

RESOLUTION NO. 2026-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP25-00003, UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT CUP22-00016 AND TENTATIVE PARCEL MAP TPM24-00003 IN CONJUNCTION WITH THE ADOPTION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) (SCH NO. 2025060948) LOCATED AT THE SOUTHEAST INTERSECTION OF POPLAR STREET AND THREE FLAGS AVENUE (APNS: 3064-591-17, -18, -12, -13, AND 3064-631-01) (APP24-00003).

WHEREAS, the Supporters Alliance for Environmental Responsibility (SAFER) has filed an application requesting approval of Appeal No. APP25-00003, seeking to overturn the Planning Commission's decision to adopt the associated Initial Study/Mitigated Negative Declaration (IS/MND) and approve Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003 (SCH No. 2025060948), as described herein (hereinafter referred to as the "Application"); and

WHEREAS, the proposed project involves the construction of two industrial warehouse buildings, each totaling approximately 75,894 square feet in size on approximately 20.3 gross acres of vacant land in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five parcels into two parcels located at the southeast corner of Three Flags Road and Poplar Street; and

WHEREAS, the 20.3-acre site is vacant. The properties to the north consist of vacant land. A commercial industrial business park exists to the west. A commercial truck wash and truck repair facility exists to the south. The Interstate 15 freeway is located immediately to the east followed by vacant land; and

WHEREAS, the subject property as well as the surrounding properties to the north, west and south of the site are zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The Interstate 15 freeway is located immediately to the east; and

WHEREAS, the proposed project consists of Assessor's Parcel Numbers 3064-591-12,13,17,18, and 3064-631-01; and

WHEREAS, an environmental Initial Study/ Mitigated Negative Declaration for the proposed project was circulated for a 30-day public review from June 18, 2025 to July 21, 2025, 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; and

WHEREAS, on September 11, 2025, the Planning Commission approved CUP22-00016 and TPM24-00003. As a part of the approval, the Planning Commission made an environmental determination pursuant to the CEQA and adopted the associated IS/MND (SCH No. 2025060948), having made an environmental determination pursuant to CEQA; and

WHEREAS, on September 17, 2025, Lozeau Drury submitted on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) an application to appeal the decision of the Planning Commission. The appellant generally asserts that the Mitigated Negative Declaration does not adequately analyze the project's impacts and requests the preparation of an Environmental Impact Report to analyze potential significant impacts on Biological Resources; and

WHEREAS, in accordance with CEQA, an Initial Study was prepared by a qualified environmental consultant to analyze the potential environmental effects of the proposed project. The study identified potentially significant impacts and included mitigation measures to reduce all such impacts to a less-than-significant level. Based on this analysis, a Mitigated Negative Declaration (MND) was determined to be appropriate; and

WHEREAS, the IS/MND was released for a 30-day public review period from June 18, 2025 to July 21, 2025 (SCH No. 2025060948). The environmental document was circulated to local, state, and federal agencies, as well as surrounding property owners; and

WHEREAS, during the public review period, five comment letters were received. Three agencies, the Mojave Water Agency, the Mojave Desert Air Quality Management District, and Southern California Gas expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's Final Mitigation Monitoring and Reporting Program. The fifth letter was submitted by Lozeau Drury LLP on behalf of SAFER, requesting that an EIR be prepared; and

WHEREAS, pursuant to CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The IS/MND was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. The analysis concluded that all potentially significant impacts would be reduced to less-than-significant levels through mitigation; and

WHEREAS, on May 5, 2026, the City Council of the City of Hesperia conducted duly noticed public hearings 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 May 5, 2026, hearing, including public testimony and written and oral staff reports, the City Council specifically finds as follows:

- (a) The IS/MND was prepared in full compliance with the requirements of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. As analyzed in the IS/MND, the project's potential environmental impacts will be less than significant with implementation of the identified mitigation measures and incorporation of the project's Conditions of Approval.
- (b) The appeal filed by the Supporters Alliance for Environmental Responsibility (SAFER) did not present substantial evidence that the IS/MND is inadequate or that the proposed project would result in significant environmental impacts that were not properly addressed in the IS/MND.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council of the City of Hesperia hereby denies Appeal No. APP25-00003 and upholds the Planning Commission's decision to adopt the IS/MND (SCH No. 2025060948) and approve Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003.

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

ADOPTED AND APPROVED on this 5th day of May 2026.

Brigit Bennington, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk