subject property as well as the surrounding properties are currently within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan; and

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

**WHEREAS**, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 9, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the intended use of the property is a gas station and convenience store and it can be reasonably expected that the patrons frequenting the site will stay for short durations and will not occupy the required parking spaces for extended periods of time. In addition, the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking.
- (b) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the proposed site design maintains consistency with the Design Guidelines in the Development Code which requires front and rear yard setbacks, and additional landscape coverage along the project frontages with the I-15 freeway. The proposed site design is not able to accommodate an additional parking space without reducing the size of the building.
- (c) The granting of the minor exception would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because the 1.4 gross acre parcel is irregularly shaped and restricted from meeting certain development standards. In addition, the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking.
- (d) The granting of the Minor Exception will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, because a one parking space deficiency does not have the potential to disrupt parking, traffic, or properties in the vicinity.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Minor Exception ME20-00003.

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

**ADOPTED AND APPROVED** on this 9<sup>th</sup> day of September 2021.

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Cody Leis, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission

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# City of Hesperia

## STAFF REPORT



**DATE:** October 5, 2021

**TO:** Mayor and City Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Mike Hearn, Deputy Director of Community Development  
Chris Borchert, Principle Planner  
Ryan Leonard, Senior Planner

**SUBJECT:** Discussion of the development standards and requirements of metal accessory buildings

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### RECOMMENDED ACTION

It is recommended that the City Council review and discuss the existing development standards for the use of metal buildings in Hesperia.

### BACKGROUND

At a recent City Council meeting, Council Member Holland requested an item be agendaized to discuss the development standards and requirements of metal accessory buildings. Ordinance 2001-13 & 14 were adopted on November 7, 2001 and appear to be the last revisions to Article X. Development Standards for Residential and Agricultural Accessory Structures.

The following standards are beneficial to include in this discussion:

#### Accessory Building Development standards (excerpted where noted)

. . . Lots within all other residential and agricultural zone districts shall be permitted a one thousand (1,000) square foot aggregate accessory building up to a maximum aggregate accessory building area not to exceed five percent of the net lot area. . . .

. . . The maximum allowable aggregate accessory building area upon lots within residential and agricultural zone districts may be increased to seven and one-half percent of the net lot area with approval of a minor exception application pursuant to Chapter 16.12. . . .

Accessory buildings shall not exceed thirty-five (35) feet in height and a maximum of two and one-half stories. Accessory buildings within thirty (30) feet of any side or rear property line shall not exceed sixteen (16) feet in height. The allowable height increases within Section 16.20.055 shall not apply to accessory buildings.

Metal accessory buildings shall only be allowed upon lots at least thirty thousand (30,000) square feet in net area. Metal buildings shall be located between the rear of the primary residence and the rear property line and not within thirty (30) feet of any side or rear property line.

16.20.425 - Cargo containers, trailers without axles and similar storage containers.

The number of storage containers upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Individual storage containers shall not exceed four hundred (400) square feet in individual area and nine and one-half feet in height. Storage containers within all other residential and agricultural zone districts shall not be allowed on lots less than thirty thousand (30,000) square feet in net area. In these zone districts, a maximum of one storage container per acre shall be allowed (rounding up is not permissible). Storage containers shall be located between the rear of the primary residence and the rear property line and not within thirty (30) feet of any side or rear property line. Each storage container shall be in compliance with all Title 16 regulations.

The first provision of the development standards regulates the size of the building, allowing all properties an accessory building of 1,000 square feet, then increasing up to 5% of the lot size. The second provision allows requests to increase the allowable square feet from 5% to 7.5%, with approval of a Minor Exception from the Development Review Committee. The third provision regulates height and mentions Section 16.20.055 which states:

“Single household dwellings in land use districts or zone districts that impose a height limitation of thirty-five (35) feet or less may exceed the height limit by up to twenty-five (25) feet, when two side yards of at least twenty (20) feet are provided.” Lastly, the fourth provision requires a minimum lot size of 30,000 square feet to have a metal accessory building. Lots less than 30,000 s.f. would need to have standard construction.

**ISSUES/ANALYSIS**

None

**FISCAL IMPACT**

None

**ATTACHMENT(S)**

1. Article X. Development Standards for Residential and Agricultural Accessory Structures

ARTICLE X. - DEVELOPMENT STANDARDS FOR RESIDENTIAL AND AGRICULTURAL ACCESSORY STRUCTURES

16.20.385 - Purpose.

The purpose of these provisions is to establish reasonable limits for the size and number of accessory structures allowed in all residential and agricultural zone districts in order to ensure land use compatibility. These provisions balance the existing rights of property owners to develop and use their properties for residential and agricultural purposes with the desires of the surrounding residents to collectively regulate development to protect the unique character of the neighborhood.

(Ord. 2001-13 Exh. A § 9 (part), 2001)

16.20.390 - Allowable accessory building area.

The size of accessory buildings permitted upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Lots within all other residential and agricultural zone districts shall be permitted a one thousand (1,000) square foot aggregate accessory building up to a maximum aggregate accessory building area not to exceed five percent of the net lot area. Each accessory building shall be in compliance with all Title 16 regulations. The area of a guest house, accessory dwelling unit, or temporary dependent housing unit shall be in addition to and shall not be considered as part of the allowable accessory building area authorized under this section.

(Ord. 2001-13 Exh. A § 9 (part), 2001; Ord. No. 2021-01, 3(Exh. A), 6-1-21)

16.20.395 - Allowable accessory building area increases.

The maximum allowable aggregate accessory building area upon lots within residential and agricultural zone districts may be increased to seven and one-half percent of the net lot area with approval of a minor exception application pursuant to Chapter 16.12.

(Ord. 2001-13 Exh. A § 9 (part), 2001)

16.20.400 - Allowable accessory structure area.

The size of accessory structures permitted upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Lots within all other residential and agricultural zone districts shall be permitted a maximum aggregate accessory structure area not to exceed ten percent of the net lot area. The allowable accessory structure area shall be in addition to, and not a part of the allowable accessory building area. Each accessory structure shall be in compliance with all Title 16 regulations.

(Ord. 2001-13 Exh. A § 9 (part), 2001)

16.20.405 - Allowable accessory structure area increases.

The maximum allowable aggregate accessory structure area upon lots within residential and agricultural zone districts may be increased to fifteen (15) percent of the net lot area with approval of a minor exception application pursuant to Chapter 16.12.

(Ord. 2001-13 Exh. A § 9 (part), 2001)

16.20.410 - Accessory building height limitations.

Accessory buildings shall not exceed thirty-five (35) feet in height and a maximum of two and one-half stories. Accessory buildings within thirty (30) feet of any side or rear property line shall not exceed sixteen (16) feet in height. The allowable height increases within Section 16.20.055 shall not apply to accessory buildings.

(Ord. 2001-14 Exh. A § 1 (part), 2001)

16.20.415 - Accessory structure height limitations.

Accessory structures shall not exceed sixteen (16) feet in height except agricultural accessory structures such as windmills, silos, water tanks and similar accessory farm structures, and other specific structures which are regulated by Section 16.20.060. The allowable height increases within Section 16.20.055 shall not apply to accessory structures.

(Ord. 2001-14 Exh. A § 1 (part), 2001)

16.20.420 - Metal accessory buildings.

Metal accessory buildings shall only be allowed upon lots at least thirty thousand (30,000) square feet in net area. Metal buildings shall be located between the rear of the primary residence and the rear property line and not within thirty (30) feet of any side or rear property line.

(Ord. 2001-14 Exh. A § 1 (part), 2001)

16.20.425 - Cargo containers, trailers without axles and similar storage containers.

The number of storage containers upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Individual storage containers shall not exceed four hundred (400) square feet in individual area and nine and one-half feet in height. Storage containers within all other residential and agricultural zone districts shall not be allowed on lots less than thirty thousand (30,000) square feet in net area. In these zone districts, a maximum of one storage container per acre shall be allowed (rounding up is not permissible).

Storage containers shall be located between the rear of the primary residence and the rear property line and not within thirty (30) feet of any side or rear property line. Each storage container shall be in compliance with all Title 16 regulations.

(Ord. 2001-14 Exh. A § 1 (part), 2001)

( Ord. No. 2021-01, 3(Exh. A), 6-1-21)