

ATTACHMENT 6

RESOLUTION NO. PC-2024-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2022110097), ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, 655,468 square foot industrial warehouse on approximately 31.1 gross acres in conjunction with Specific Plan Amendment SPLA24-00002 to change approximately nine gross acres from Neighborhood Commercial (NC) to Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan; and.

WHEREAS, the Project would be accessible to US Highway 395 and ultimately Interstate 15 and would promote the City's economic development by creating approximately 549 permanent jobs for the citizens of Hesperia and surrounding communities, would increase the City's tax base, would fulfill the growing demand for distribution and light industrial uses in the region, and would develop the land to the highest and best allowable use that is compatible with the City's General Plan, and Main Street and Freeway Corridor Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) and the State CEQA Guidelines (14 CCR, Section 15000 et. seq.), the City of Hesperia is the lead agency for the Project as the public agency with general governmental powers; and

WHEREAS, the City of Hesperia, as lead agency, prepared an initial study, from which it was determined that an Environmental Impact Report (EIR) should be prepared pursuant to CEQA to analyze all adverse environmental impacts of the Project; and

WHEREAS, a Notice of Preparation (NOP) and the Initial Study identifying the scope of environmental issues were distributed to numerous state, federal, and local agencies and organizations from November 4, 2022 thru December 5, 2022, for a period of 30 days, pursuant to State CEQA Guidelines sections 15082(a), 15103, and 15375. Five comment letters were received during the Initial Study/NOP comment period and were incorporated into the Draft EIR (DEIR); and

WHEREAS, a public scoping meeting for the EIR was held at Hesperia City Hall on November 17, 2022, and

WHEREAS, the City completed the DEIR and circulated it with the Notice of Availability (NOA) to affected public agencies and interested members of the public for a 45-day public period from October 3, 2023 thru November 16, 2023. The public review period was subsequently extended until December 1, 2023; and

WHEREAS, on March 28, 2024, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing, at which time all interested parties were provided the opportunity to give testimony for or against the issue; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the project; and

WHEREAS, the EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City for the purposes of making decisions on the merits of the project; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

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 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 March 28, 2024, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- a) The Planning Commission has independently reviewed, analyzed and considered the Final EIR and all written documentation and public comments prior to making recommendations on the proposed project; and
- b) The Final EIR was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines; and
- c) The information and analysis contained in the Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed Project; and
- d) The documents and other materials, including without limitation, staff reports, memoranda, maps, letters, and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the Planning Commission's decision is based are located at the City of Hesperia, Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345. The custodian of the records is the Planning Division.

Section 3. That on the basis of the evidence contained in the administrative record of the Final EIR, the Planning Commission finds based on the information submitted, following the conclusion of the public comment period on the Draft EIR, and following the consultant's responses thereto, there is no significant new information concerning the project's environmental effects, feasible mitigation measures, or feasible project alternatives; therefore there is no need or requirement to recirculate the EIR for additional public comment

Section 4. That the Planning Commission of the City of Hesperia hereby recommends that the City Council certify the Final EIR.

Section 5. **Exhibit A** (Findings of Facts and Statement of Overriding Considerations) and **Exhibit B** (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the State CEQA Guidelines for significant effects of the Project. Exhibit A of this Resolution provides the findings required under Section 15093 of the State CEQA Guidelines relating to the acceptable adverse impacts of the project due to overriding considerations. The City has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. Therefore, the Planning Commission hereby recommends that the City Council adopt the Findings of Facts and Statement of Overriding Considerations attached hereto as **Exhibit A**.

Section 6. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby recommends approval of the Mitigation Monitoring and Reporting Program attached as **Exhibit B** to this Resolution and recommends the Council require the Project to comply with the mitigation measures contained therein. The Planning Commission finds that these mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties.

Section 7. The Secretary shall certify the adoption of this Resolution.

ADOPTED AND APPROVED this 28th day of March 2024.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission