

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: September 11, 2014

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

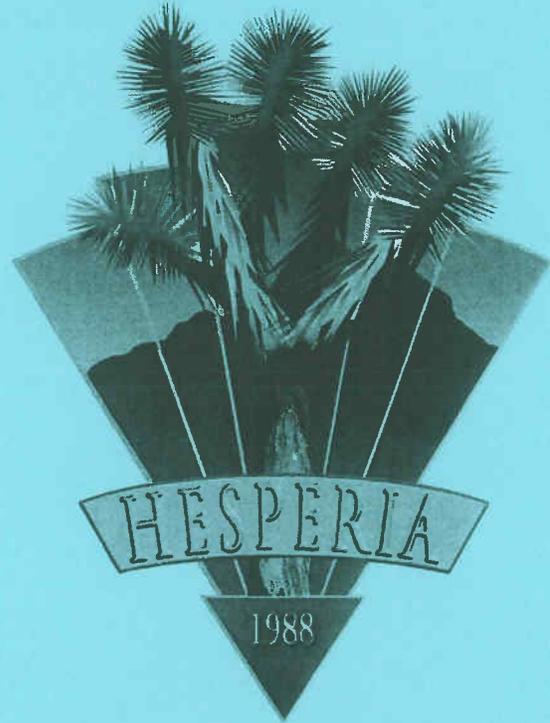
Tom Murphy, Commissioner

Tom Steeno, Commissioner

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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.

September 11, 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: August 14, 2014 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

- 1. Consideration of Tentative Tract TT14-00001 (TT-18942) to create eight (8) single-family residential lots, on 2.3 gross acres designated R1, located approximately 300 feet north of Palm Street, on the west side of Afton Avenue (Applicant: TMS Consortium; APN: 3046-011-14)

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 3-1
- G. Major Project Update

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, Erin Baum, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, August 7, 2014 at 5:30 p.m. pursuant to California Government Code §54954.2.


Erin Baum
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
August 14, 2014
MINUTES**

DRAFT

The Regular Meeting of the Planning Commission was called to order at 06:30 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
Tom Steeno

Absent: Chris Elvert

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

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

JOINT PUBLIC COMMENTS

Vice Chair William Muller opened Public Comments at 6:34 p.m.

No comments.

Vice Chair William Muller closed Public Comments at 6:34 p.m.

CONSENT CALENDAR

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

Motion by Tom Steeno to approve the July 10, 2014 Planning Commission Meeting Draft Minutes. Seconded by James Heywood, passed with the following roll call vote:

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

PUBLIC HEARING

1. Consideration of a variance VAR14-00004 to construct a pool cover exceeding the accessory building limitation located at 13825 Coolidge Way (Applicant: Pearson, Nels; APN: 3046-221-74)

Associate Planner Lisette Sanchez-Mendoza gave a power point presentation.

Vice Chair William Muller opened the Public Hearing at 6:42 p.m.

Property owner Nels Pearson spoke in favor of project.

Vice Chair William Muller closed the Public Hearing at 6:45 p.m.

Motion by Tom Steeno to adopt Resolution No. PC-2014-26 approving VAR14-00004. Seconded by James Heywood, and passed with the following roll call vote:

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

2. Consideration of a Conditional Use Permit CPU14-00006 to install a 63-foot wireless communications facility on an existing 93-foot Southern California Edison tower located on the south side of Mesquite Street, west of Primrose Avenue (Applicant: Los Angeles SMSA LP; APN: 0405-371-53)

Associate Planner Lisette Sanchez-Mendoza gave a power point presentation.

Vice Chair William Muller opened the Public Hearing at 6:49 p.m.

Applicant Verizon representative Sunshine Shoup spoke in favor of project.

Vice Chair William Muller closed the Public Hearing at 6:50 p.m.

Motion by Tom Steeno to adopt Resolution No. PC-2014-23 approving CPU14-00006. Seconded by Tom Murphy, and passed with the following roll call vote:

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

3. Consideration of a General Plan Amendment GPA14-00001 from Rural Residential with a minimum lot size of 1 acre (RR-1) to General Commercial (C2), and Site Plan Review SPR14-00001 to construct a parking lot for an existing medical office building on a one acre parcel located to the east of 11959 Mariposa Road (Applicant: Mariposa Road Associates, LLC; APN: 0406-013-22)

Senior Planner Daniel Alcayaga gave a power point presentation

Vice Chair William Muller opened the Public Hearing at 6:58 p.m.

Rob Fabricant Pacific Eye Institute spoke in favor of the project. Discussion ensued.

COA for dust control amendment added.

Vice Chair William Muller closed the Public Hearing at 7:02 p.m.

Motion by Tom Murphy to adopt Resolution No. PC-2014-24 approving GPA14-00001 and Resolution No. PC-2014-25 approving SPR14-00001. Seconded by Tom Steeno and passed with the following roll call vote:

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

4. Consideration of Tentative Tract TT14-00002 (TT-18941) to create 12 single-family residential lots on 2.5 gross acres zoned R1-4500 located approximately 300 feet south of Hollister Road, on the west side of Afton Avenue. (Applicant: TMS Consortium; APN: 3057-051-43)

Senior Planner Daniel Alcayaga gave a power point presentation.

Vice Chair William Muller opened the Public Hearing at 7:14 p.m.

Applicant Tariq Shamma spoke in favor of the project. Discussion ensued.

Vice Chair William Muller closed the Public Hearing at 7:19 p.m.

Motion by Tom Murphy to adopt Resolution No. PC-2014-22 approving TT14-00002 (TT-18941). Seconded by James Heywood, and passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

- E. [DRC Comments](#)
- F. [Major Project Update](#)

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 7:30 p.m. until September 11, 2014.

Chris Elvert
Chair

By: Erin Baum,
Commission Secretary





DATE: September 11, 2014
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Tentative Tract TT14-00001 (TT-18942); TMS Consortium; APN: 3046-011-14

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-27, approving TT14-00001 (TT-18942).

BACKGROUND

Proposal: A tentative tract map to create eight single-family residential lots on 2.3 gross acres (Attachment 1). The smallest lot within the subdivision is 8,368 square feet, the average lot size is 9,864 square feet, and the largest lot is 12,068 square feet in area.

Location: Approximately 300 feet north of Palm Street, on the west side of Afton Avenue

Current General Plan and Land Uses: The site is within the Single-family Residence (R1) General Plan designation. The surrounding land is designated as noted on Attachment 2. The land to the north and east are vacant. Single-family residences on lots greater than two acres or more exist to the west and south (Attachment 3).

ISSUES/ANALYSIS:

Land Use: The site is within the R1 General Plan designation which allows densities between 2.5 and 4.5 dwelling units per acre. The tentative tract would create eight single-family residential lots on 2.3 gross acres, resulting in a density of 3.5 dwelling units per acre (du/ac). The subdivision includes a 6,767 square foot lettered lot to be used as a detention/retention basin. The tract will be developed in a single phase. All single-family residences within this subdivision will contain a minimum livable area of 1,400 square feet. The lots comply with the 7,200 square foot minimum lot size, as well as the 60-foot minimum lot width and the 100-foot minimum lot depth requirements.

The proposal matches approved tentative tracts to the east which were approved with a minimum lot size of 7,200 square feet. In 2005, Tentative Tract No. 16570 was approved with 35 lots on 10 acres with a density of 3.5 du/ac. In 2008, Tentative Tract No. 16505 was approved with 17 lots on 5 acres with a density of 3.4 du/ac. Such tentative tracts were approved on the opposite side of Afton Avenue to the east. The property in question, as well as two lots to the north are the only remaining properties that are undeveloped and not approved for subdivision. The land to the north is set aside for commercial, and three single-family residences exist on the land to the south.

Drainage: All drainage created on-site beyond that which has occurred historically would be detained within a detention/retention basin (Lot A) within the tract. The Hesperia Recreation and Park District and the City will maintain this lettered lot upon improvement completion and dedication to the City of Hesperia. The retention basin will be enclosed with a six-foot high decorative fence and wall. A four-foot high wrought iron fence will sit atop of a two-foot high decorative masonry wall along the street side, and a six-foot high decorative wall will be along the sides bounded by private property.

Water and Sewer: The single-family residential development will connect to the City's water and sewer system. The closest point of connection to water is from an existing 8-inch water line that exists 330 feet to the south. The closest point of connection to sewer is from an existing 8-inch sewer line that exists 660 feet to the north. The developer will extend both water and sewer lines to the project and across the project frontage along Afton Avenue.

