

# ATTACHMENT 8

## RESOLUTION NO. PC-2024-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CONDITIONAL USE PERMIT CUP22-00004 TO CONSTRUCT AN APPROXIMATELY 655,468 SQUARE FOOT INDUSTRIAL WAREHOUSE ON APPROXIMATELY 31.1 GROSS ACRES (CUP22-00017)**

**WHEREAS**, Kiss Logistics Center. (Applicant) has filed an application requesting approval of Conditional Use Permit CUP22-00017 and Specific Plan Amendment SPLA24-00001 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the applicant has also filed an application requesting approval of CUP22-00017, to construct an approximately 655,468 square foot warehouse building on approximately 31.1 gross acres of vacant land. In conjunction with CUP22-00017 a Specific Plan Amendment has also been filed to change approximately 9 acres of the project site from Neighborhood Commercial NC) to Commercial Industrial Business Park (CIBP); and

**WHEREAS**, the proposed project consists of consists of Assessor's Parcel Numbers 3064-401-03, 04, and 05; and

**WHEREAS**, the Application, as contemplated, proposes to construct an approximately 655,468 square foot warehouse building on approximately 31.1 gross acres of vacant land. The proposed use is consistent with the Specific Plan, upon approval of Specific Plan Amendment SPLA24-00001 to change approximately 9 acres of the site from Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP). Furthermore, approval of a CUP is required to approve a distribution warehouse in excess of 200,000 square feet; and

**WHEREAS**, approximately 22.1 acres of the site is within the Commercial Industrial Business Park (CIBP) zone of the Specific Plan and approximately 9 acres is within the Neighborhood Commercial (NC) zone of the Specific Plan. Properties to the north, east and west are zoned Commercial Industrial Business Park (CIBP) in the Specific Plan and the properties to the south are zoned Neighborhood Commercial (NC) within the Specific Plan; and

**WHEREAS**, the site is currently vacant. Land uses to the north, south and west also consist of vacant land. Highway 395 is located immediately to the east of the site followed by vacant land. In 2022 entitlement applications were approved for three warehouse buildings totaling approximately 3,745,429 square feet immediately to the west of the site (CUP19-00010); and

**WHEREAS**, on March 28, 2024, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2022-26, recommending that the City Council adopt the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH #2022110097), and adopting a Mitigation Monitoring and Reporting Plan; and

**WHEREAS**, on March 28, 2024, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2024-05, recommending that the City Council approve Specific Plan Amendment SPLA24-00001 to change approximately 9 acres of the site from Neighborhood Commercial to Commercial Industrial Business Park; and

**WHEREAS**, on March 28, 2024, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced March 28, 2024, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution No. PC-2024-04, the Environmental Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH #2022110097) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The sites for the proposed uses are adequate in size and shape to accommodate the proposed uses. The proposed project consists of the development of a 655,468 square foot warehouse building on approximately 31.1 gross acres. On-site improvements required by the Development Code can be constructed on the properties including the 377 conventional parking spaces and 74 truck/trailer spaces. The site can accommodate 40-foot wide drive aisles, landscaping, trash enclosures, building setbacks, and maximum floor area ratio. The development also meets all of the San Bernardino County Fire Department standards including fire lanes, two-points of access, fire truck turn-around, fire department connection / post indicator valve (FDC/PIV), and fire hydrant requirements. The project is also designed with on-site retention facilities to retain the additional stormwater created by the development in a 100-year storm event.
- (c) The proposed development will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Plan and the Main Street and Freeway Corridor Specific Plan upon approval of Specific Plan Amendment SPLA24-00001 to change approximately 9 gross acres from Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP). In addition, each of the uses envisioned under the proposed project is permitted or conditionally permitted in the Commercial Industrial Business Park (CIBP) Zone of the Specific Plan. The project is within an area that is zoned CIBP and contains truck-related uses. A Traffic Impact Analysis (TIA) was

submitted as part of the land use application, which identifies improvements needed to mitigate the additional traffic from this project. Further, the developer shall participate in the City wide industrial community facilities district (CFD) to pay for the ongoing maintenance of public infrastructure and services. The developer is also required to pay City Development Impact Fees.

- (d) Upon approval of Specific Plan Amendment SPLA24-00001 to change approximately 9 gross acres from Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP) the proposed project will be consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code, Main Street and Freeway Corridor Specific Plan and all applicable codes and ordinances adopted by the City of Hesperia because each of the uses envisioned under the proposed project is permitted within the CIBP Zone. The development shall be constructed pursuant to the California Building and Fire Codes as well as adopted amendments. Further, the project shall comply with the conditions of approval for both off-site and on-site improvements. The conditions of approval shall be met based upon specific milestones. Some conditions shall be met prior to grading, some prior to building construction and prior to issuance of a Certificate of Occupancy.
- (e) The site will have adequate access. Primary access to the site will be provided from a new public roadway (Caliente Road) that will be constructed by the project. Caliente Road is planned as a 70-foot wide Industrial Collector that will provide public two-way access with a turn pocket and will form the connection between Yucca Terrace Drive to the north and Phelan Road to the south. The intersection of Caliente Road and Phelan Road will be fully signalized. A secondary access will be provided at the intersection of Yucca Terrace Drive and Highway 395. This intersection will be fully signalized and will allow full turning movements and controlled access to and from Highway 395. Two 40-foot-wide driveway approaches will be provided off of Caliente Road to provide full access for trucks, passenger vehicles, and emergency vehicles into the site.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia because an objective in the City's General Plan seeks to "...Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment." The proposed project will expand employment opportunities for City residents and is estimated to provide 549 jobs.

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 CUP22-00017 subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

**ADOPTED AND APPROVED** this 28<sup>th</sup> day of March 2024.

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Robert Abreo, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission