

City of Hesperia STAFF REPORT



DATE: August 11, 2022
TO: Planning Commission
FROM: Rachel Molina, Assistant City Manager
BY: Ryan Leonard, Senior Planner
SUBJECT: Negative Declaration ND22-02; Applicant: Loyal Brothers; APNs: 3064-561-15

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2022-15 approving an Initial Study/Mitigated Negative Declaration (IS/MND) for a previously approved project in order to comply with the requirements of an Incidental Take Permit (ITP) with the California Department of Fish and Wildlife (CDFW).

BACKGROUND

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.

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. The project is located on a vacant 5 acre site on the north side of Muscatel Street, approximately 300 feet east of Caliente Road. In conjunction with 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. This exemption applies to development projects that are less than 5 acres, that are consistent with the General Plan, and that are substantially surrounded by urban uses (Attachment 1).

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. In addition, CDFW requires that the IS/MND have a State Clearinghouse number, proof that all filing fees have been paid and that the document was circulated for public review.

On June 21, 2022 an IS/MND was subsequently prepared to comply with the requirements of an ITP through CDFW (Attachment 2) 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.

The IS/MND prepared for the project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided. Additional mitigation measures include a pre-construction rare plant survey within the project site by a qualified botanist, particularly focusing on areas with suitable habitat to support special-status plant species. A Desert Native Plant Protection and Relocation Plan for the proposed project shall be composed that will provide detailed specifications for the proposed treatment, avoidance, or relocation any plants protected by the State Desert Native Plant Act. In addition, CDFW will need to approve an Incidental Take Permit for Joshua Trees on the site to reduce impacts to Biological Resources to less than significant.

The IS/MND was circulated for public review from June 21, 2022 thru July 22, 2022. During the public review period no comment letters were received.

Conclusion: Approval of the IS/MND will allow the project to move forward with obtaining building permits and an ITP permit with CDFW.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. April 8, 2021 Planning Commission Staff Report with Resolution No. PC-2021-06.
2. Initial Study and Mitigated Negative Declaration
3. Resolution No. PC-2022-15, approving the IS/MND.