Street Improvements: Afton Avenue will be constructed with full half-width street improvements along the project frontage. Afton Avenue, which is currently a paved road, will serve as the tract's primary access; therefore, the developer will be required to pave (off-site) portions of Afton Avenue to either Palm or Muscatel Streets. The developer will be required to obtain all street dedications necessary to satisfy access requirements. Full street improvements, including curb, gutter, and sidewalk will be constructed along the interior cul-de-sac.

Traffic: The project impacts on traffic are consistent with daily vehicle trips allowed by the current R1 General Plan designation. According to standard vehicle generation numbers published by the Institute of Traffic Engineers, approval of the proposed eight lot subdivision would create an estimated 77 daily vehicle trips (9.57 daily trips per dwelling unit). For comparison, Escondido Avenue, south of Main Street, experiences an average daily traffic of 10,833 vehicles.

Due to its size, the project alone will not result in changes to traffic patterns in the area. Per the 2010 General Plan Circulation Element, intersections at Main/Escondido and Rancho/Escondido operate at a level of service B (Very Good Operation) in the AM peak hour. In the PM peak hour, the same intersections operate at a level of service C (Good Operation). It is expected that completion of the I-15/Rancho Interchange will further improve overall circulation in the City. The existing roadway system, which will serve the tract, can support growth and development in this area.

In the long term, the City will have to construct capital improvements consistent with the Circulation Element, including widening arterials and collectors to ultimate capacity, redesigning intersections to operate more efficiently, and synchronize signals along major roadways. New developments in the City will continue to construct street improvements necessary to make their projects work, as well as pay traffic impact fees. Traffic impact fees will be collected as development occurs, which will help fund the Capital Improvement Program.

Schools and Parks: The development is just over ½ mile north and east from Mission Crest Elementary School, ¾ mile north of Cedar Middle School, and 3 miles south of Hesperia High School. The project is over a ½ mile from Malibu Park and 1,030 feet from the Rick Novak Community Center.

Other issues: The City Council determined during its January 17, 2007 workshop, that a minimum 1,400 square foot house size was appropriate. As a result, staff has included a condition requiring that a minimum 1,400 square foot livable house size be provided. In 2011, the City adopted architectural guidelines for new residential subdivisions. These guidelines match what was adopted in the Main Street and Freeway Corridor Specific Plan, and are designed to improve the overall appearance of homes and neighborhoods in new developments.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code.

FISCAL IMPACT

Development will be subject to payment of development impact fees.

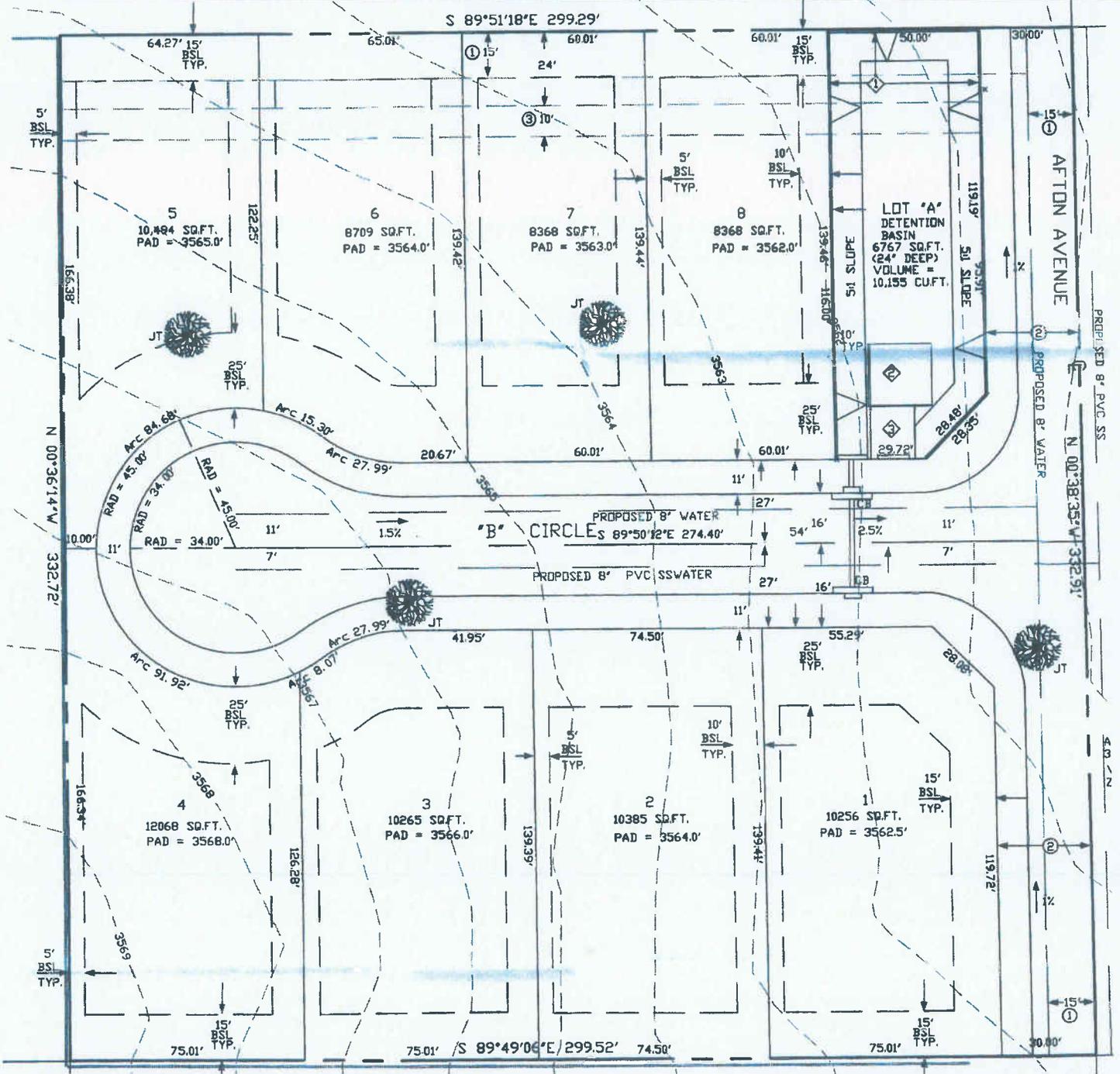
ALTERNATIVE

Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Tract Map TT14-00001 (TT-18942)
2. General Plan Land Use Map
3. Aerial Photo
4. Resolution No. PC-2014-27, with Conditions of Approval

ATTACHMENT 1



APPLICANT (S):
TMS CONSORTIUM

FILE NO (S):
TT14-00001 (TT-18942)

LOCATION:
APPROXIMATELY 300 FEET NORTH OF PALM STREET, ON THE WEST SIDE OF AFTON AVENUE

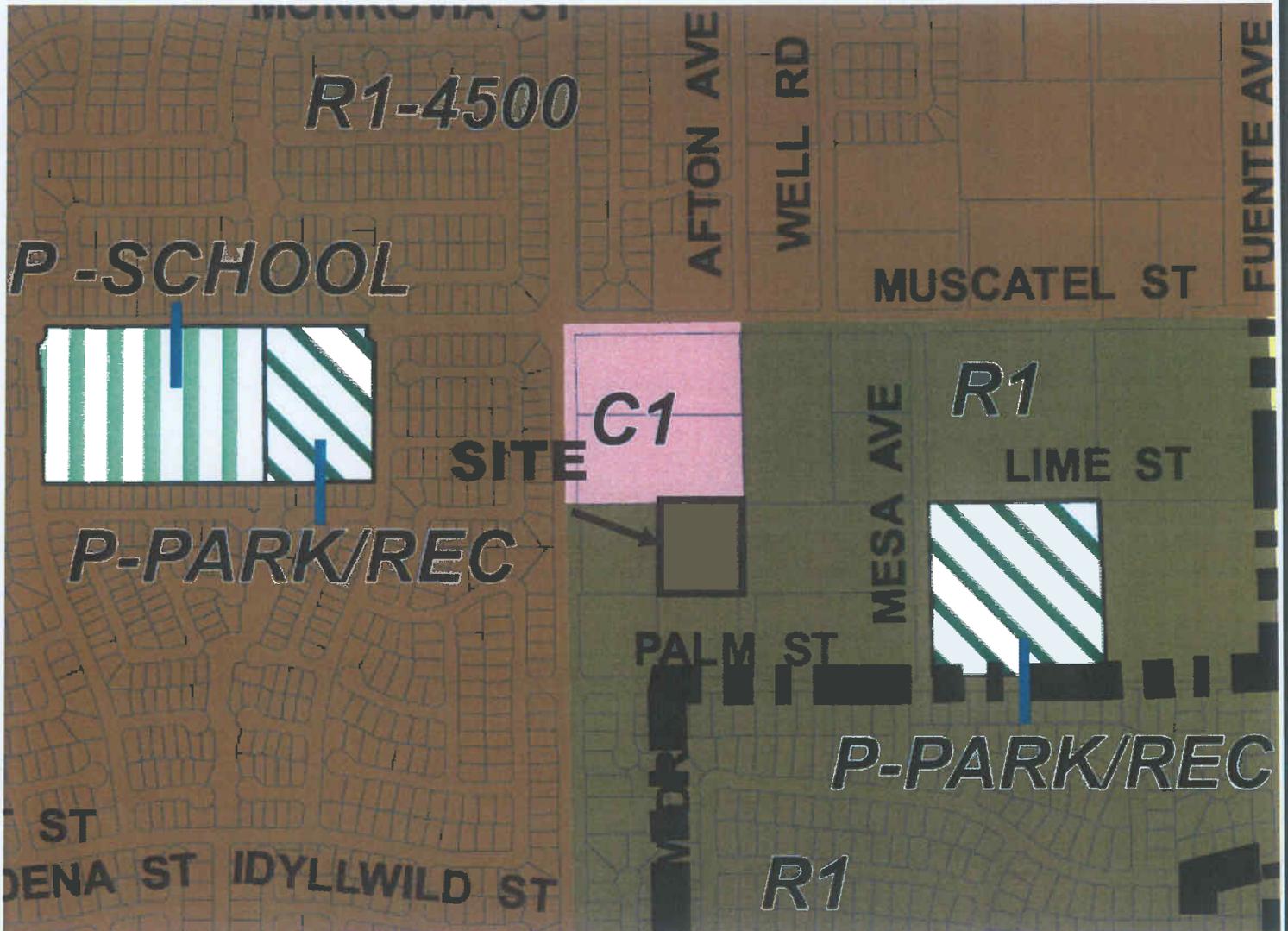
APN (S):
3046-011-14

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE EIGHT SINGLE-FAMILY RESIDENTIAL LOTS ON 2.3 GROSS ACRES



TENTATIVE TRACT MAP

ATTACHMENT 2



APPLICANT (S):
TMS CONSORTIUM

FILE NO (S):
TT14-00001 (TT-18942)

LOCATION:
APPROXIMATELY 300 FEET NORTH OF PALM STREET, ON THE WEST SIDE OF AFTON AVENUE

APN (S):
3046-011-14

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE EIGHT SINGLE-FAMILY RESIDENTIAL LOTS ON 2.3 GROSS ACRES



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT (S):
TMS CONSORTIUM

FILE NO (S):
TT14-00002 (TT-18941)

LOCATION:
APPROXIMATELY 300 FEET SOUTH OF HOLLISTER ROAD, ON THE WEST SIDE OF
AFTON AVENUE

APN (S):
3057-051-43

PROPOSAL:
CONSIDERATION OF A TENTATIVE TRACT MAP TO CREATE 12 SINGLE-FAMILY RESIDENTIAL
LOTS ON 2.5 GROSS ACRES



AERIAL PHOTO

ATTACHMENT 4

RESOLUTION NO. PC-2014-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO CREATE EIGHT SINGLE-FAMILY RESIDENTIAL LOTS ON 2.3 GROSS ACRES ZONED R1 LOCATED APPROXIMATELY 300 FEET NORTH OF PALM STREET, ON THE WEST SIDE OF AFTON AVENUE. TT14-00001 (TT-18942)

WHEREAS, TMS Consortium has filed an application requesting approval of Tentative Tract Map TT14-00001 (TT-18942) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 2.3 gross acres within the Single-family Residence (R1) designation located approximately 300 feet north of Palm Street, on the west side of Afton Avenue and consists of Assessor's Parcel Number 3046-011-14; and

WHEREAS, the Application, as contemplated, proposes to create eight single-family residential lots from 2.3 gross acres; and

WHEREAS, the subject site, as well as the land to the north and east are vacant. Single-family residences exist to the west and south; and

WHEREAS, the subject property as well as surrounding properties to the east, south, and west are designated R1 on the City's Land Use map. The land to the north is designated Convenience Commercial (C1); and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses; and

WHEREAS, on September 11, 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 September 11, 2014, hearing, including public

testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site is physically suitable for the type of development because there are no known physical constraints to residential development and the site has adequate area to accommodate the proposed lots. The project site is currently undisturbed by physical development and the development is not required to demolish or build around existing improvements. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision. There are no existing drainage courses or improvements that would prevent development on the site; and
- (b) The site is physically suitable for the proposed density of development because the lots are adequate in size and shape and all Development Code regulations for the permitted uses can be met. The site is within the R1 General Plan designation, which allows densities between 2.5 and 4.5 dwelling units per acre. The tentative tract would create eight single-family residential lots on 2.3 gross acres, resulting in a density of 3.5 dwelling units per acre. The proposed density is within the allowable density range required by the General Plan; and
- (c) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat because the project site is surrounded by existing development and not known to have fish, wildlife or related habitat. The project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist will be performed to determine whether the site contains burrowing owls; and
- (d) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes. Prior to any ground disturbance, improvement plans for drainage, erosion, sewer, water, and circulation are required to be submitted to ensure on-site and off-site improvements are constructed to the latest standards. The project will connect to a reliable potable water source and connect to sewer ensuring sanitary disposal of wastewater. Upon development of the residences, each home will be required to have trash pickup service from the City's franchised waste hauler; and

- (e) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia as the project supports the existing land use and circulation pattern in the area; and
- (f) The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities to each of the proposed lots. All single-family residences must meet the minimum energy efficiency standards in Title 24, which mandates building insulation, whole house fans, and light/ventilation systems to make the homes energy efficient. The tract was designed with "B" Circle in an east-west fashion, which will position most of the homes to face north or south, making good use of natural light and creating opportunities for roof top solar systems. The City's solar energy ordinance allows residential properties to have solar energy systems.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Tract Map TT14-00001 (TT-18942), subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED on this 11th day of September 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Tract TT14-00001 (TT-18942):

Approval Date: September 11, 2014
Effective Date: September 23, 2014
Expiration Date: September 23, 2017

This list of conditions apply to a tentative tract map to create eight single-family residential lots on 2.3 gross acres zoned R1 located approximately 300 feet north of Palm Street, on the west side of Afton Avenue (APN(s): 3046-011-14).

This approval shall become null and void if a Final Map is not recorded within three (3) years of the effective date. Extensions of time 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. **Final Map.** A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in Article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E)
- _____ 2. **Plans.** All required plans shall be prepared by a registered Civil Engineer per City standards and to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review along with required checking fees. The Final Map, CDP, Improvement Plans, requested studies, and CFD annexation must be submitted as a package. (E)
- _____ 3. **Drainage Study.** The Developer shall submit a Final Hydrology/Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
- _____ 4. **Title Report.** The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
- _____ 5. **Geotechnical Report.** The Developer shall provide two copies of the soils report to substantiate all grading, building and public improvement plans. Include "R" value testing and pavement recommendations for public streets. (E, B)
- _____ 6. **N.P.D.E.S.** The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

- _____ 7. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (S.W.P.P.P.), which addresses the method of storm water run-off control during construction. (E)
- _____ 8. **Plan Check Fees.** Plan checking fees must be paid in conjunction with the improvement plan submittal. The Final Map, CDP, improvement plans, requested studies, and CFD annexation must be submitted as a package. The Developer shall coordinate with the City's Engineering Department for any additional fees. Any outstanding fees must be paid before final inspection and the release of bonds. (E)
- _____ 9. **Street Name Approval.** The Developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division. (B)
- _____ 10. **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)

PRIOR TO RECORDATION OF ANY PHASE OF THE FINAL MAP:

- _____ 11. **Lettered Lots.** Lettered lots shall be dedicated, in "*Fee Title*" by separate document, to the City of Hesperia for drainage, storm drain, retention basin, slope maintenance, and open space purposes. (E)
- _____ 12. **Improvement Agreement/Surety.** The Developer shall execute Improvement and Grading Agreements and post surety for all public improvements. The amounts will be approved by the City Engineer. (E)
- _____ 13. **Non-Vehicular Access.** Vehicular access rights across the project frontage on Afton Avenue shall be dedicated to the City of Hesperia, and labeled as N.V.A. on the Final map. (E)
- _____ 14. **Off-Site Offer of Dedication and Easements.** Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)

- _____ 15. **Dedications.** The Developer shall grant to the City of Hesperia an Irrevocable Offer of Dedication for roadways and Grant of Easement(s) for storm drain and utility purposes as shown on the approved tentative map and as described below: (E)
- _____ 16. **Cul-de-sac ("B" Circle).** The Developer shall grant to the City an Irrevocable Offer of Dedication for cul-de-sac. Cul-de-sac shall be a minimum of fifty-four (54') feet wide per City standards for a Suburban Cul-de-sac 54' ROW Standard. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles.** (E)
- _____ 17. **Perimeter Street (Afton Avenue).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Afton Avenue. The dedication shall be a minimum of sixty (60') feet wide per the City standards for a Local Roadway Standard. It is the Developer's responsibility to obtain any additional right-of-way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways, except at knuckles.** (E)
- _____ 18. **Cost Estimate and Materials List.** The Developer shall submit a cost estimate and materials list to the City's Engineering Department for all on-site and off-site public improvements per City standards.
- _____ 19. **Grading Plan.** The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)
- _____ 20. **On-site Retention.** The Developer shall construct on-site retention facilities, which have minimum impact to ground water quality. All retention basins shall be designed to effectively handle both nuisance and storm water flows without accumulating standing water for a period longer than 72 hours. All dry wells in retention basins shall be Two Stage Systems per C.O.H Standard SP-1 with a minimum depth of 30' and a maximum depth to be determined by soils engineer at time of boring test. Retention basins over 18" in depth shall be fenced on all sides and shall have a paved 14-foot wide (min.), 12% (max.) access with a 20' x 20' concrete parking apron at bottom of ramp. The maximum depth of any on-site retention basin shall be 6 feet. Side slopes in excess of 3:1 shall provide erosion control per City requirements. (E)

- _____ 21. **Off-Site Grading Letter(s).** It is the Developer's responsibility to obtain signed Off-Site Grading Letters from *any* adjacent property owner(s) who are affected by *any* Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s), along with the latest grant deed(s), must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)
- _____ 22. **Street Improvements.** The Developer shall design street improvements in accordance with City standards, and these conditions. (E)
- _____ 23. **Cul-de-sac ("B" Court).** "B" Court shall be designed to the City standard for a 54-foot wide Suburban Cul-de-sac, as indicated below. Curb face is to be at 16' from centerline: (E)
- A. 6" Curb and Gutter per City standards.
 - B. Separated sidewalk (width = 4 feet) per City standards.
 - C. Handicapped ramps at all intersections per City standards.
 - D. Concrete residential driveway per City standards.
 - E. Full paved roadway section (minimum section 3" A.C. over 4" aggregate base)
 - F. Roadway drainage device(s).
 - G. Streetlights per City standards.
 - H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- _____ 24. **Afton Avenue.** The Developer shall construct complete half-width improvements on Afton Avenue across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)
- A. 8" Curb and Gutter per City standards.
 - B. Sidewalk (width = 6 feet) per City standards.
 - C. Roadway drainage device(s).
 - D. Streetlights per City standards.
 - E. Intersection improvements including handicapped ramps per City standards.
 - F. Pavement transitions per City Standards.
 - G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 6 and per the soils report.
 - H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - I. Provide a signage and striping plan per City standards.
 - J. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration/deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
 - K. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

- _____ 25. **Off-site Access.** The Developer is responsible to construct off-site access to Palm Avenue. The street improvements, (26-foot Min paved section), is required for off-site access per City standards. **It is the Developer's responsibility to obtain off-site roadway dedications prior to City Council approval of the Final Map.** The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)
- A. Pavement sections shall be designed per "R" value testing using a T.I. of 6. The minimum pavement section shall be 3" A.C. over 4" Class II aggregate base.
 - B. Pavement transitions per City standards.
 - C. Roadway drainage device(s).
 - D. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - E. Provide a signage and striping plan per City standards.
- _____ 26. **Utility Plan.** The Developer shall design a Utility Plan for service connections, private hydrant locations and sewer connections. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. (E)
- _____ 27. **Utilities.** Utility plans shall be in accordance with City standards as described below: (E)
- A. During construction, the entire tract shall have a "Master Water Meter" per City standards. The "Master Meter" shall remain in place until all lots are occupied, at which time the individual meters shall be set and activated per City standards.
 - B. "AMR" automatic meter reader to be added on all meter connections.
- _____ 28. **Water Improvements.** The Developer shall design water improvements in accordance with City standards, and as indicated below. (E)
- _____ 29. **Cul-de-sac ("B" Court).** Water service in cul-de-sac shall be an 8" P.V.C. water line with hydrants at 660-foot intervals and a blow-off hydrant at the end of the cul-de-sac. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile per City standards.** (E)
- _____ 30. **Perimeter Streets (Afton Avenue).** Install an 8" (min.) P.V.C. water main in Afton Avenue across project frontage per City standards and City approval. Install hydrants at 660-foot intervals and stub-outs for future connections per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile for connections to existing water mains per City standards.** (E)

- _____ 31. **Off-Site (Afton Avenue).** Install an 8" (min.) P.V.C. water main from the south property line of project and tie into the existing 8" PVC in Palm Avenue, approximately 300 feet away, per City standards and City approval. Install hydrants at 660-foot intervals and stub-outs for future connections per City standards. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct water line. **The Developer shall provide plan and profile for connections to existing water mains per City standards.** (E)
- _____ 32. **Sewer Improvements.** The Developer shall design sewer improvements in accordance with City standards, and as indicated below. (E)
- _____ 33. **Cul-de-sac ("B" Court).** The Developer is required to provide a minimum diameter of 8" S.D.R. 35 P.V.C. sewer lines within the cul-de-sac out to Afton Avenue. It is the Developer's responsibility to obtain any dedication(s) or easement(s) needed to construct sewer line. **The Developer shall provide plan and profile per City standards.** (E)
- _____ 34. **Perimeter Streets (Afton Avenue).** The Developer is required to design and construct an 8" minimum S.D.R. 35 P.V.C. sewer main line in Afton Avenue across project frontage. The Developer shall install manholes every 300-feet and install sub-outs for future connections. **The Developer shall provide plan and profile per City standards.** (E)
- _____ 35. **Off-site (Afton Avenue).** The Developer is required to design and construct an 8" minimum S.D.R. 35 P.V.C. sewer main line in Afton Avenue from the north property line of project and tie-into existing 8" PVC in Afton Avenue approximately 350' north of Muscatel Street, total length is approximately 1,000'. The Developer shall install manholes every 300-feet and install sub-outs for future connections. The proposed sewer shall be installed within right-of-way. It is the Developer's responsibility to obtain any Irrevocable Offers of Dedications at no cost to the City. **The Developer shall provide plan and profile per City standards** (E)
- _____ 36. **Storm Drain Improvements.** The Developer shall design storm drain improvements in accordance with City standards as indicated below. (E)
- _____ 37. **Cul-de-sac ("B" Court).** Catch basin(s) and local depression(s) along within all pipe(s) needed to supply proposed retention basin.
- _____ 38. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
- _____ 39. **CFD Annexation.** The Applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of each phase of the final map. (F)

- _____ 40. **Composite Development Plan.** Four (4) copies of a Composite Development Plan (CDP) shall be submitted to the Building Division for review and approval in accordance with Sections 17.20.010 thru 17.20.020 of the Hesperia Municipal Code. Information to be delineated on the CDP shall include: (E, P)
- A. Building Setback Lines shall be provided in accordance with the R1-4500 zone district small lot subdivision regulations (front, street side, interior side and rear yard setbacks).
 - B. Grading Criteria.
 - C. All Easements of Record.
 - D. Incorporation of Special Map Requirements.
 - i. Each single-family residence within this subdivision shall contain a minimum livable area (excluding the area of the required garage) of not less than 1,400 square feet.
 - ii. A minimum of three different floor plans shall be provided, each with a minimum of three different elevations. At least one single story plan shall be provided.
 - iii. The rear and sides of buildings adjacent to streets shall have enhancements, which shall include a combination of color accents and tonal variations, window trim, shutters, architectural banding, pot shelves, rear balconies, varied setbacks, varied roof planes and elements, and breaks in the vertical facades to avoid boxy, plain appearances. Façade treatments on the fronts of all units shall wrap around the sides a minimum of two (2) feet.
 - E. Other notes required as follows:
 - a) The plan shall contain a section titled "Composite Development Plan Notes" which lists any conditions or mitigating measures stipulated for the development of the subject property.
 - b) The following statement shall be prominently displayed on each map sheet:

NOTES ON THIS PLAN ARE FOR INFORMATIONAL PURPOSES, TO INDICATE CONDITIONS AND CRITERIA THAT EXIST ON THIS PROPERTY THAT WERE KNOWN AND IDENTIFIED AS OF THE DATE THIS PLAN WAS FILED. THIS INFORMATION IS DERIVED FROM PUBLIC RECORDS AND IS NOT INTENDED TO AFFECT RECORD TITLE INTERESTS.

- c) Any explanatory notes related to criteria delineated on the map shall include the following:
 - 1) Title and date of report;
 - 2) Name and credentials of person or firm preparing report;
 - 3) The location where the reports are on file.

- _____ 41. **Lighting and Landscaping District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District (HRPD) for public lighting, landscaping and detention/retention basin maintenance. Provide the District with the number of streetlights and their locations as shown upon the approved improvement plans. (RPD)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 42. **Storm Water Pollution Prevention Plan.** The Developer shall implement the approved Storm Water Pollution Prevention Plan (S.W.P.P.P.), which addresses the method of storm water run-off control during construction prior to the Grading permit being issued. (E)
- _____ 43. **Recordation of Final Map.** Final Map shall be approved by City Council and Recorded with the County of San Bernardino. (E)
- _____ 44. **Approval of Improvement Plans.** All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)
- _____ 45. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the Applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the Applicant shall submit a report describing the handling of all cultural resources. (P)
- _____ 46. **Pre-construction Survey.** A pre-construction survey for burrowing owls shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. (P)
- _____ 47. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (B, P)
- _____ 48. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)
- _____ 49. **Landscaping/irrigation Plans.** The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division with the required application fees. The landscaping plans shall be for the required area along the street side yard and front yards of numbered lots, and within Lot A as required by the Planning Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P, RPD)

_____ 50. **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]**

_____ 51. **Water System.** The water system shall meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using the California Fire Code.

The Fire Flow for this project shall be: 1,000 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on up to a 3,600 sq. ft. structure. [F-5]

_____ 52. **Access.** The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. **AFTON AVENUE SHALL BE PAVED SOUTH TO PALM AVENUE**

A. **Single Story Road Access Width.** All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

B. **Multi-Story Road Access Width.** Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. **[F-41]**

_____ 53. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12% grade and have a minimum of forty (40) foot radius for residential turns and forty five (45) foot radius for non-residential turns. **[F-43]**

_____ 54. **Combustible Protection.** Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. **[F-44]**

_____ 55. **Water System Residential.** A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Detached single family residential developments may increase the spacing between hydrants to be no more than six hundred (600) feet and no more than three hundred (300) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single family structure. **[F-54b]**

PRIOR TO BUILDING PERMIT ISSUANCE:

_____ 56. **Dust Control.** Dust control shall be maintained before, during, and after all grading operations. (B)

- _____ 57. **Construction Waste.** The Developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
- _____ 58. **Masonry Wall Plans.** A six-foot high split-face masonry wall with decorative cap shall be constructed on private property along the street side yard of corner lots in accordance with City standards. In addition, a six-foot high split-face masonry wall with decorative cap shall be constructed on private property adjacent to the lettered lot 'A' from the rear property line to the minimum front yard setback. Two complete sets of engineered construction plans for the required walls shall be submitted to the Building and Safety counter for review. (P)
- _____ 59. **Fencing Plans.** A combination four-foot high wrought iron fence and two-foot high split-face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards (except along the boundary of the basin abutting private lots, where a six-foot high split-face masonry wall with decorative cap is required). Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)
- _____ 60. **Development Fees.** The Developer shall pay required development fees prior to building permit issuance as follows:
- A. School Fees (B)
- _____ 61. **Fire Sprinkler-NFPA #13D.** 4 head calculations An automatic life safety fire sprinkler system complying with NFPA Pamphlet #13D and the Fire Department standards is required for single family residential in excess of 10,000 sq ft. The Applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans (minimum 1/8" scale) with hydraulic calculations and manufacturer's specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. Minimum water supply shall be a one (1) inch water meter. **[F-61a]**
- _____ 62. **Street Sign.** This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. **[F72]**

- _____ 63. **Hydrant Marking.** Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 64. **Utility Relocation/Under Grounding.** If Developer is required to install water, sewer, or construct street improvements or when required utilities shall be placed underground, it shall be the Developer's responsibility to relocate/underground any existing utilities at his/her's own expense. Relocation/under grounding of utilities shall be identified upon submittal of construction plans. (P, E, W/S)
- _____ 65. **As-Built Plans.** The Developer shall provide as-built plans, Notice of Completion, and One-Year Maintenance Bonds to the Engineering/Water-Sewer Departments. (E)
- _____ 66. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced.
- _____ 67. **Model Home Complexes.** Model homes and sales trailers require approval of a Temporary Occupancy Permit. Building permits for the garage conversion to an office; signage, etc... shall be submitted and approved prior to their establishment. (P, B)
- _____ 68. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Park Fees (B)
 - C. Utility Fees (E)
- _____ 69. **Masonry Walls/Fencing.** The required masonry walls and wrought-iron fencing shall be completed in accordance with City standards. (P)
- _____ 70. **Landscaping/irrigation.** The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)
- _____ 71. **Retention/Drainage Facilities.** The required retention basin(s) and other drainage facilities shall be completed in accordance with City standards. (E, P)
- _____ 72. **Spark Arrestor.** An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the Uniform Fire Code. [F87]

**IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE
CONDITIONS, PLEASE CONTACT 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

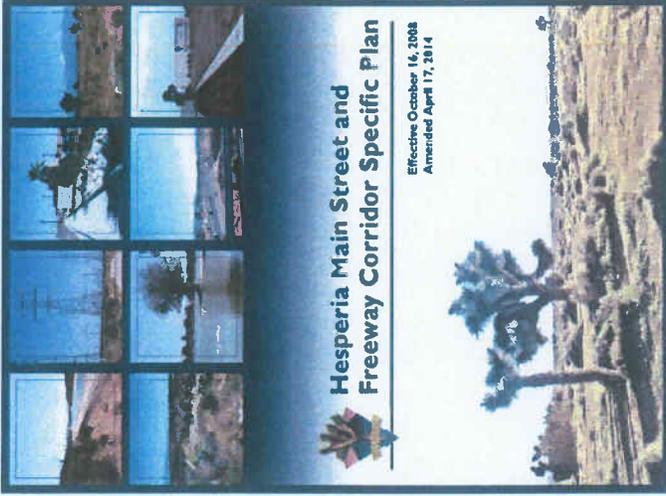
- Relevant codes
- Issues with outdoor display
- Examples of code violations
- Policy alternatives

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.



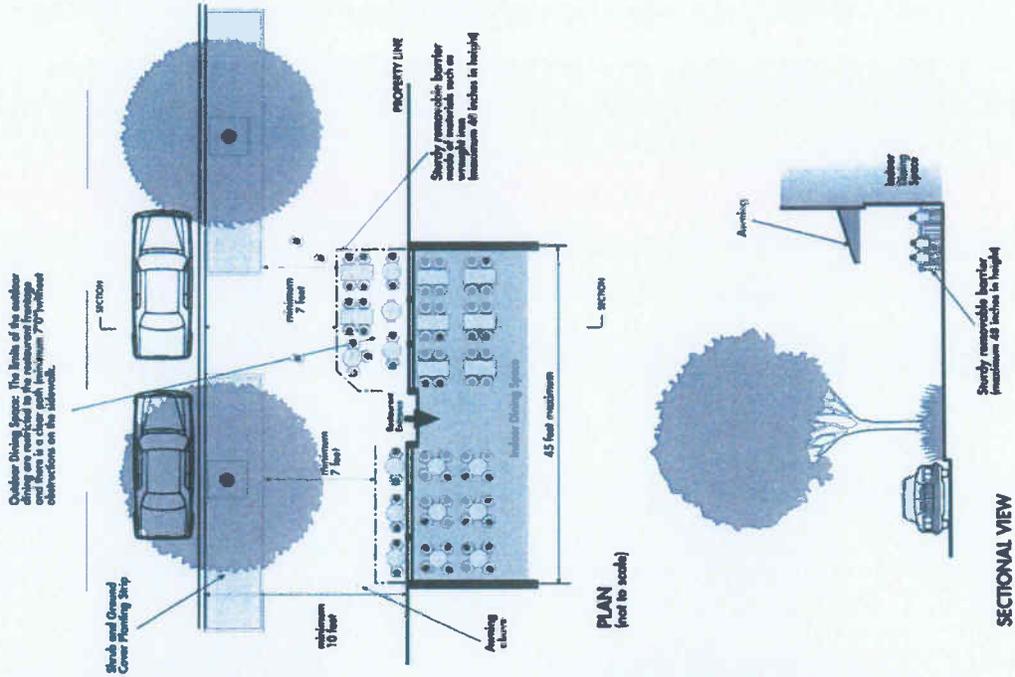
Removable metal fencing is used to demarcate the dining space. Planters and temporary sun umbrellas create an attractive environment.



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.





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 days¹
 - Storage and service areas are required to be located to the rear of the property and not within view of the freeway or street²
 - “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

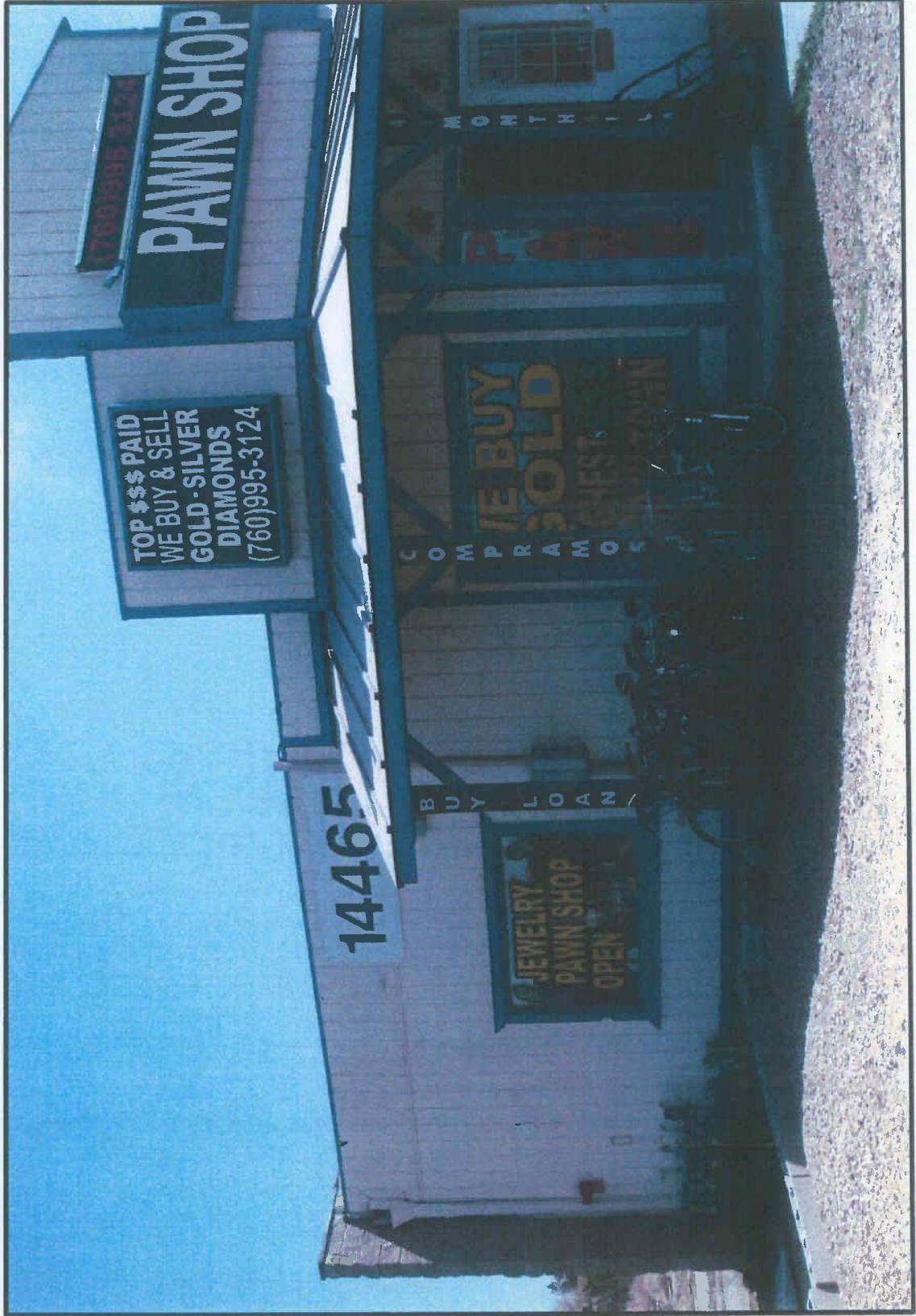


Examples of Code Violations



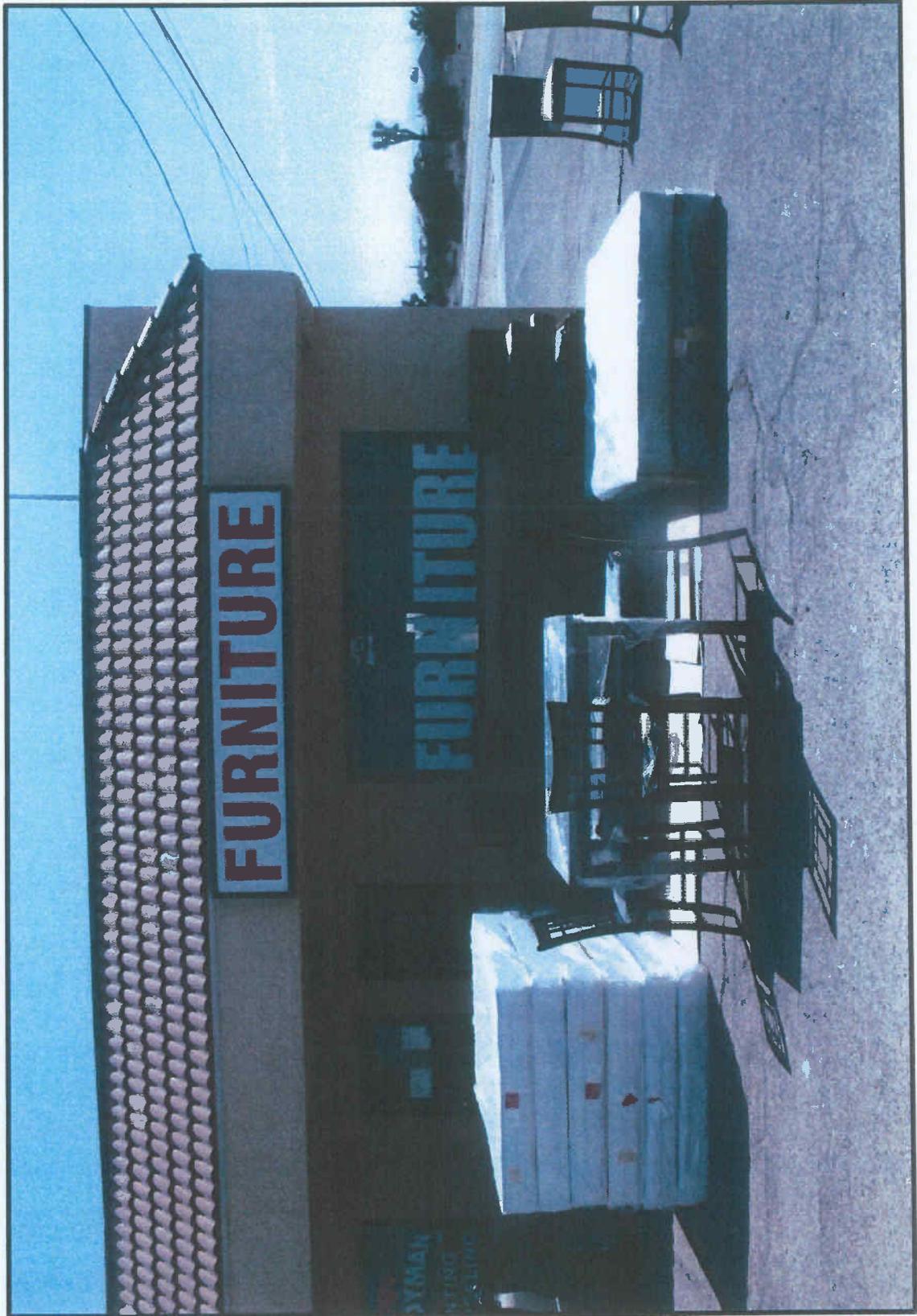


Examples of Code Violations



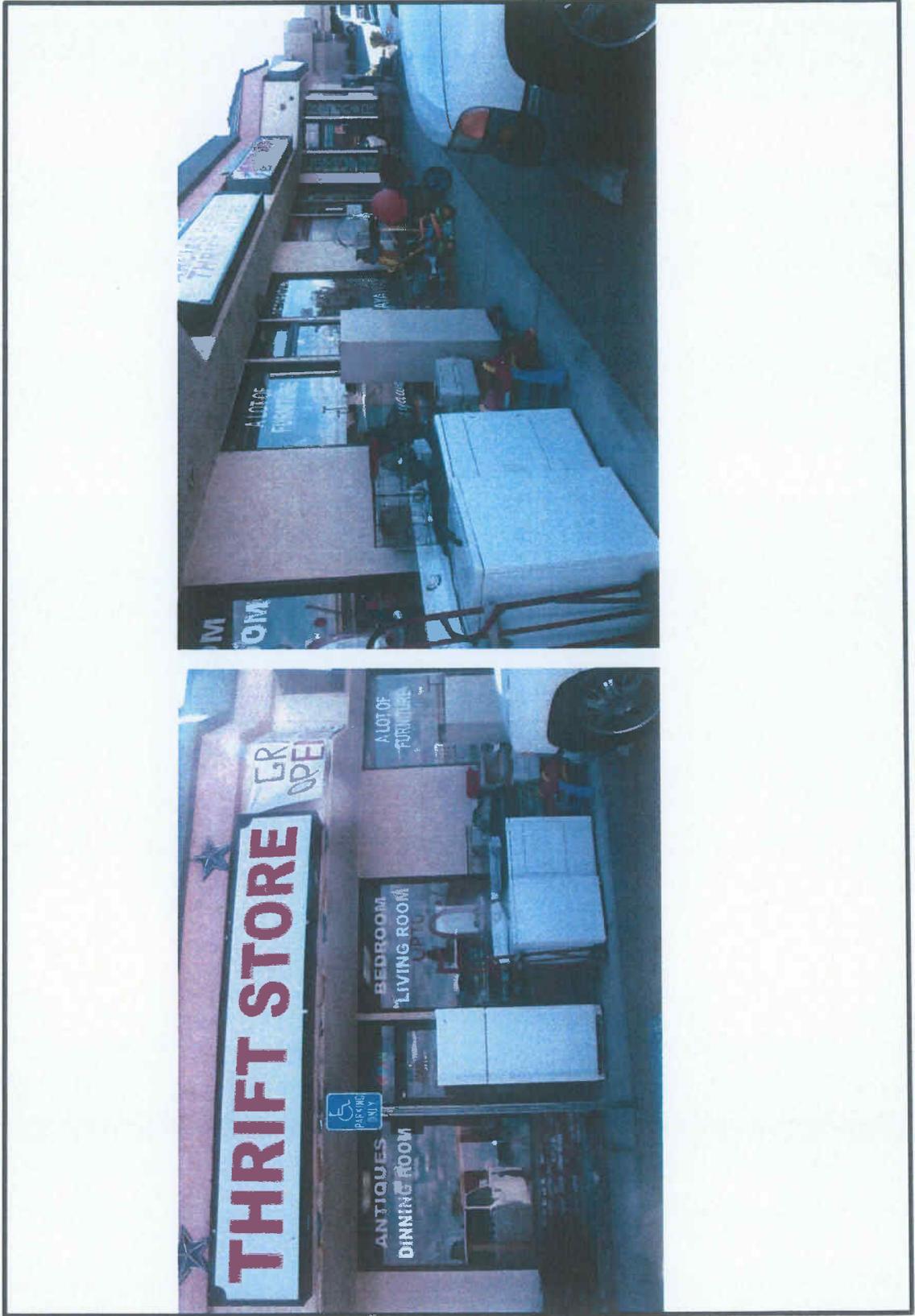


Examples of Code Violations



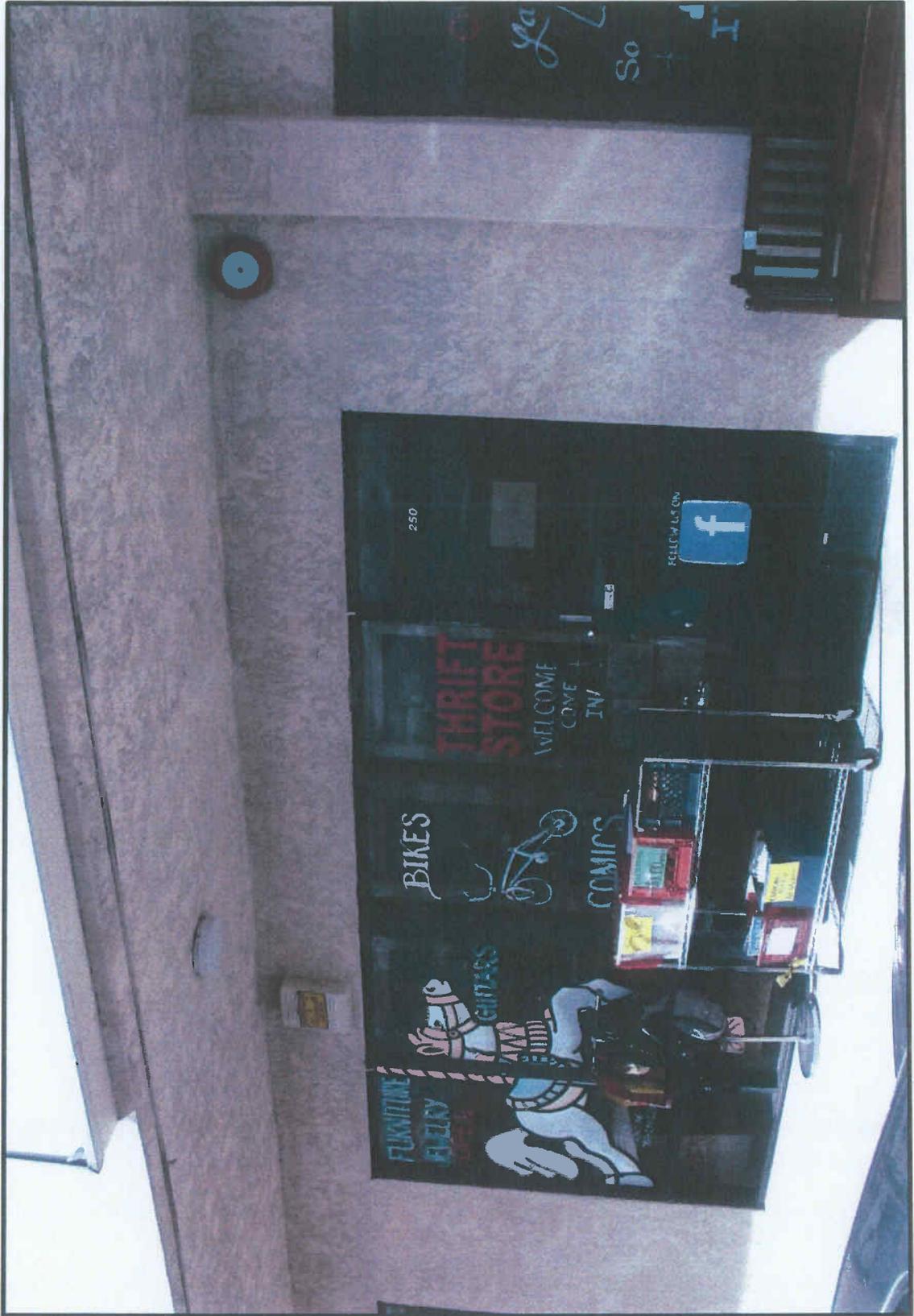


Examples of Code Violations



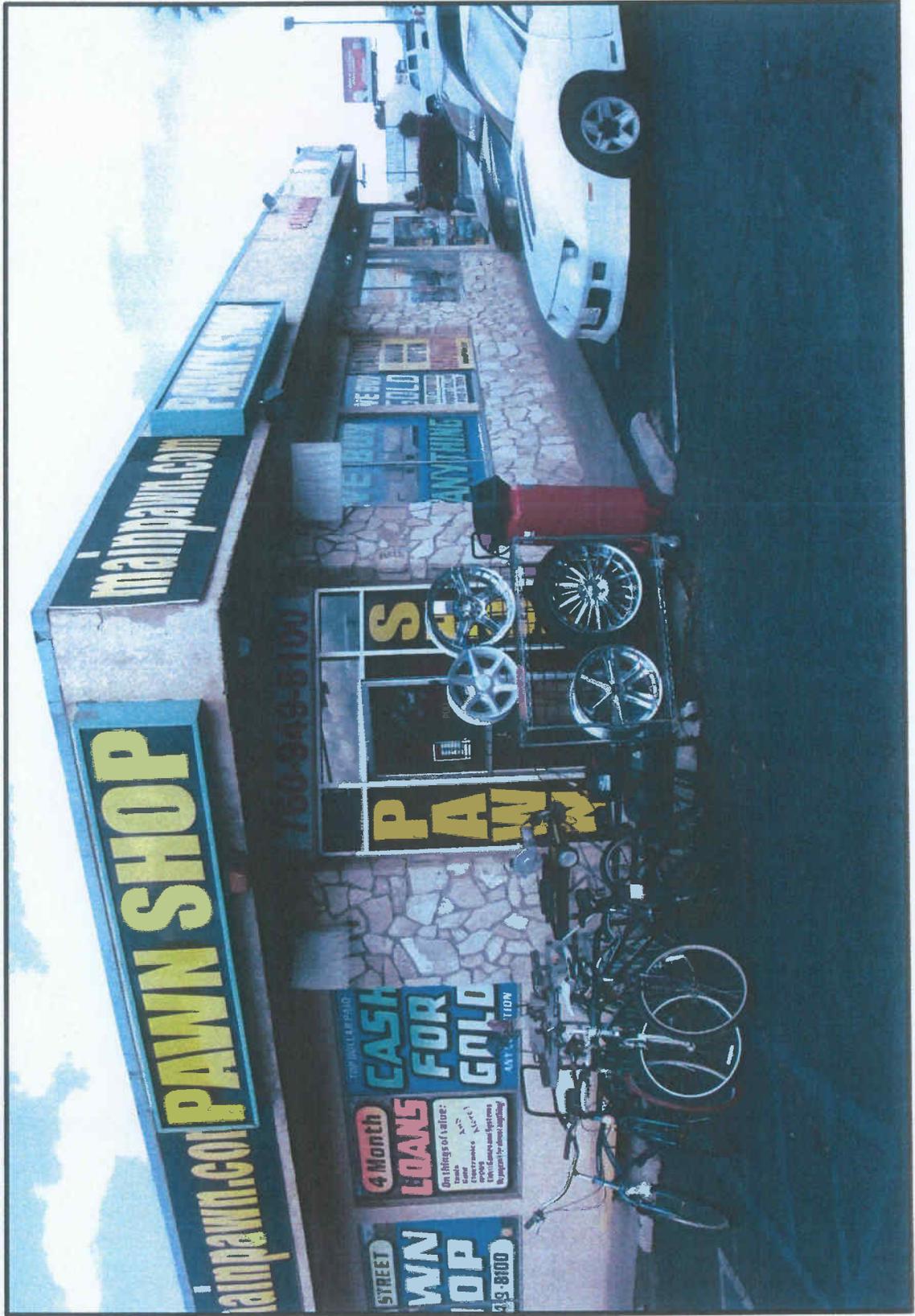


Examples of Code Violations





Examples of Code Violations





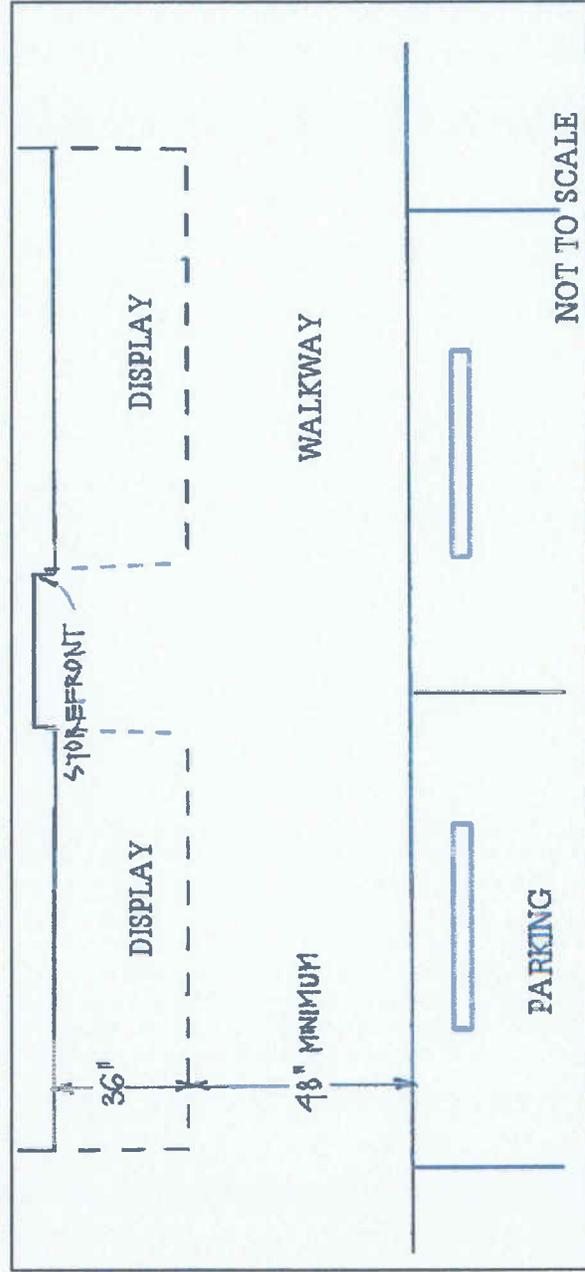
Outline of Alternatives

These include:

1. Make no changes to the regulations
2. Prohibit outdoor display
3. Adopt new policies and regulations
 - a. Suggested regulations on next slides:

Outdoor Display Area Limit

- **Limit display area:** 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



This rule can apply to all businesses that meet this standard



Outdoor Display Area Limit

- **Shopping centers or properties of 1 acre or more:**
 - Can display within 25 feet of a building storefront, not to exceed 30% of store frontage. Cannot block path of travel
 - This regulation offers flexibility to larger centers that usually have oversized sidewalks, while minimizing displays in remote parts of parking lots
 - This distance would be comparable to front yard setbacks and drive aisles
- **Other circumstances:** CUP to permit permanent outdoor display to fit a particular situation or type of business

Possible Regulations

- **Other regulations to consider:**
 - Demarcate an area with a wrought iron fence, bollards, potted plants, as needed, to separate vehicular/pedestrian traffic
 - Cannot stack items higher than 7 feet
 - Site must not be constrained by deficient parking or access
 - Display on hardscape, and cannot display on vacant property or within the right of way
 - Require items to be displayed on a table, a rack, or a shelf



Possible Regulations (cont.)

- **Limit 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
 - Possess an active business license
 - Have property owner permission
 - Remove articles by the end of the day



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

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

A. PROPOSALS:

1 Team Truck Dismantling (CUPE14-00001)

Proposal: Consideration of Conditional Use Permit Extension for CUP11-10195, to establish a car sales/auction facility on 6 acres zoned I-1.

Location: West side of I Avenue, 625 feet north of Eucalyptus Street (APN: 0415-011-12)

Planner: Daniel Alcayaga

3. Jeff Croteau & Michelle Delonnie (SPRR14-00012)

Proposal: Consideration of a revised site plan review to establish a personal training and nutrition education facility.

Location: 17229 Lemon Street, Suite 15 and 16 (APN: 0410-021-45)

Planner: Daniel Alcayaga

3. Douglas and Christine Walls (TPM14-00001)

Proposal: Consideration of a parcel map, PM 19543, to create two parcels from 2.2 gross acres within the Very Low Residential (VLR) zone of the Main Street and Freeway Corridor Specific Plan.

Location: 9327 Tamarisk Avenue (APN: 3057-131-57)

Planner: Lisette Sanchez-Mendoza



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 27, 2014**

A. PROPOSALS:

1. Walmart Stores, Inc. (CUPR14-00009)

Proposal: Consideration of Revised Conditional Use Permit, to reconfigure two building pads approved under CUP-2006-05.

Location: southeast corner of Main Street and Escondido. (APN: 3057-011-44)

Planner: Stan Liudahl

2. Harry Williams-Armand Montano (CUPR14-00010)

Proposal: Consideration of revised Conditional Use Permit to establish a dismantling facility within an existing building.

Location: 11485 East Santa Fe Avenue. (APN: 0415-272-14)

Planner: Daniel Alcayaga

3. Verizon Wireless (CUPR14-00008 and Variance VAR14-00006)

Proposal: Consideration of Revised Conditional Use Permit and Variance, to increase the height of an existing monopine from 63 feet to 80 feet.

Location: 15162 Main Street (APN: 0408-163-18)

Planner: Stan Liudahl