PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: July 10, 2014

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Tom Murphy, Commissioner

Tom Steeno, Commissioner

* - * - * - * - * - * - * - *

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney

CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

July 10, 2014

AGENDA
HESPERIA PLANNING COMMISSION

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER 6:30 p.m.

A. Pledge of Allegiance to the Flag

B. Invocation

C. Roll Call:

Chair Chris Elvert
Vice Chair William Muller
Commissioner Jim Heywood
Commissioner Tom Murphy
Commissioner Tom Steeno

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

D. Approval of Minutes: June 12, 2014 Planning Commission Meeting Draft Minutes. -1-

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit CUP14-00005 to construct a wireless communications facility with antennae installed 81 feet high on an existing 142-foot Southern California Edison tower located west of Hesperia Community Park, south of Avenal Street and north of Live Oak Street (Applicant: AT&T Mobility: APN: 0405-072-44) 1-1

PRINCIPAL PLANNER'S REPORT

The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.

E. Discussion item on Retail Outdoor Display 2-1

F. DRC Comments

G. Major Project Update 3-1

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Wednesday, July 2, 2014 at 5:30 p.m. pursuant to California Government Code §54954.2.

Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
JUNE 12, 2014
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Vice Chair William Muller in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER 6:30 p.m.

Pledge of Allegiance to the Flag

Invocation

Roll Call: Chair Chris Elvert Vice Chair William Muller Commissioner Jim Heywood Commissioner Tom Murphy Commissioner Tom Steeno

Present: Tom Murphy
James Heywood
William Muller

Absent: Chris Elvert
Tom Steeno

Motion by Tom Murphy to excuse the absence of Chair Elvert and Commissioner Steeno. Seconded by James Heywood and passed with the following roll call vote:

AYES: **Tom Murphy, James Heywood, and William Muller**
NOES: **None**
ABSENT: **Chris Elvert and Tom Steeno.**

JOINT PUBLIC COMMENTS

Vice Chair William Muller opened Public Comments at 6:35 p.m.

No comments.

Vice Chair William Muller closed Public Comments at 6:35 p.m.

CONSENT CALENDAR

D. Approval of Minutes: April 10, 2014 Planning Commission Meeting Draft Minutes.

Motion by William Muller to approve the April 10, 2014 Planning Commission Meeting Draft Minutes. Seconded by James Heywood and passed with the following roll call vote:

AYES: **Tom Murphy, James Heywood, and William Muller**
NOES: **None**
ABSENT: **Chris Elvert and Tom Steeno.**

PUBLIC HEARING

1. Consideration of Conditional Use Permit CUP14-00001 and Variance VAR14-00001, to construct an 80-foot high wireless communications facility at 11505 El Centro (Applicant: Verizon Wireless; APN: 3039-441-02 & 19)

Senior Planner Daniel Alcayaga gave a PowerPoint presentation.

Vice Chair William Muller opened the Public Hearing at 6:41 p.m.

No comments.

Vice Chair William Muller closed the Public Hearing at 6:41 p.m.

Motion by Tom Murphy to adopt Resolution Nos. PC-2014-14 and PC-2014-15 approving CUP14-00001 and VAR14-00001. Seconded by James Heywood and passed with the following roll call vote:

AYES:	**Tom Murphy, James Heywood, and William Muller**
NOES:	**None**
ABSENT:	**Chris Elvert and Tom Steeno.**

2. Consideration of Conditional Use Permit CUP14-00004 and Variance VAR14-00003, to construct a 75-foot high wireless communications facility at 13558 Palm Street (Applicant: Verizon Wireless; APN: 3046-011-11)

Senior Planner Daniel Alcayaga gave a PowerPoint presentation.

Vice Chair William Muller opened the Public Hearing at 6:46 p.m.

No comments.

Vice Chair William Muller closed the Public Hearing at 6:46 p.m.

Motion by James Heywood to adopt Resolution Nos. PC-2014-16 and PC-2014-17 approving CUP14-00004 and VAR14-00003. Seconded by Tom Murphy and passed with the following roll call vote:

AYES:	**Tom Murphy, James Heywood, and William Muller**
NOES:	**None**
ABSENT:	**Chris Elvert and Tom Steeno.**

3. Consideration of Conditional Use Permit CUP14-00003 and Variance VAR14-00002, to construct a 75-foot high wireless communications facility at the existing Elks Lodge at 9202 E Avenue (Applicant: Verizon Wireless; APN: 0410-172-01)

Senior Planner Stan Liudahl gave a Powerpoint presentation.

Vice Chair William Muller opened the Public Hearing at 6:53 p.m.

No comments.

Vice Chair William Muller closed the Public Hearing at 6:53 p.m.

Motion by Tom Murphy to adopt Resolution Nos. PC-2014-12 and PC-2014-13 approving CUP14-00003 and VAR14-00002. Seconded by James Heywood and passed with the following roll call vote:

AYES: Tom Murphy, James Heywood, and William Muller
NOES: None
ABSENT: Chris Elvert and Tom Steeno.

4. Consideration of Conditional Use Permit CUP13-00006 and Variance VAR13-00006, to construct a 60-foot high wireless communications facility at 15545 Bear Valley Road (Applicant: Verizon Wireless; APN: 0406-061-11)

Assistant Planner Lisette Sanchez-Mendoza gave a PowerPoint presentation.

Lisette Sanchez-Mendoza introduced a green sheet item of a letter in opposition to the project.

Vice Chair William Muller opened the Public Hearing at 7:01 p.m.

Leroy Otwell, owner of the property spoke in favor of the project.

A representative from Verizon Wireless offered to answer any questions from the Commissioners.

Vice Chair William Muller closed the Public Hearing at 7:04 p.m.

Motion by Tom Murphy to adopt Resolution Nos. PC-2014-18 and PC-2014-19 approving CUP13-00006 and VAR13-00006. Seconded by James Heywood and passed with the following roll call vote:

AYES: Tom Murphy, James Heywood, and William Muller
NOES: None
ABSENT: Chris Elvert and Tom Steeno.

5. Consideration of possible amendments to, or repeal of, certain provisions of the City's Development Code, Chapter 16.16, Subdivision 16.16.072, relating to the residency of registered sex offenders, to align with California Penal Code Section 3003.5. (Applicant: City of Hesperia: Citywide)

Assistant City Attorney Jeff Malawy gave a presentation and amended the motion to read public or private school or park where children regularly gather on 4B of the resolution. The second amendment was to add a section stating that this act is exempt from CEQA guidelines 15061B3. The third amendment was a finding that this Development Code Amendment is consistent with the General Plan.

Discussion ensued.

Vice Chair William Muller opened the Public Hearing at 7:22 p.m.

No comments.

Vice Chair William Muller closed the Public Hearing at 7:23 p.m.

Commission discussion ensued.

Vice Chair William Muller re-opened the Public Hearing at 7:45 p.m.

Boy Scout Leader Craig R. Andicocher stated that he felt we should protect the children of our community.

Vice Chair William Muller closed the Public Hearing at 7:23 p.m.

Motion by William Muller to adopt as amended Resolution No. PC-2014-20, recommending that the City Council amend the provisions of Hesperia Municipal Code 16.16.072 concerning the residency of registered sex offenders so that the City's local regulations align with the state regulations set forth at Section 3003.5 and amend the motion to read public or private school or park where children regularly gather on 4B of the resolution. The second amendment was to add a section stating that this act is exempt from CEQA guidelines 15061B3. The third amendment is a finding that this Development Code Amendment is consistent with the General Plan. Seconded by Tom Murphy and passed with the following roll call vote:

AYES: Tom Murphy, and William Muller
NOES: James Heywood
ABSENT: Chris Elvert and Tom Steeno.

PRINCIPAL PLANNER'S REPORT

F. Discussion item on Retail Outdoor Display

Daniel Alcayaga gave a PowerPoint presentation.

Commissioner Heywood wanted as little regulation as possible, except to preserve access and parking. Commissioner Murphy was concerned that the proliferation of outdoor merchandise that cluttered up the City's commercial areas and suggested that displays be only permitted as part of a special event permit. After much discussion, the item was continued to the July 10 meeting where all five Commissioners will have an opportunity to provide input.

H. Major Project Update

G. DRC Comments

Principal Planner Dave Reno, AICP gave an update on major projects and DRC projects.

PLANNING COMMISSION BUSINESS OR REPORTS

No business or reports from the Planning Commission.

ADJOURNMENT

Vice Chair William Muller adjourned the meeting at 8:28 p.m. until July 10, 2014.

William Muller
Vice Chair

By: Kathy Stine,
Commission Secretary

June 5, 2014

Ms. Lisette Sanchez-Mendoza
Assistant Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Re: Consideration of Conditional Use Permit-15545 Bear Valley Road

Dear Ms. Sanchez-Mendoza,

Our company, Accel America, Inc., owns the vacant lot (0406-061-12-0-00) adjacent to the subject property and we are strongly opposed to the 60-foot Verizon Wireless cell tower that is being proposed to be constructed.

Our concern is that the tower would negatively impact our property value and that of our neighbors. In this still depressed economy and stagnating real estate values, this obtrusive tower will significantly create an unsightly eyesore and cause irrefutable damage to our site and land values.

Having a tower 60-feet high on that site and located adjacent to Bear Valley Road will not only have aesthetic issues but there's nothing else on or near that site that will be that tall. The tower will definitely create a tremendous blemish on the landscape for all residents and visitors alike.

Also there are the possible health risks that might be attributable to the radio waves that the towers will be emitting. I realize the debate is still ongoing as to the actual affects of the health hazards but isn't it better to err on the side of conservatism?

For those reasons stated above, we oppose the approval of the Conditional Use Permit and Variance to construct a 60-foot high wireless communications facility for Verizon Wireless and we request the City of Hesperia not approve these applications.

I thank you in advance for your consideration and please feel free to contact me if I can provide any further information.

Sincerely,
Accel America, Inc.

Bryan Ohira
Vice President

City of Hesperia
STAFF REPORT

DATE: July 10, 2014

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Daniel S. Alcayaga, AICP, Senior Planner

SUBJECT: Conditional Use Permit CUP14-00005; Applicant: AT&T Mobility; APN: 0405-072-44

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-21, approving Conditional Use Permit CUP14-00005.

BACKGROUND

Proposal: A Conditional Use Permit to construct a wireless communications facility with antennas installed 81 feet high on an existing 142-foot Southern California Edison tower.

Location: The property is located west of Hesperia Community Park, south of Avenal Street and north of Live Oak Street (Attachment 1).

Current General Plan, Zoning and Land Uses: The site is within the Utility Corridor (UC) General Plan Land Use designation. The surrounding land is designated as noted on Attachment 2. The wireless communications facility will be placed on a transmission tower, which sits on a major utility corridor with transmission lines running northwest and southeast. The width of the corridor spans approximately 450 feet. The utility corridor is otherwise vacant. Hesperia Community (Datura) Park exists to the east and a single-family residential neighborhood exists to the west.

ISSUES/ANALYSIS

Land Use: AT&T Mobility, the service provider, has demonstrated on a service plan that there is a service gap which necessitates installation of an additional wireless communications facility in the area (Attachment 4). The proposed facility will provide the necessary coverage to improve the network in this residential area without construction of a new tower. The facility includes six panel anntennas, three of which will be installed at a height of 81 feet and three will be installed at 69 feet. One microwave antenna will be installed at a height of 56 feet. All antennas will be painted to match the electric transmission tower (Attachment 6). The total leasable area, which houses the facility's ground equipment, will be 225 square feet and will be surrounded by an eight-foot high block wall (Attachment 5). Staff has included Condition 7 (Attachment 7), which will require the wall to be made of split face since the facility will be visible from the adjacent park. The proposed wireless communications facility is consistent with the General Plan land use and zoning standards.

Drainage: The proposed project will not interfere with the current drainage flows of the site.

Street Improvements: Public street improvements are not required. Recordation of an irrevocable access easement will be required from the site to Live Oak Street in accordance with Condition 6 (Attachment 7).

Environmental: Approval of the Conditional Use Permit is exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures.

Conclusion: The project is consistent with the City's intent to locate new wireless facilities on existing buildings and structures, or to conceal their appearance through other means (i.e. use of monopines and other stealth technologies). The project meets the standards of the Development Code and staff recommends approval.

FISCAL IMPACT

None.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Location map
2. General Plan land use map
3. Aerial photo
4. Service plan
5. Site plan
6. Tower elevations
7. Resolution No. PC-2014-21, with list of conditions

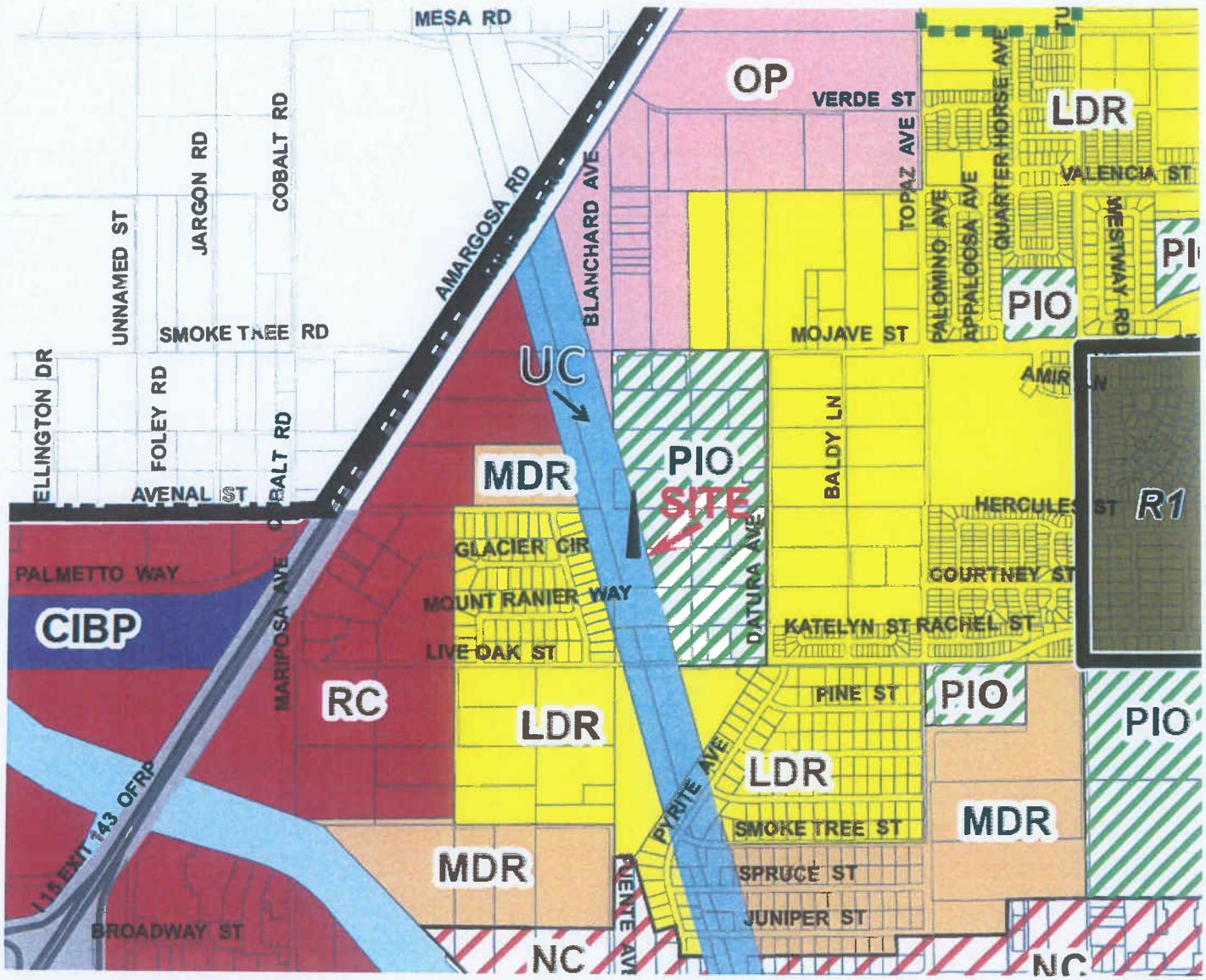
ATTACHMENT 1

LOCATION OF TRANSMISSION TOWER

APPLICANT(S): AT&T MOBILITY	**FILE NO(S):** CUP14-00005
LOCATION: WEST OF THE HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET	**APN(S):** 0405-072-44
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	**N** ↑

LOCATION MAP

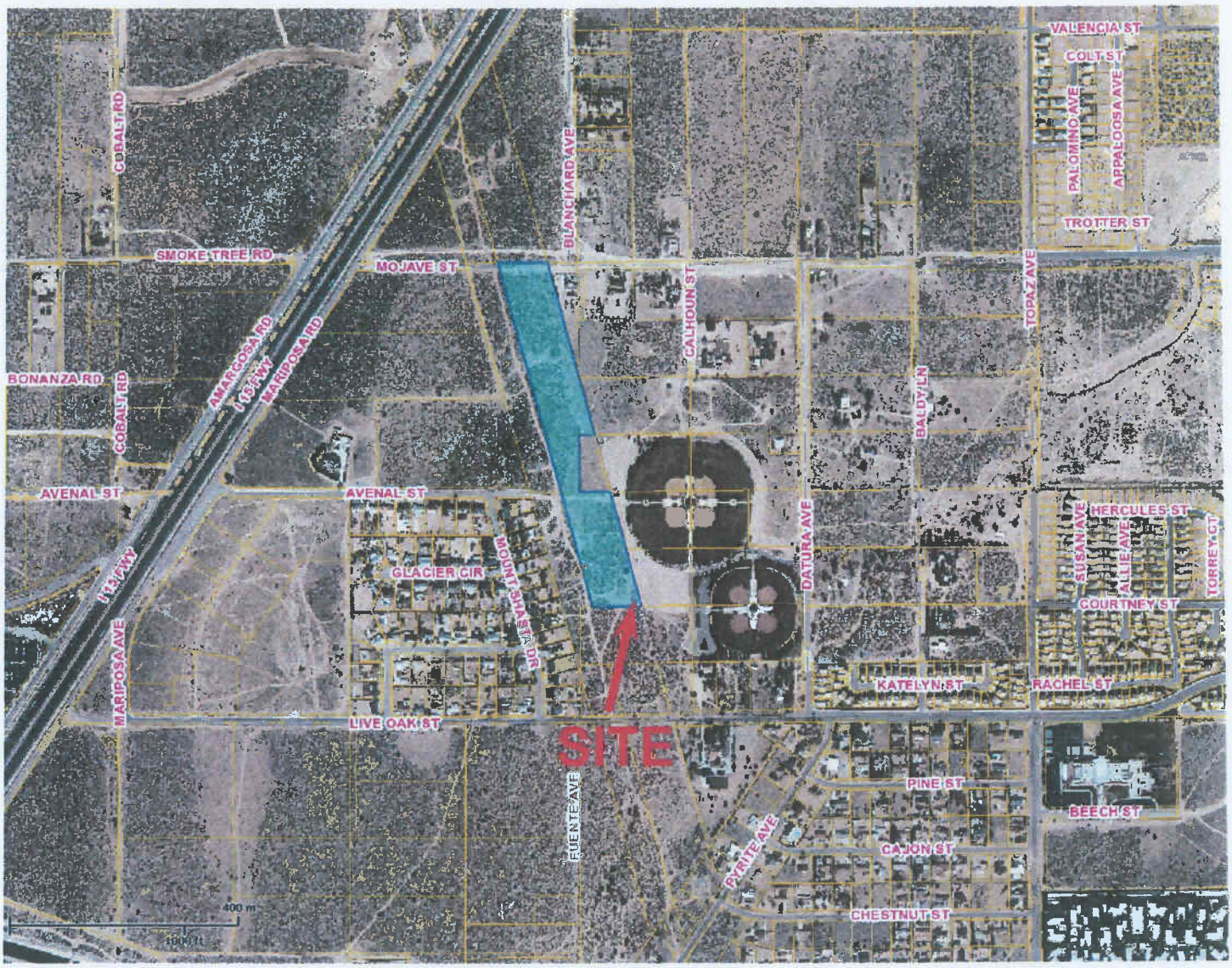
ATTACHMENT 2



APPLICANT(S): AT&T MOBILITY	**FILE NO(S):** CUP14-00005
LOCATION: WEST OF THE HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET	**APN(S):** 0405-072-44
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	**N** ↑

GENERAL PLAN LAND USE MAP

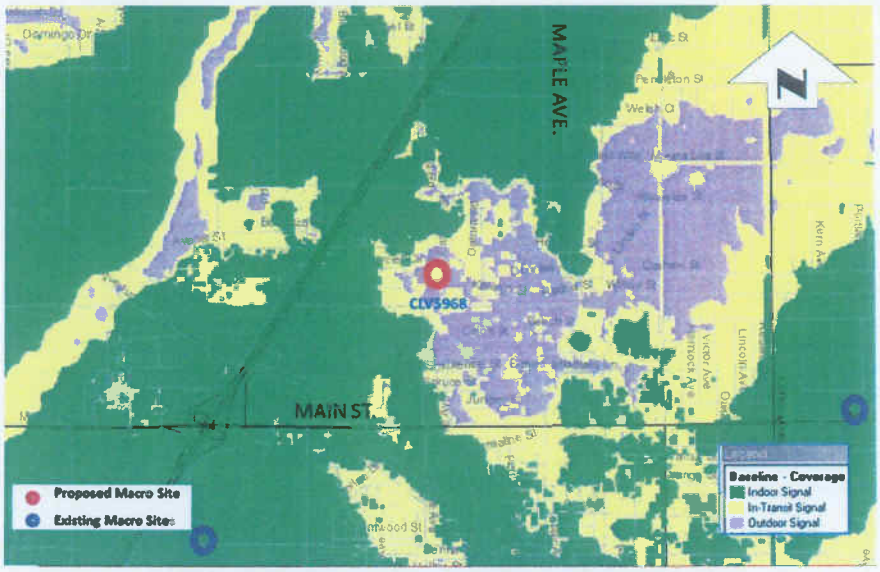
ATTACHMENT 3



APPLICANT(S): AT&T MOBILITY	**FILE NO(S):** CUP14-00005
LOCATION: WEST OF THE HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET	**APN(S):** 0405-072-44
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	**N** ↑

AERIAL PHOTO

ATTACHMENT 4

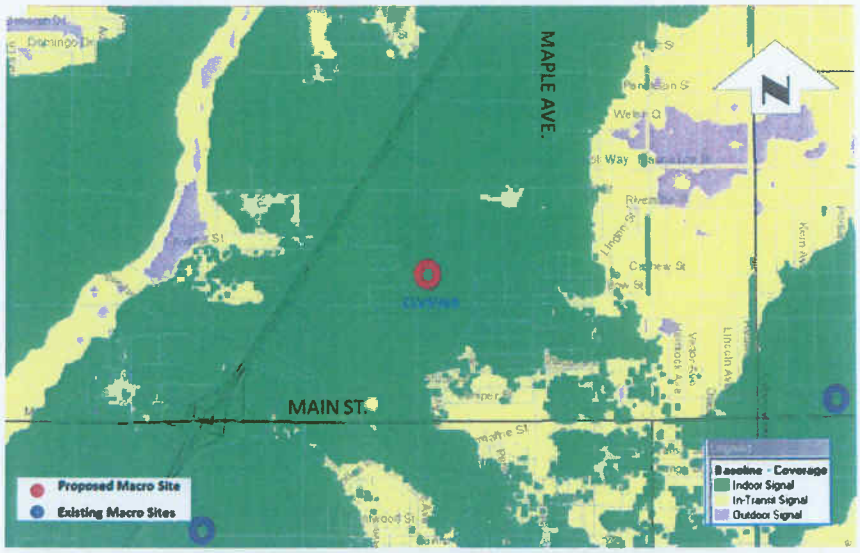


Service without the facility

INDOOR SIGNAL

IN-TRANSIT SIGNAL

OUTDOOR SIGNAL

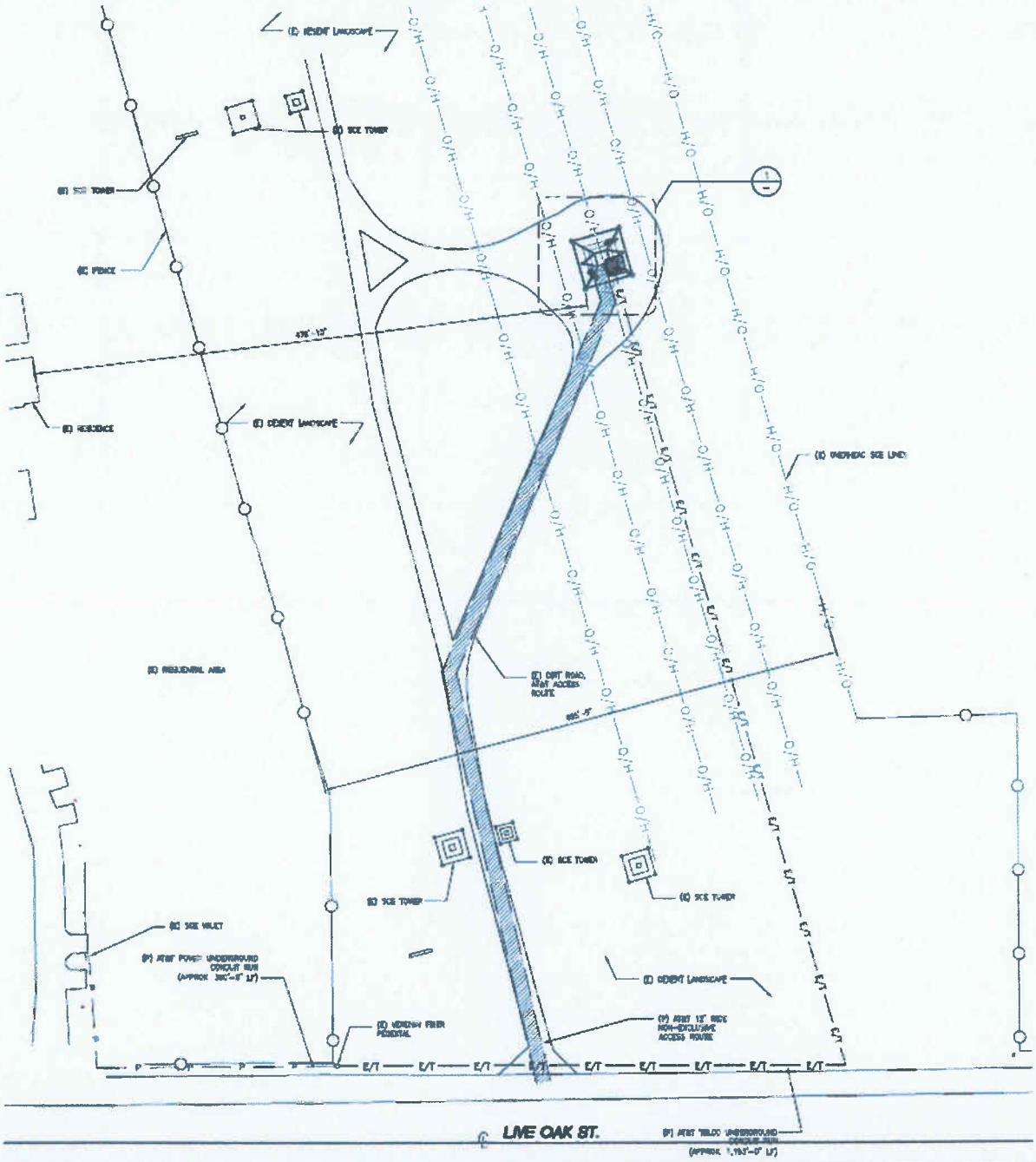


Service with the facility

APPLICANT(S): AT&T MOBILITY	**FILE NO(S):** CUP14-00005
LOCATION: WEST OF THE HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET	**APN(S):** 0405-072-44
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	**N** ↑

SERVICE PLAN

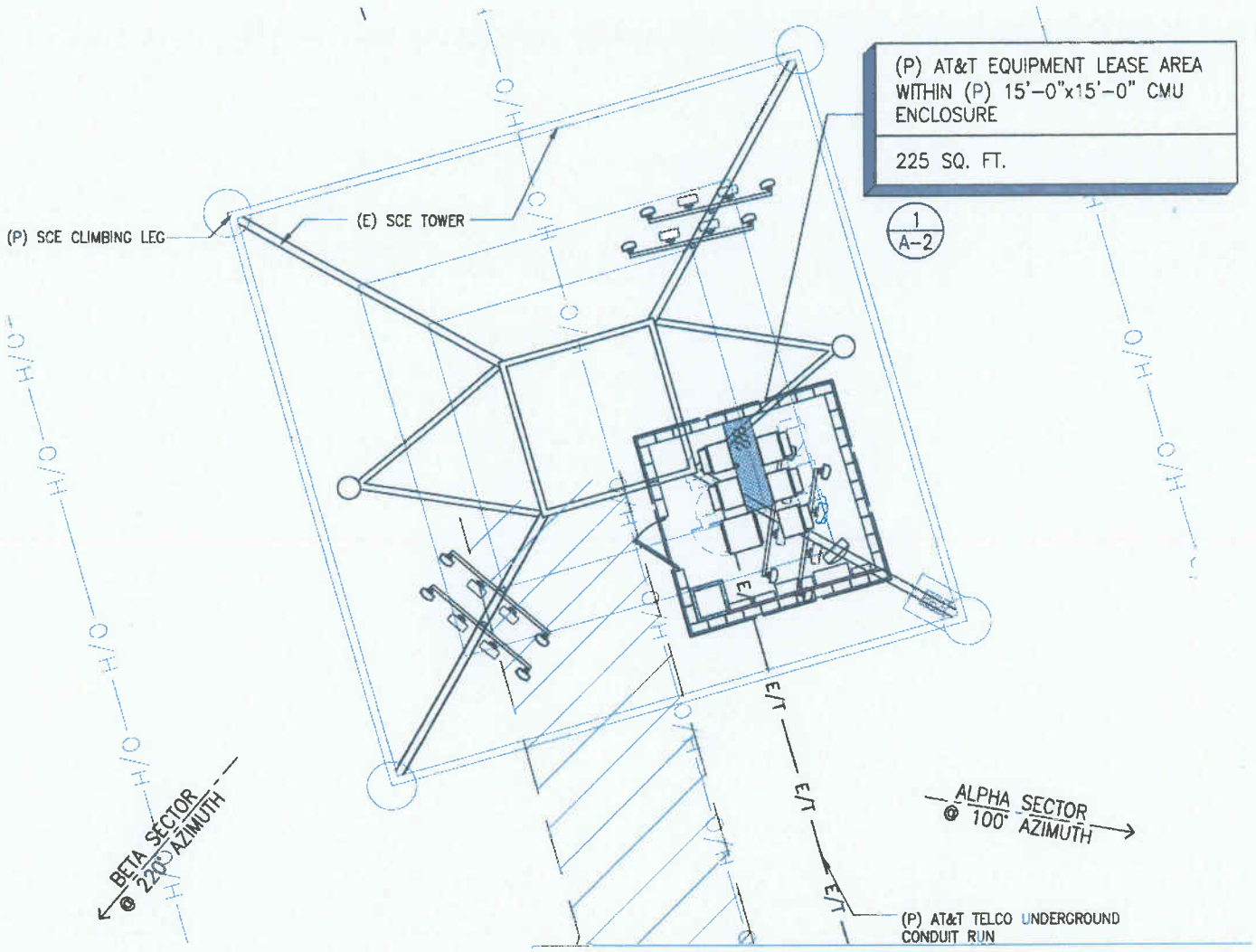
ATTACHMENT 5.1



APPLICANT(S): AT&T MOBILITY	**FILE NO(S):** CUP14-00005
LOCATION: WEST OF THE HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET	**APN(S):** 0405-072-44
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	**N** ↑

SITE PLAN (EXPANDED)

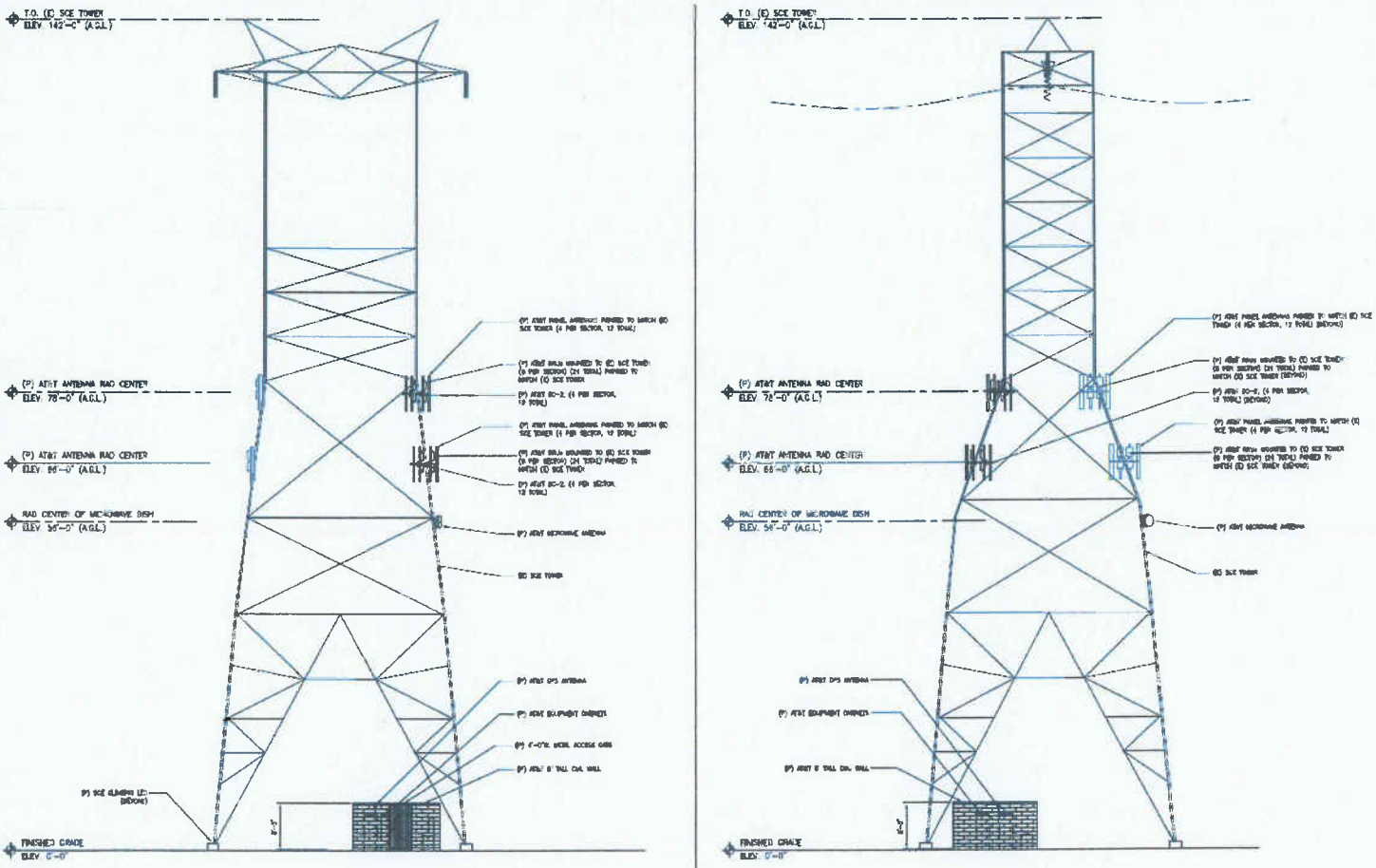
ATTACHMENT 5.2



APPLICANT(S): AT&T MOBILITY	**FILE NO(S):** CUP14-00005
LOCATION: WEST OF THE HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET	**APN(S):** 0405-072-44
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	**N** ↑

SITE PLAN

ATTACHMENT 6



APPLICANT(S): T-MOBILE	FILE NO(S): CUP10-10193
LOCATION: SOUTH OF DARTMOUTH STREET AND WEST OF TOPAZ AVENUE	APN(S): 3057-191-21
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL A 62-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 125-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER	N ↑

TOWER ELEVATIONS

ATTACHMENT 7

RESOLUTION NO. PC-2014-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO INSTALL AN 81-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY ON AN EXISTING 142-FOOT HIGH SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER LOCATED WEST OF HESPERIA COMMUNITY PARK, SOUTH OF AVENAL STREET AND NORTH OF LIVE OAK STREET (CUP14-00005)

WHEREAS, AT&T Mobility, has filed an application requesting approval of Conditional Use Permit CUP14-00005 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Southern California Edison Transmission Lines located west of Hesperia Community Park, south of Avenal Street and north of Live Oak Street and includes Assessor's Parcel Number 0405-072-44; and

WHEREAS, the Application, as contemplated, proposes to install a wireless communications facility upon the existing Southern California Edison electric transmission tower on the subject property; and

WHEREAS, the subject site is within the Southern California Edison electric transmission corridor, which runs northwest to southeast, and is developed with existing transmission towers and associated equipment. Hesperia Community Park exists to the east and a single-family residential neighborhood existing to the west; and

WHEREAS, the subject site is within the Utility Corridor (UC) General Plan land use designation. The properties to the north and south are also within the UC designation. The properties to the east are within the Public/Institutional Overlay (PIO) zone. The properties to the west are within the Low Density Residential (LDR) zone; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures; and

WHEREAS, on July 10, 2014, 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 July 10, 2014, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.

(b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.

(c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Land Use Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.

(d) The site for the proposed use will have adequate access based upon the required access easement from Live Oak Street to the south.

(e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00005, subject to the conditions of approval as shown in Attachment "A."

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

ADOPTED AND APPROVED this 10th day of July 2014.

_____
Chris Elvert, Chair, Planning Commission

ATTEST:

_____
Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP14-00005

Approval Date: July 10, 2014
Effective Date: July 22, 2014
Expiration Date: July 22, 2017

This list of conditions apply to a conditional use permit to construct a wireless communications facility with antennas installed 81 feet high on an existing 142-foot Southern California Edison tower located west of Hesperia Community Park, south of Avenal Street and north of Live Oak Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: AT&T Mobility; APN: 0405-072-44).

The use shall not be established until all conditions of this conditional use permit application have been met. This approved conditional use permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: The "Init" and "Date" spaces are for internal city use only).
Init Date

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

___ _____ 1. **Building Construction Plans.** Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B)

___ _____ 2. **Jurisdiction.** Prior to any construction occurring on any parcel, the applicant shall contact the San Bernardino County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. **[F-1]**

___ _____ 3. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the

City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

___ _____ 4. **Facility Requirements**. The antennas and all other equipment installed upon the electric transmission tower shall match the color of the tower. The antennas, any proposed perimeter wall, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)

___ _____ 5. **Consistency with Approved Graphics.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this conditional use permit application and shall also comply with all applicable Title 16 requirements. (E, P)

___ _____ 6. **Access Easement.** An access easement shall be recorded, allowing access from a public right-of-way to the wireless communications facility for construction and maintenance of the wireless communications facilities during the operating life of the facility. As an alternative, the access easement requirement may be satisfied by an easement established as part of a recorded lease agreement. The easement, the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

___ _____ 7. **Wall Requirements.** An eight-foot high split face wall shall be used to screen the mechanical equipment and other appurtenant elements of the wireless communications facility. The use of barbed wire or other types of fencing is not permitted. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

___ _____ 8. **Utility Clearances.** The Building Division will provide utility clearances after completion of required permits and inspections for the facility. Utility meters shall be permanently labeled. (B)

___ _____ 9. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. **[F88]**

___ _____ 10. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved plans, shall be completed in accordance with all applicable Title 16 requirements. The wireless communications tower, equipment shelter, and wall shall also be designed consistent with the approved site plan and elevations. Any exceptions shall be approved by the Deputy Director of Development Services. (P)

THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:

___ _____ 11. **Maintenance of the Facility**. The wireless communications facility, perimeter wall, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)

___ _____ 12. **Use of Generator(s).** A generator will only be allowed for backup emergency power to the facility and shall be located within the approved enclosed area. Use of a generator to provide power for any other purpose is prohibited unless specifically approved by the Director of Development Services or his/her designee. (P)

___ _____ 13. **Abandonment of the Facility.** Should the facility fail to be used as approved for more than 180 consecutive days or should its 25-year effective life expire, then the applicant shall cause the removal of the wireless communications facility, wall and all related equipment at its sole cost and expense. The wireless communication facility and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition shall result in forfeiture of the bond and/or letter of credit posted with the City so that the City will have the funds to cause its removal. The bond shall not be released until the facility's removal is verified by the Planning Division. (P)

IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:

(P)	**Planning Division**	**947-1200**
(B)	**Building Division**	**947-1300**
(E)	**Engineering Division**	**947-1414**
(F)	**Fire Prevention Division**	**947-1012**
(RPD)	**Hesperia Recreation and Park District**	**244-5488**

Outdoor Display of Merchandise

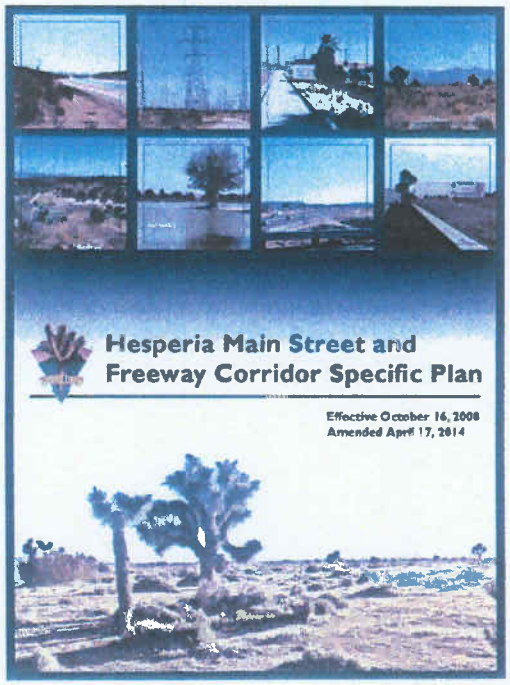
Overview of Presentation

- Relevant codes
- Issues with outdoor display
- Examples of code violations
- Policy alternatives

Previous Regulations

- County and City Codes:
- "All stores, shops or businesses shall be operated wholly within an enclosed building"
- Exceptions may be granted for specific businesses, based on County or City land use approval
  - Car and trailer sales, furniture, antiques, feed stores, amusement enterprises, etc.

Main Street and Freeway Corridor Specific Plan (MSFCSP)



- Adopted in Sept. 2008
- In commercial zones, the following was added to the list of permitted uses:

  "Outdoor sales and display, incidental to primary use"

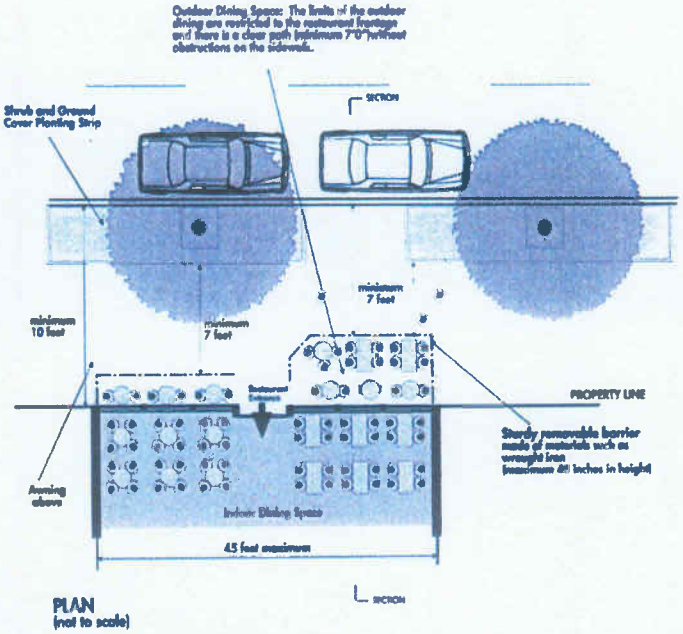
- No merchandise or work areas shall be displayed outdoors, except with a Site Plan Review (SPR), a Conditional Use Permit (CUP) or a Temporary Special Event (TSE) permit [1]
- Intent was to create a vibrant downtown atmosphere with sidewalk dining and to enhance storefronts with display of merchandise

1. Section 16.16.360 (4)(a) of the Development Code & Chapter 9 (B)(4.10)/(C)(4.7) of the MSFCSP. This language does not apply to the Pedestrian Commercial zone.

Outdoor Dining Specifications

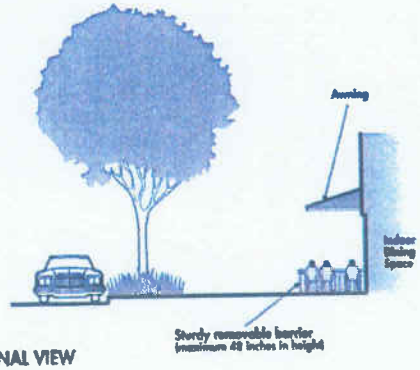
Removable bollards demarcate the dining space. Potted plants and temporary sun-umbrellas are used to create a pleasant ambience.

Removable metal fencing is used to demarcate the dining space. Planters and temporary sun umbrellas create an attractive environment.



Removable bollards demarcate the dining space. Shade is provided by the retractable canopy overhead.

A dining patio on private property adjacent to the sidewalk is demarcated with metal fencing. Plantings and temporary sun umbrellas are used.



SECTIONAL VIEW

Other Limitations

- In the MSFCSP and Development Code (DC), limitations include:
  - Outdoor activities permitted with a Temporary Special Event Permit (TSE), for a duration of 4 times a year, in any 90 day period, for either 4 weekends or 21 consecutive days [1]
  - Storage and service areas are required to be located to the rear of the property and not within view of the freeway or street [2]
  - "There shall be no storage of vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts, loose rubbish, garbage, junk, or their receptacles; tents, equipment or building materials in any portion of the lots." [3]

1. Section 16.12.380 of the DC
2. Chapter 10 (B)(9)(b) of the MSFCSP
3. Section 16.16.360 (4)(a) of the DC & Chapter 9 (B)(4.10)/(C)(4.7) of the MSFCSP

Issues with Outdoor Display

- Shops are using outdoor merchandise to help attract customers
- Many claim that their business appears closed unless merchandise is outdoors.
- However, outdoor display presents other concerns:
  - **Safety:** Possible interference with fire lanes, fire turn around, and accessible (handicap) path of travel or parking
  - **Site requirements:** Possible interference with required parking, access, clear sight triangle, etc.
  - **Visual:** Disorderly display of merchandise

Examples of Code Violations

Examples of Code Violations

Examples of Code Violations

Examples of Code Violations

Examples of Code Violations

Examples of Code Violations

Outline of Alternatives

These include:

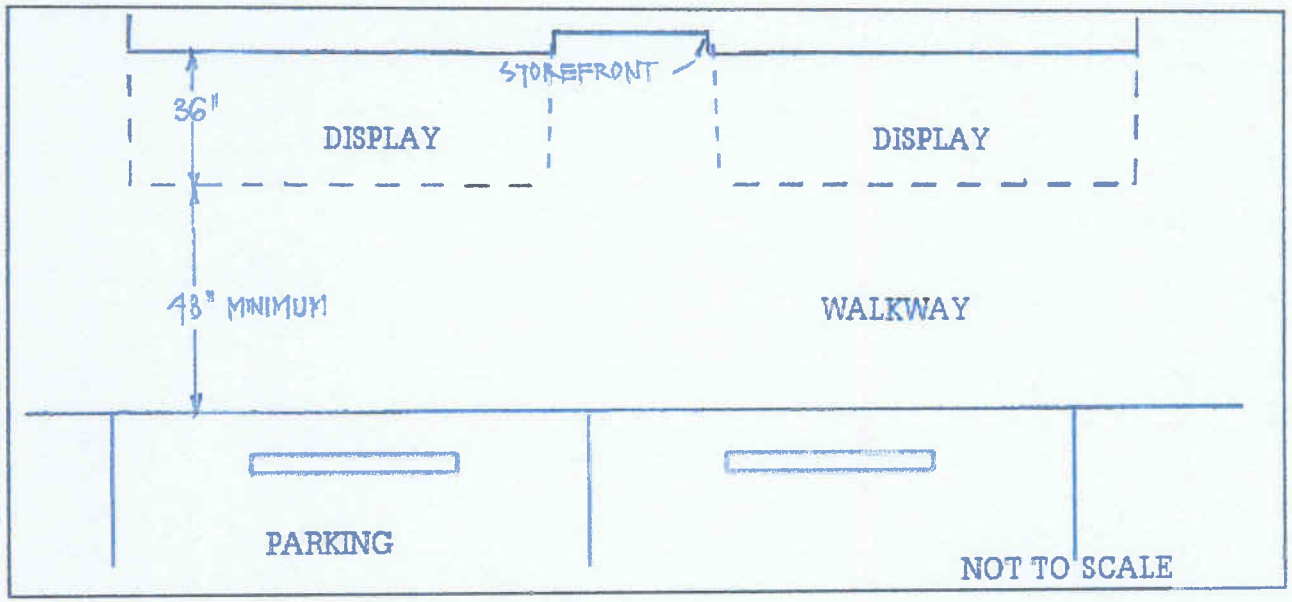
1. Make no changes to the regulations
2. Prohibit outdoor display
3. Adopt policies and regulations
   a. Possible new regulations listed on the following slides

Possible Regulations

- **In order to display outdoor merchandise, a business must:**
  - Have 1 acre minimum lot size
  - Have items displayed on a table, a rack, or a shelf
  - Not stack items higher than 7 feet
  - Site must not be constrained by deficient parking or access
  - Remove articles by the end of the day
  - Display on hardscape, and cannot display on vacant property or within the right of way
  - Possess an active business license
  - Have property owner permission

Outdoor Display Area Limit

- **Proposed Criteria:** Display must be within 36-inches of a building storefront not exceeding 30% of store frontage; or a standard area (i.e. 40 s f) can be adopted. Cannot block path of travel.



Possible Regulations (cont.)

- **Type of businesses and merchandise that can be displayed:**
  - Prohibit used or damaged merchandise
  - Limit certain uses from having outdoor display (i.e. pawn shops and thrift stores)
- **What must a business do to display outdoors?**
  - Obtain a land use approval (SPR or CUP)
  - Maintain display in an orderly, safe and clean manner
  - Similar to outdoor dining standards, area must be demarcated with a combination of wrought iron fences, bollards or potted plants

City of Hesperia

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, JUNE 18, 2014

A. PROPOSALS:

1. FAULKNER, WILLIAM (ME14-00004)

Proposal: Consideration of a minor exception to allow a 6-foot reduction to the 30-foot side yard setback for a 20.5-foot high detached RV garage.

Location: 7367 Crown Heights Lane (APN: 3039-541-12)

Planner: Stan Liudahl

Action: Administrative Approval

2. ADVANCED DISPOSAL (CUPR14-00006)

Proposal: Consideration of a revised Conditional Use Permit for an expansion of the bin storage area into the northeast portion of the property.

Location: 17105 Mesa Street (APN: 0415-201-25)

Planner: Daniel Alcayaga

Action: Administrative Approval

3. ENCORE CHARTER JR/SR HIGH SCHOOL (SPRR14-00011)

Proposal: Consideration of a Revised Site Plan Review to place 7 new portable classrooms, a portable administration building, and a multi-purpose building on the existing property.

Location: 16955 Lemon Street (APNs: 0410-011-06 & 29)

Planner: Stan Liudahl

Action: Administrative Approval

3. LEWIS RETAIL (SPR14-00003 / TPM14-00001)

Proposal: Consideration of a site plan review to construct 19,548 square feet of retail/commercial on 4.36 acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan; and consideration of a parcel map (PM-19555) to create 5 parcels from 21 acres.

Location: Southeast corner of Main St. and Cataba Rd. (APN: 3064-601-06)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval