



LAND USE SERVICES DEPARTMENT

PLANNING COMMISSION STAFF REPORT

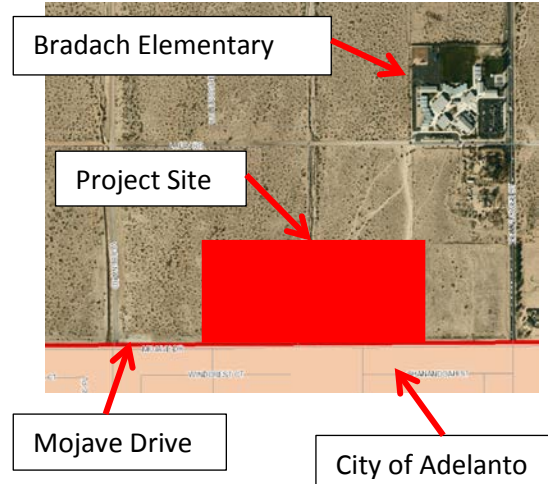
HEARING DATE: January 22, 2014

AGENDA ITEM # 5

Project Description

Vicinity Map

APN:	3128-481-10 AND 11
Applicant:	Lilac and Wellspring Development, LLC
Community:	Adelanto/1 st Supervisorial District
Location:	North side of Mojave Drive, approximately 640 feet westerly of Bellflower Street
Project No:	P201000117
Staff:	Jim Morrissey, Contract Planner
Applicant Rep:	Tom Steeno, Steeno Design Studio
Proposal:	A) General Plan Land Use District Zoning Map Amendment from RL (Rural Living) to CG (General Commercial) on approx. 20 acres; B) Tentative Parcel Map 19261 to create 12 commercial parcels; C) Conditional Use Permit to establish 142,928 sq. ft. of speculative office/retail/restraint and; D) A variance to the street landscape setback



54 Hearing Notices Sent On: January 8, 2015

Report Prepared By: Jim Morrissey

SITE INFORMATION

Parcel Size: 806,681 square feet (20 acres)

Site Characteristics: Relatively flat unimproved property that contains typical vegetation with undisturbed creosote bush, saltbush, and cottonthorn. Project site adjoins Mojave Drive, a partially improved roadway. Donald F. Bradach Elementary School is located approximately 700 feet northeast of the project site.

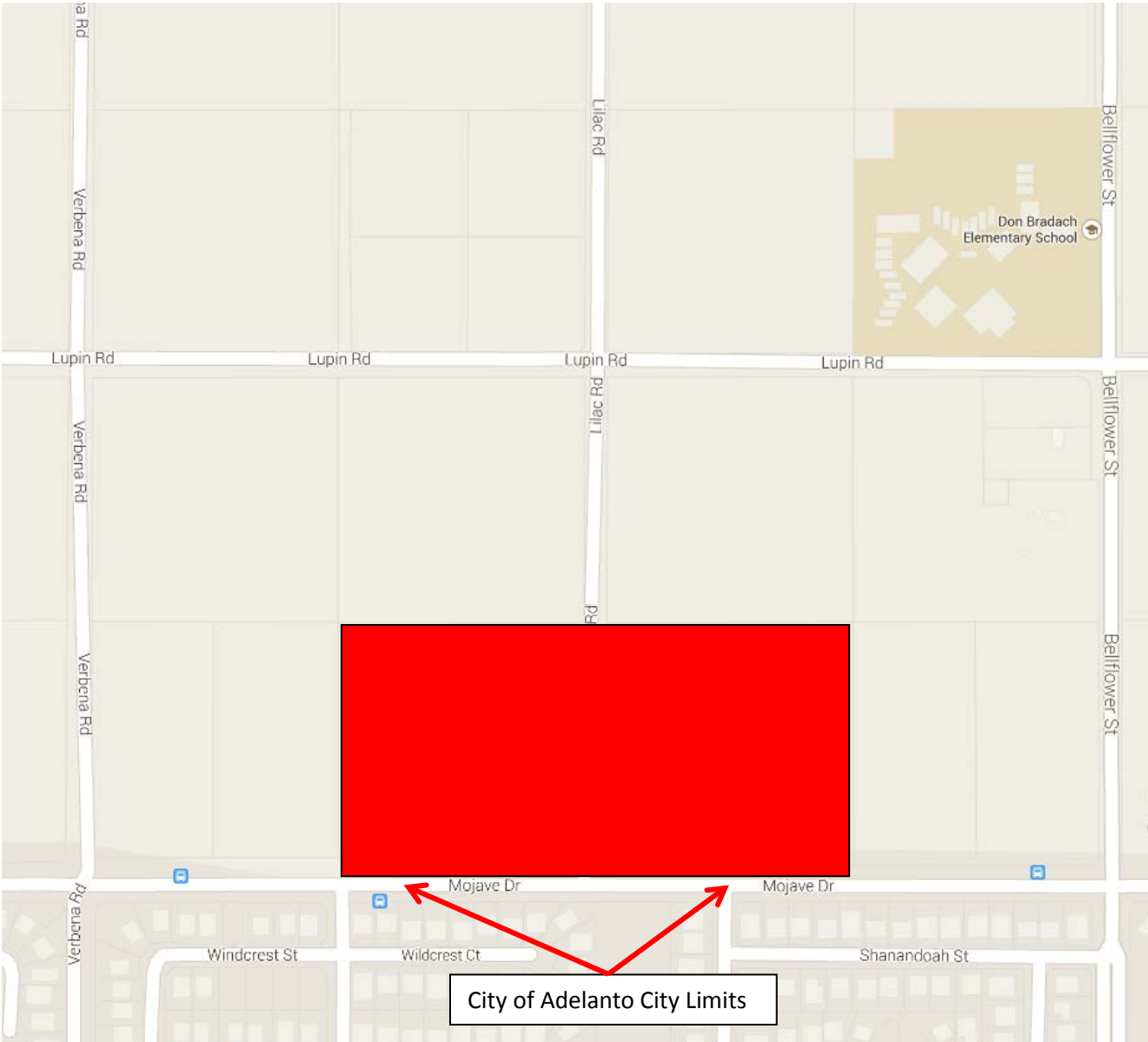
SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant, unimproved	RL (Rural Living)
North	Vacant, unimproved	RL (Rural Living)
South	Single Family Residential	City of Adelanto General Plan/Zoning: Single Family Residential
East	Vacant, unimproved	RL (Rural Living)
West	Vacant, unimproved	RL (Rural Living)

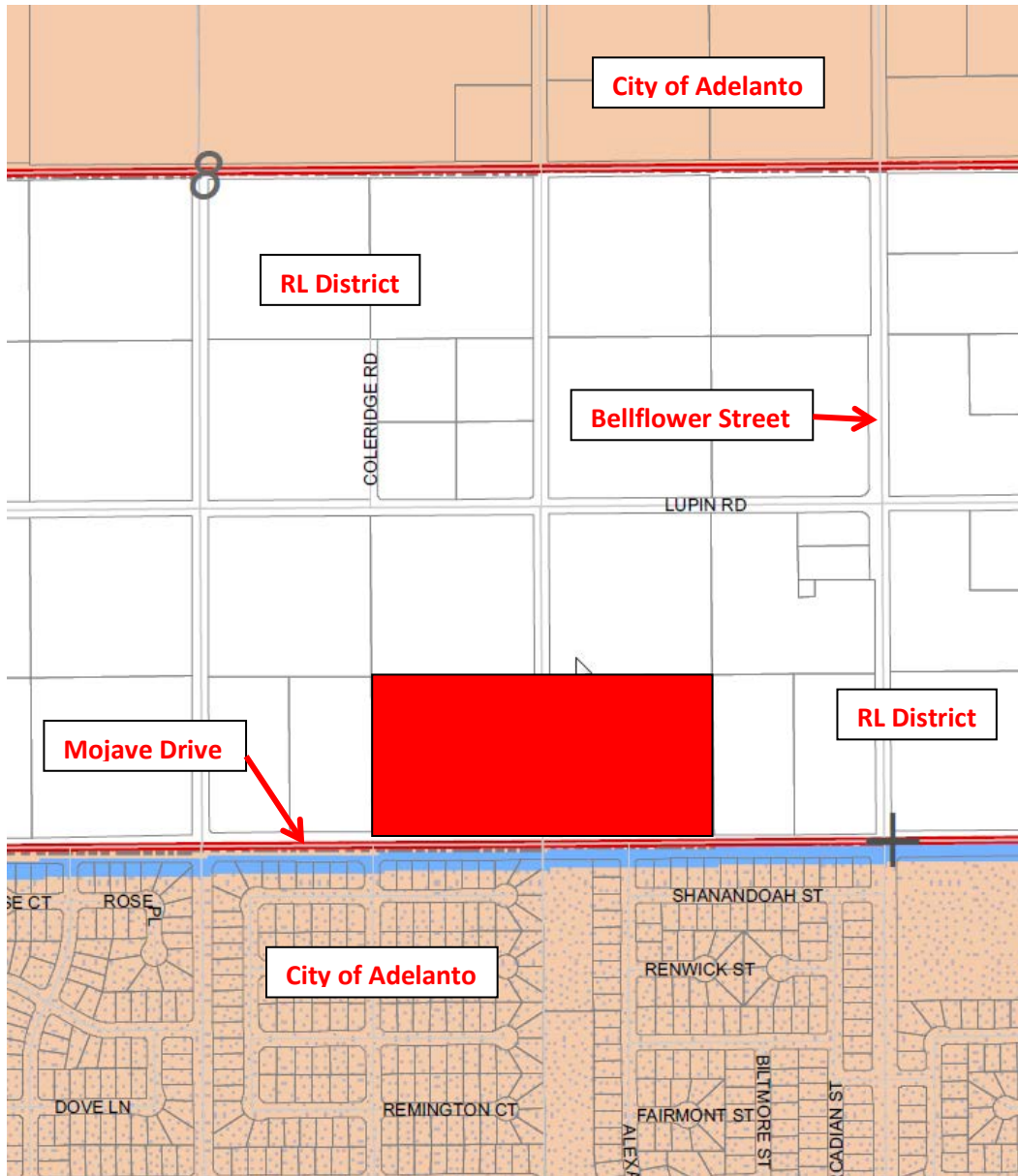
	AGENCY	COMMENT
City Sphere of Influence:	City of Adelanto	Supports subject to annexation
Water Service:	City of Adelanto	Will Serve
Sewer Service:	City of Adelanto	Will Serve

STAFF RECOMMENDATION: That the Planning Commission make the following recommendations to the Board of Supervisors: ADOPT a Mitigated Negative Declaration, ADOPT the proposed Findings, APPROVE the General Plan District Amendment and Zoning Map Amendment, Tentative Parcel Map, Conditional Use Permit, and Variance subject to the attached Conditions of Approval and incorporated Mitigation Measures, and FILE the Notice of Determination.

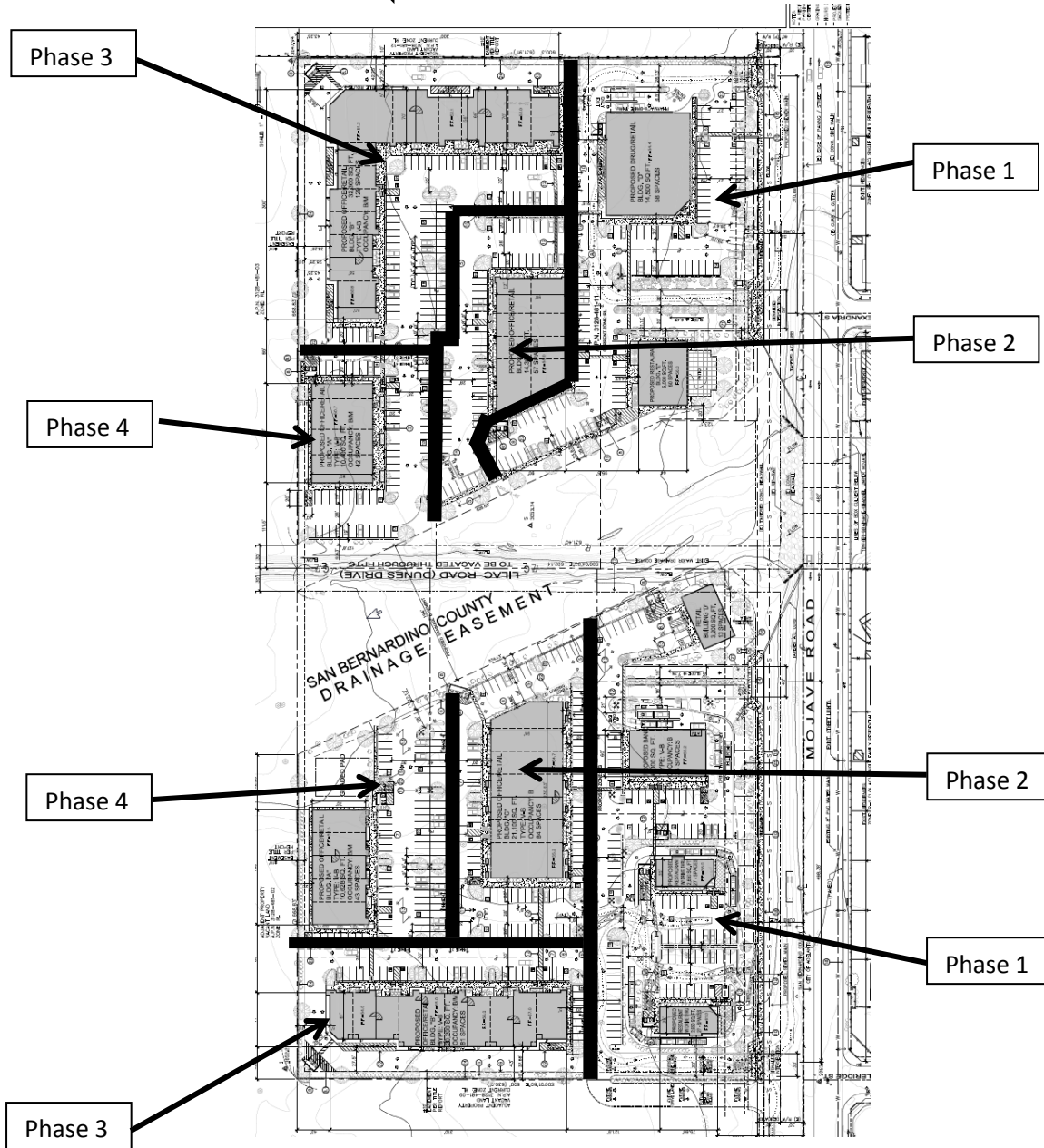
VICINITY MAP



OFFICIAL LAND USE DISTRICT MAP Zoning Designation



PLOT PLAN
Lilac and Wellspring Development Plan Phasing.
Each Half Is Phased Separately.



SITE PHOTOS LILAC & WELLSPRINGS DEVELOPMENT BUILDING SITE



1. Looking westerly on Mojave Drive from the drainage course at the center of project site.



2. Looking northwesterly over the project site along the drainage channel from Mojave Drive bridge near center of site.



3. Looking northeasterly over the project site along the drainage channel from Mojave Drive bridge near center of site.



4. Looking east on Mojave Drive from the drainage course at the center of the project site.



5. Looking generally north from Mojave Drive along existing drainage channel.



6. Looking toward Bellflower Street from the center of the project site on Mojave Drive.

PROJECT DESCRIPTION AND BACKGROUND:

Project: The subject project is a 142,928 square foot shopping center (Project) on approximately 20 acres that has a number of related applications, including:

- General Plan Land Use District and Zoning Map Amendment: The existing Land Use District is RL (Rural Living) and is proposed to change to CG (General Commercial) to provide for the proposed shopping center.
- Conditional Use Permit (CUP): A CUP to provide for several shopping centers, totaling 142,928 square feet.
- Tentative Parcel Map No. 19261: A tentative parcel map to subdivide and reconfigure the existing two (2) parcels to create 12 new parcels.
- Variance: A variance is necessary to provide for a reduced landscape setback along Mojave Drive from 25 feet to 15 feet.

Location and Access: The Project site is located on the north side of Mojave Drive, immediately north of the City of Adelanto city limits. Access to the Project site will be provided by two (2) driveways on each side of the drainage course/easement that separates the easterly and westerly portions of the development area. A traffic signal will be provided at the primary entrance/exit and a non-signalized right in/right out driveway for each portion of the Project. The primary signalized entrances are designed with raised medians. The easterly primary entrance provides separate 20 foot driveway entrance and exit. The westerly primary entrance provides a combined 30 foot driveway that can be expanded upon the development of the adjoining property. Each additional right-turn in/out could be required to provide a "pork chop" type design or a raised median along Mojave Drive.

Environmental Setting: The Project site is relatively flat with a drainage course traversing through the center of the Project site. The on-site drainage course is an extension of an earthen channel design located to the south. Single family detached residential development exists along the south side of Mojave Drive within the City of Adelanto and vacant land surrounds the balance of the Project site. Creosote bush is the predominate vegetation on the Project site. Site topography generally ranges between approximately 3,050 and 3,060 feet above mean sea level, as the site slopes downward to the north. Mojave Drive is primarily a two (2) lane paved roadway along the Project site's southerly border.

An Initial Study/Proposed Mitigated Negative Declaration was distributed for review in December 2013 to the State Clearinghouse. Subsequent to the completion of the environmental review period, the proposed Project was reviewed by the County's Development Review Committee (DRC) on March 5, 2014. Based upon that meeting, changes were undertaken to the Project design, Project size, and an update to the previously prepared *Water and Sewer Feasibility Study* was completed by the City of Adelanto. The City of Adelanto would be the responsible agency for providing water and sewer services to the Project, although the site is within the unincorporated area. As part of the Project development, annexation to the City's service area would be required. The Local Agency Formation Commission (LAFCO) requested an updated water and sewer study and a modification to the Initial Study referencing LAFCO as a responsible agency under the California Environmental Quality Act (CEQA) at the DRC Meeting. The updated report has been incorporated into the revised Initial Study and Recirculated for review. Both the Lilac & Wellspring and Dukomo projects were updated and advertised at the same time.

ANALYSIS:

The proposed Project is located within an undeveloped area adjacent to Mojave Drive, utilized primarily as a two (2) lane roadway with separate turning lanes. The site is separated by a drainage course that is part of Channel #2 traversing through the City of Adelanto draining from the south to the north. Mojave Drive is elevated at the intersection of the drainage course and the roadway with a bridge. The Project site is within the City of Adelanto Sphere of Influence.

The proposed Project involves the following requests:

- Land Use District and Zoning Change from RL-10 to CG (General Commercial).
- Tentative Parcel Map to subdivide the property into 12 separate parcels with an overlaying drainage easement.
- CUP to provide for the establishment of two separate commercial shopping centers separated by a drainage easement.
- Variance to reduce the landscape setback along roadways from 25 feet to 15 feet.

Consistency with General Plan and Zoning Regulations:

The proposed Project is within the Sphere of Influence of the City of Adelanto. A copy of the City's General Plan Land Use and Zoning Map is provided on the following pages. The description of the General Commercial (CG) Land Use Zoning District states the following:

Purpose

Provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs.

Locational Criteria

- Concentrated retail business and service areas that supply daily community commercial needs.
 - Areas of retail commercial uses in central business districts providing local and regional trade services.
 - Areas adjacent to a major arterial street, highway, or freeway or at the intersection of two major arterial streets.
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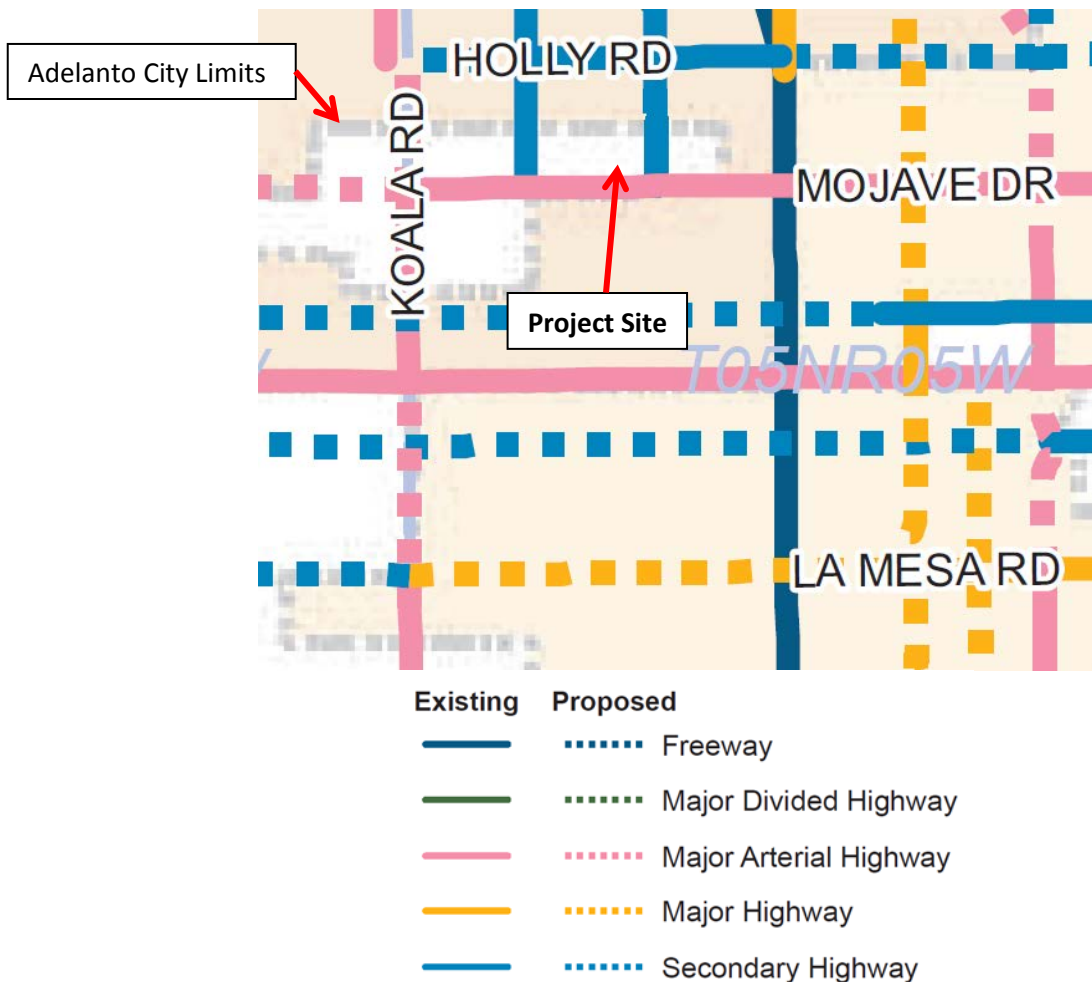
Goal D/LU 3 and Policies D/LU 3.1 and 3.2 of the Desert Region Goals and Policies of the Land Use Element are applicable to the proposed Project and state as follows;

Goal D/LU 3: Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.

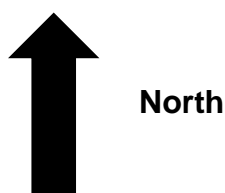
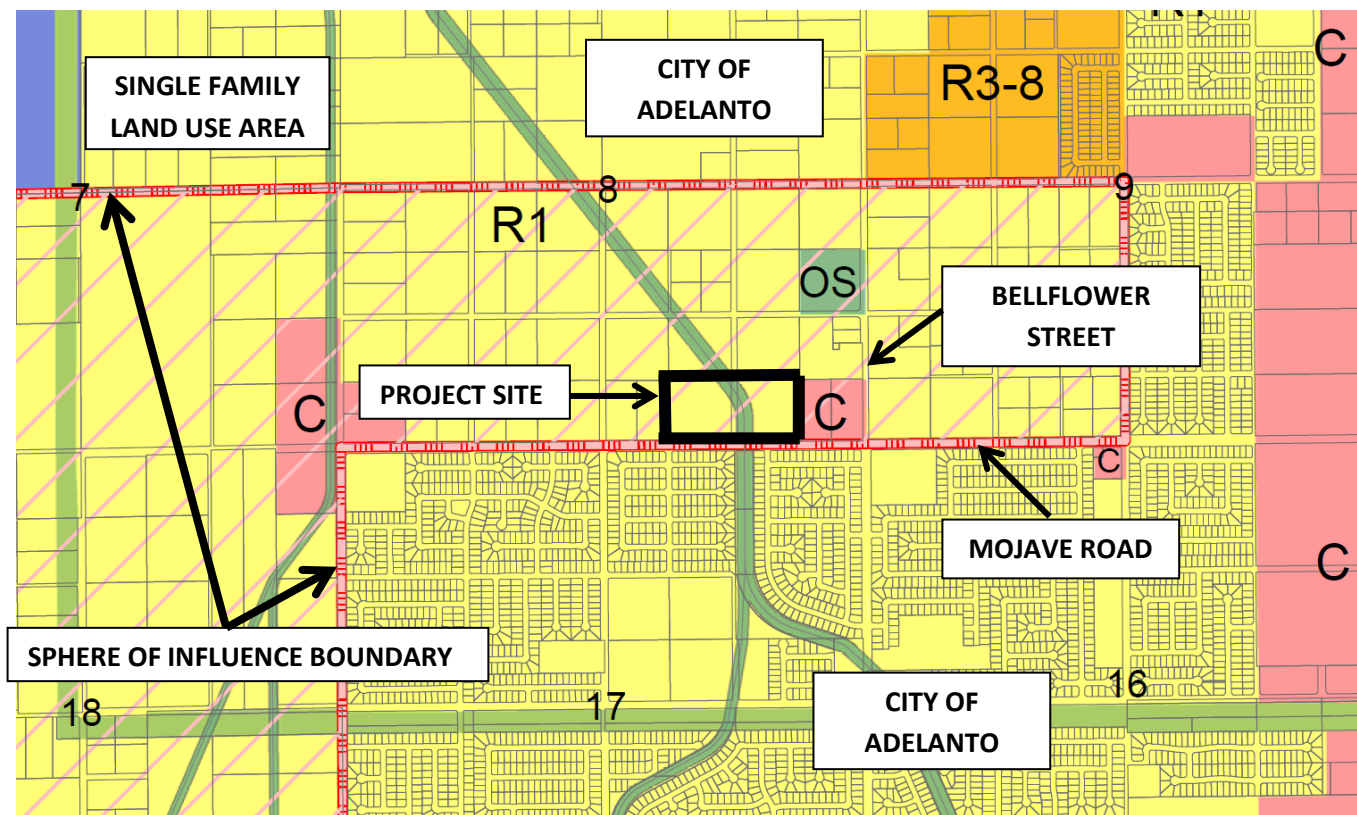
Policy D/LU 3.1: The County shall develop standards for commercial development within the region to best reflect the character of the region. Standards may include, but not be limited to signage, screening, pedestrian access, parking, and buffering between adjacent land uses.

Policy D/LU 3.2: Avoid strip commercial development along major roadways within the region that would detract from the rural character by encouraging the development or expansion of commercial uses within core areas. Commercial uses shall be compatible with adjacent land uses and respect the existing positive characteristics of the region and its natural environment.

COUNTY CIRCULATION MAP



CITY OF ADELANTO GENERAL PLAN AND ZONING MAP



A comparison of the County Land Use District and City of Adelanto General Plan Land Use District is provided below.

	County Land Use District	Adelanto Land Use District
Project Site	RL	R-1 Single Family Residential
North	RL	R-1 Single Family Residential
South	N/A	R-1 Single Family Residential
East	RL	C (General Commercial)
West	RL	R-1 Single Family Residential

The Project site is adjacent to a Major Arterial Highway and less than ¼ mile from a Secondary Highway and across the street from existing single family development. The Project is not a strip center due to its depth and the variety of uses proposed.

City of Adelanto Comments

A letter from Mr. D. James Hart, Ph. D., Adelanto City Manager, dated September 12, 2012, stated that the city would support the Project and serve required utilities subject to approval of a pre-annexation agreement.

Conditions of approval have been included requiring annexation to the City prior to the issuance of the first building permit. These conditions also reflect CEQA mitigation measures to ensure adequate water and sewer services are provided to the Project.

The proposed Project is considered consistent with the County General Plan and City of Adelanto pre-zoning subject to entering a pre-annexation agreement.

Conditional Use Permit:

General Use Characteristics

The proposed Project provides for a variety of uses in two (2) separate development areas, with 12 separate buildings on individual parcels, including several drive through restaurants, a sit-down restaurant, retail, banking, and office buildings. The Project is intended to be phased as displayed on the Plot Plan included with this report. Each section of the Project is to be built incrementally and independently of the other. The site plan utilizes the term “phase” for each development area and is labeled as such.

Public Improvement Characteristics

Access to the site will be provided from Mojave Drive and internal improvements will be phased concurrently with building construction to ensure adequate public road, drainage improvements, and fire access. Each portion of the Project (separated by the drainage easement) will be developed separately and, as such, has separate phasing patterns. Mojave Drive will be widened to its full design width. Each portion of the Project will have two (2) access drives into and out of the site.

In general terms the Project phases proceed from Mojave Drive northward. The drainage easement separating each development area will remain unimproved, with the perimeter portions shaped/configured by the on-site grading for the shopping areas.

Internal Design Characteristics/Features

The General Commercial (CG) District requires 25 foot building setbacks along the front street. All building setbacks meet Code requirements. Setback areas are also required to be landscaped (Section 83.10.060 (a)(1)). As such, the required perimeter landscape width is 25 feet. In this instance the Project has proposed a 15 foot wide landscape setback along all Project perimeter streets. The applicant has requested a variance from this County standard to permit the change in setback. The effect of reducing the landscape setback is that some parking spaces in the easterly portion of the site adjacent to the landscape areas will be placed within the 25 foot setback area. In the westerly portion a restaurant drive-thru driveway is within the 25 foot setback. The Development Code prohibits parking within the front yard setback (Section 83.11.030 (a)). Staff

believes the variance for a reduction in landscape width within the front yard also incorporates the placement of parking drive-thru driveway within the front yard, since it is directly related to the type of uses found within a shopping center.

Table 1: Lilac Building Parameters

Building Area	Retail and Office uses	142,928 sq. ft.	
Parking Required	Retail and Office/Retail: 132,628	1/250 s.f.	530 Stalls
	Sit Down/Fast Food Restaurant: 10,300	1/100 s.f.	103
	Disabled Parking	Variable	
	Total Required Parking		633
Parking Provided	Standard Spaces		639
	Disabled Parking		30
	Parking Provided		669
Landscaping	Required 20 %	Provided: 68,882 s.f., 20.4 % (westerly) 67,280 s.f., 20.1% (easterly)	
Building Setbacks		Required	Provided
	Front	25'	45'
	Side Yards	25'	43' & 42'+
	Rear	10	19'
Building Height	35 Feet	35 Feet Maximum Allowed	
Floor Area Ratio	Maximum FAR .5	Project FAR .18	

The Project has proposed internal driveway widths that exceed the minimum widths of 24 feet for 90 degree parking spaces, in a number of instances a width of 26 feet or more has been provided. Proposed Findings are attached to this Staff Report (Exhibit A) with Conditions of Approval (Exhibit B).

Tentative Parcel Map 19261:

The applicant has filed a tentative parcel map with 12 parcels in which each proposed building will be on a separate parcel. The proposed parcel lines are generally located within the driveway and parking area. The minimum lot size in the CG District is five (5) acres, but may be less if filed concurrently with a CUP. A reciprocal access agreement has been required as part of the tentative parcel map conditions to permit unrestricted movement between parcels for pedestrians and vehicles.

A proposed drainage easement separates the two planned development areas. The drainage easement is an extension of an existing improved earthen channel that exists south of Mojave Drive and traverses through an existing residential development further to the south in the City of Adelanto. The City of Adelanto Hydrograph/Master Plan Channels Map identifies this drainage course as Channel #2. Since the channel is an easement it will not be improved, but rather shaped in its design by the grading planned for each commercial development to the east and west. The easement will overlay six (6) proposed parcels that border the drainage course. As such, the parcel boundaries proposed do not reflect the existence of the easement, but the combination of the recorded easement and CUP design provide for its shape and function.

Variance:

As noted above in the CUP discussion, a variance has been requested to permit a reduction in the required front yard perimeter landscaping. The Planning Commission has previously approved reductions in perimeter landscaping for projects in the Desert region due to the climate, and unique circumstances related to reduced water use requirements.

Environmental Evaluation:

The proposed Project has included the preparation of several Initial Studies that included a distribution in December 2013 and December 2014, with the following technical studies that included an updated version of the Water and Sewer Feasibility Study in the most recent distribution:

- Traffic Impact Analysis, Hall & Foreman, Inc., dated October 1, 2012.
- RCA Associates, LLC: *Focused Desert Tortoise Survey* dated September 6, 2013.
- RCA Associates, LLC: *Habitat Assessment for Mojave Ground Squirrel* dated September 6, 2013
- *City of Adelanto Water and Sewer Feasibility Study*, dated June 25, 2014.

The original distribution of the Initial Study included a *Water and Sewer Feasibility Study* prepared in 2010. At the March 2014 Development Review Committee Meeting representatives of the Local Agency Formation Commission (LAFCO) indicated the water and sewer study were outdated and needed to be updated. In addition, LAFCO indicated they needed to be listed as a Responsible Agency, under the California Environmental Quality Act (CEQA), since they are responsible for approving the “out-of-agency” service agreement to allow the City of Adelanto to provide water and service to the Project site and would need to evaluate the approve the agreement. The applicant contracted with the City to update the study and the Initial Study was revised to reflect LAFCO as a Responsible Agency and incorporate the new study. The 30-day public review period concluded on January 5, 2015. A letter has been received from Lahontan Regional Water Quality Control Board and is attached.

Environmental Issues:

Traffic Impacts

The proposed Project will require the following improvements and fair-share costs:

- Design and construct the intersection of Mojave Drive at Coleridge Street (Project entrance) at the westerly boundary of the Project site with the following improvements:
 - ✓ Traffic signal.
 - ✓ Modifications to provide one left turn lane and a shared through/right turn lane in all directions.
 - Design and construct the intersection of Mojave Drive and Alexandra Street (Project entrance just easterly of the drainage easement) with the following:
 - ✓ Traffic signal.
 - ✓ Left turn lane and a shared through lane/right turn lane in the eastbound, westbound, and southbound directions.
 - ✓ A single all direction lane in the northbound direction for existing Alexandria Street.
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- Design and construct the intersection of Mojave Drive and Verbena Road, based upon a fair share percentage of 30.3%, 15.15% (estimated to be \$183,145.00) of which is due to the County, with the following improvements:
 - ✓ Traffic signal.
 - ✓ An exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction.
 - ✓ An exclusive left turn lane and a shared through/right turn lane for the southbound direction.
 - ✓ An exclusive left turn lane, two through lanes and an exclusive right turn lane for the eastbound direction.
 - ✓ An exclusive left turn lane, a through lane and a shared through/right turn lane for the westbound direction.
- The two non-signalized Project driveways along Mojave Drive shall be constructed so that they are restricted to right in/right out movements only. This restriction may require a raised “pork chop” or a raised median along Mojave Drive.

The Traffic improvements listed above are required prior to occupancy of first building constructed, and mitigate any potential impacts to a less than significant level.

Desert Tortoise and Mojave Ground Squirrel Assessments

Studies were undertaken to determine the potential for Mojave Ground Squirrel and Desert Tortoise to exist on the subject property. In 2010 a study was undertaken to determine the potential for the Mojave Ground Squirrel. A subsequent study was prepared in 2013 to update the previous study due to the length of time that had transpired since its completion. A Focused Survey Desert Tortoise Survey was also conducted in 2013. Both reports found the site suitable for each habitat. However, no tortoise sign were observed and population levels for each species are very low in the area/region and no species were documented in adjacent habitat areas. Pre-construction surveys for each specie have been recommended, including burrowing owl.

Water and Sewer Service

Water and sewer service will be provided by the City of Adelanto. The June 25, 2014 report indicated the applicant will be responsible for the installation of improvements and the payment of fees, including:

- Construction of an 8-inch water distribution pipeline along Mojave Drive from approximately the extension of Alexandra Street to the easterly Project boundary.
- Construction of two (2) 8-inch collector sewer pipelines in Mojave Drive extending westerly and easterly to connect with existing sewer lines at the westerly edge of the Project boundary and Bellflower Street, respectively.
- Payment of water and sewer connection fees estimated to be \$223,155 and \$82,483, respectively.

SUMMARY:

The proposed land use change and development is consistent with the General Plan and County Development Code, with the exception of perimeter landscaping for which a variance has been requested. The applicable General Plan goal and policies include locational criteria along a Major Arterial Highways and avoiding a strip center design, which have been met. The subdivision design is compatible with development criteria and consistent with the design of the proposed CUP. The CUP provides for the establishment of a shopping center with a variety of retail and office

uses, including drive-through and site-down restaurants and adequate parking and access for each use, and adequate overall site landscaping.

RECOMENDATION: That the Planning Commission make the following recommendations to the Board of Supervisors:

- A. ADOPT** a Mitigated Negative Declaration and find that the Draft Initial Study has been completed in compliance with CEQA, that is has been reviewed and considered prior to the Project and that the Draft Initial Study/Mitigated Negative Declaration reflects the independent judgment of San Bernardino County;
- B. APPROVE** the following applications:
1. General Plan Land Use District and Zoning Map Amendment from RL (Rural Living) to CG (General Commercial) on an approximately 20 acre site;
 2. Tentative Parcel Map No. 19261 to create 12 commercial parcels and a drainage easement on an approximately 20 acre site;
 3. Conditional Use Permit to establish 142,928 sq. ft. of speculative office/retail/restaurant uses on an approximately 20 acre site, and;
 4. A variance to the street landscape setback.
- C. ADOPT** the proposed Findings for approval of the following applications:
1. Tentative Parcel Map No. 19261 per Development Code Section 87.020.60;
 2. Conditional Use Permit per Development Code Section 85.06.040; and
 3. Variance per Development Code Section 85.17.060.
- D. FILE** a Notice of Determination.

ATTACHMENTS:

- Exhibit A: Findings
Exhibit B: Conditions of Approval
Exhibit C: Draft Initial Study/Mitigated Negative Declaration
Exhibit D: Project Notice Comment Letter
Exhibit E: CEQA Comment Letter and Response to this Comment
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**EXHIBIT A
FINDINGS**

FINDINGS: GENERAL PLAN AMENDMENT

A General Plan Amendment for approximately 20 acres from RL (Rural Living) to CG (General Commercial) to accommodate the construction of several shopping centers, totaling 142,928 square feet (Project) on approximately 20 acres.

1. The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan or applicable specific plan, because it is consistent with the following goal and policies of the County General Plan:

Goal D/LU 3 – Ensure commercial development is compatible with the rural desert character and needs of local residents.

Goal Implementation: The proposed Amendment will allow neighborhood commercial uses adjacent to existing residential development.

Policy D/LU 3.1 – Develop standards for commercial development within the region that best reflect the regional character.

Policy Implementation: The proposed Project is designed to meet Desert development criteria, including placement of commercial land uses along a Major Arterial Highway, and development criteria, such as setbacks and area landscaping, with the exception of front yard setback landscaping.

Policy D/LU 3.2 – Avoid strip commercial development along major roadways.

Policy Implementation: The depth and size of the site provides for a wide variety of uses and business sizes and avoids a “strip center” configuration.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the proposed Project includes concurrent development applications and appropriate mitigation measures and conditions of approval for each application that are designed to protect the public health and safety and respond to potential environmental concerns, such as annexation to the City of Adelanto Public Utility Agency for public water and sewer service.
 3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised, because the proposed amendment will be located in an area adjacent to existing and future residential development.
 4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area, because the proposed amendment will place commercial development on a major roadway that is accessible to area residents and within an area planned for significant residential development.
 5. The proposed land use zoning district change does not conflict with provisions of this Development Code, with the exception of front yard landscape setback, because the site conforms to the size, design, and location criteria specified for the Desert region
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and will be compatible with other commercial development approved by the County, utilizing a variance to reduce front yard landscaping.

6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property, because the building setbacks provided, street improvements proposed, and recommended conditions of approval will ensure compatibility with adopted County development standards and environmental criteria identified through the completion of an Initial Study and associated technical studies.
7. The affected site is physically suitable in terms of design, location, shape, size operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located, because the site is conditioned to receive water and sewer service from the City of Adelanto Public Utility Agency. Fire and police protection will be provided by the County Fire and Sheriff's Department. Solid waste will be collected by the local waste hauler and adequate landfill capacity exists within the Victorville and Barstow Sanitary Landfills to meet projected future demand. The site has been designed to provide an alignment for Channel #2, as depicted on the City of Adelanto Hydrograph/Master Plan Channels Map, to allow continued stormwater flows through the site in an open easement and drainage within the improved area has been evaluated and determined to be less than significant.
8. The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project. The Project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures.

FINDINGS: TENTATIVE PARCEL MAP 19261

Tentative Parcel Map for the subdivision of approximately 20 acres into 12 parcels for commercial purposes, specifically, to accommodate the construction of several shopping centers, totaling 142,928 square feet (Project) on approximately 20 acres.

1. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan, because the subdivision, in conjunction with a proposed General Plan Amendment from RL (Rural Living) to CG (General Commercial) and a Conditional Use Permit for the development of a commercial shopping center, will provide a land use district in which the lot sizes and design features are appropriate for such a development and consistent with both the County's CG (General Commercial) Land Use District and Development Code.
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2. The site is physically suitable for the type and proposed building density of development, because the land is relatively flat and provides for the location of a drainage easement between the two (2) development sites to prevent on-site flooding, adequate public services can be provided to the Project site from existing facilities and services, including water and sewer services upon annexation to the City of Adelanto Public Utility Authority, and traffic improvements and fees identified in the *Traffic Impact Analysis* are to be paid to ensure adequate vehicle access is available to the Project site.
 3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, because Mojave Drive is already partially improved and no biological resources have been identified based upon the completion of *Desert Tortoise Survey* and a *Habitat Assessment for Mojave Ground Squirrel*.
 4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems, because the site location, the subdivision design, and the development intensity proposed are such that hazards from flood, fire, noise, and other potential public health hazards are deemed minimal with the implementation of the proposed conditions of approval and mitigation measures.
 5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision, because the conditions of approval shall prohibit interference with public right of easements and a statement of concurrence from utility companies whose easements may be affected by the proposed development.
 6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Control Board, because wastewater from the proposed Project will be provided by the City of Adelanto through connection to the City's sanitary sewer system.
 7. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities, because the proposed map will conform to the Official Land Use District development standards, which provide adequate building setback and separation criteria that allow adequate opportunity for the use of solar technology, the use of which is encouraged by design considerations listed on the Composite Development Plan.
 8. The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law, because the size and shape of the lots conform to the standard regulations set forth in the Development Code and the appropriate agencies (including Land Use Services, County Fire, and Public Works) have reviewed the proposed Project design and the proposed conditions and mitigation measures.
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9. There is no substantial evidence that the Project will have a significant effect on the environment, because an initial study has been completed, which included the preparation of a *Desert Tortoise Survey, Habitat Assessment for Mojave Ground Squirrel, Traffic Impact Analysis, and Sewer and Water Feasibility Study Update*, and a Mitigated Negative Declaration recommended for the proposed Project based staff's independent evaluation and judgment that the Project will not have a significant adverse impact on the environment with the implementation of all the conditions of approval and environmental mitigation measures.

FINDINGS: CONDITIONAL USE PERMIT

Conditional Use Permit for the construction of a 142,928 square foot commercial shopping center (Project) on approximately 20 acres.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other features pertaining to the application, because the proposed Project site is of adequate size and area to accommodate the proposed commercial facility and meet all development standards of the CG (General Commercial) District, with the exception of the landscape setback adjacent to Mojave Drive. The proposed use has provided additional parking spaces beyond those required to provide for subsequent changes in tenant occupancy.
 2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use, because the Project will provide additional street improvement to Mojave Drive to ensure that adequate site access and improvements exist adjacent to the Project site.
 3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance, because the Project has been designed to meet required building setbacks, has been evaluated through the completion of an Initial Study that did not identify potentially significant environmental effects in conjunction with noise, vibration, traffic or other disturbances through the inclusion of appropriate conditions of approval, and the proposed commercial use is compatible with and otherwise appropriate to adjacent existing single family land use districts. In addition, the use will not interfere with the present or future ability to use solar energy systems, because the building height and design will allow for the inclusion of such systems, should they be desired.
 4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, because the Project site is located along a Major Arterial Highway and can be served by full urban services and infrastructure facilities, which is consistent
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with the Locational Criteria requirements of the General Commercial (CG) Land Use Zoning District in the County General Plan.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels, because the proposed Project will be provided water and sewer service by the City of Adelanto and will be required to construct road improvements and contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area.
6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare, because the conditions of approval include measures to reduce potential traffic impacts and enforce performance standards.
7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities, because the height and design of the buildings will allow for the installation passive solar heating capabilities.

FINDINGS: VARIANCE

A variance to reduce the landscape setback along adjoining perimeter streets from 25 feet to 15 feet for the proposed construction of several shopping centers, totaling 142,928 square feet (Project) on approximately 20 acres.

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems, because the reduction in the depth of perimeter landscaping along Mojave Drive from 25 feet to 15 feet will not reduce compliance with building setbacks nor increase the proximity of uses to adjoining properties and the site will continue to be separated from existing residential areas by Mojave Drive.
 2. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district, because the site is large and a portion of the landscape area is utilized for restaurant drive-thru driveways and perimeter parking. The extent of landscaping along each frontage would utilize significant land area that is not normally affected when development adjoins the interior side yards of adjacent development, while still maintaining the 20 percent total site landscaping requirement.
 3. The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district, because the Project provides total site landscaping consistent with Development Code requirements.
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4. The granting of the Variance is compatible with the maps objective policies and program and general land uses specified in the General Plan and any applicable specific plan, because the Project provides substantial Project depth in proportion to its width that avoids a strip center design style that would detract from the rural character of the area as recommended in the General Plan.