

# ATTACHMENT 3

## RESOLUTION NO. PC-2022-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO ALLOW A SEMI-TRUCK REPAIR AND MAINTENANCE FACILITY AND THE CONSTRUCTION OF A 12,800 SQUARE FOOT TRUCK SERVICE GARAGE ON APPROXIMATELY 5 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTH SIDE OF MUSCATEL STREET, APPROXIMATELY 300 FEET EAST OF CALIENTE ROAD (CUP21-00001)**

**WHEREAS**, on April 8, 2021 the Planning Commission voted 5-0 to approve Conditional Use Permit CUP21-00001 to allow a semi-truck repair and maintenance facility and the construction of a 12,800 square foot truck service garage; and

**WHEREAS**, CUP21-00001 applies to approximately 5 gross acres located on the north side of Muscatel Street, approximately 300 feet east of Caliente Road also referenced Assessor's Parcel Number 3064-561-15; and

**WHEREAS**, the 5-acre site is vacant; light industrial and warehouse facilities exist to the south and the properties to the east and west are vacant. The property to the north is vacant but it is improved with a drive approach that serves as the entrance to the former Compleitive Edge Motocross Park; and

**WHEREAS**, the subject property as well as the surrounding properties are within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

**WHEREAS**, in conjunction with the approval of CUP21-00001 the Commission determined that the project was categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects; and

**WHEREAS**, on October 9, 2020, the western Joshua tree was designated as a candidate species for listing as threatened under California's Endangered Species Act. Under the current listing, it's a violation of California Fish and Game Code to remove (or "take") any Joshua tree without first obtaining a permit with CDFW; and

**WHEREAS**, after approval of the project the applicant submitted building plans to the City and has applied for an Incidental Take Permit (ITP) with the California department of Fish and Wildlife (CDFW) to remove approximately 48 Joshua trees (both dead and alive) from the site. In order to execute an ITP, CDFW requires a completed IS/MND to accompany the ITP application; and

**WHEREAS**, on June 21, 2022 an IS/MND was prepared to comply with the requirements of an ITP through CDFW. The focus of the IS/MND was only to address the potential effects of the proposed project regarding biological resources, specifically the Joshua trees, located on the project site. All other environmental factors were previously addressed under the Categorical Exemption; and

**WHEREAS**, the IS/MND was circulated for a 30-day public review from June 21, 2022 through July 22, 2022 and it determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. During the public review period no comment letters were received; and

**WHEREAS**, on August 11, 2022, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed IS/MND, 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 August 11, 2022 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) An IS/MND has been prepared for CUP21-00001 to comply with the requirements of an ITP through CDFW to address the potential effects of the proposed project regarding biological resources, specifically the Joshua trees, located on the project site. All other environmental factors were previously addressed under the Categorical Exemption that was previously approved for CUP21-00001. The IS/MND determined that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided. Full implementation of the mitigation measures included in the IS/MND for biological resources would reduce potential project related adverse impacts to a less than significant level.
- (b) The Planning Commission has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The Planning Commission hereby adopts the Final IS/MND and the related Mitigation Monitoring Reporting Program, and directs that a Notice of Determination be prepared and filed with the San Bernardino County Clerk of the Board in the manner required by law.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby adopts the IS/MND for CUP21-00001 subject to the Mitigation Measures that are contained in the IS/MND attached to the staff report for this item.

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

**ADOPTED AND APPROVED** on this 11<sup>th</sup> day of August 2022.

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Roger Abreo, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission