

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: November 13, 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.

November 13, 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: October 9, 2014 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit CUP14-00009 and Variance VAR14-00007, to construct a 75-foot high wireless communications tower at 11222 Maple Avenue (Applicant: Verizon Wireless, APN: 0405-042-55)

1-1

2. Consideration of Revised Conditional Use Permit CUPR14-00008 and Variance VAR14-00006, to increase the height of an existing monopine from 63 to 80 feet at 15162 Main Street (Verizon Wireless Project ID: Mainwood; APN: 0408-163-18)

2-1

- 3. Consideration of Conditional Use Permit CUP14-00012 to establish a brewery and tasting room at 11352 Hesperia Road, Suite B (Applicant: Desert Barn Brewing, LLC; APN: 0415-081-41) 3-1
- 4. Consideration of Revised Tentative Tract Map TTR14-00001 to amend on-site retention basin and drainage conditions for TT-17723 located on the west side of Maple Avenue, 660 feet south of Eucalyptus Street (Applicant: Frontier Homes; APN: 0405-042-07 & 08) 4-1
- 5. Consideration of a second extension of time for Site Plan Review SPR09-10210 to establish an event center on 103 acres zoned A-2 at 19099 Lemon Street (Case No. SPR09-10210; Applicant: Gail Hasty; APN: 0411-182-18) 5-1

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. DRC Comments

F. Major Project Update -2-

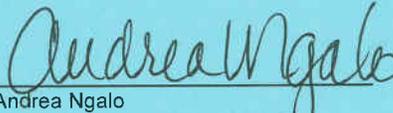
PLANNING COMMISSION BUSINESS OR REPORTS

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, Andrea Ngalo, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, November 6, 2014 at 5:30 p.m. pursuant to California Government Code §54954.2.


 Andrea Ngalo
 Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
October 9, 2014
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Elvert 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:

Present: Chris Elvert
James Heywood
William Muller
Tom Murphy
Tom Steeno

JOINT PUBLIC COMMENTS

Chair Chris Elvert opened Public Comments at 6:32 p.m.

Chair Chris Elvert closed Public Comments at 6:33 p.m.

CONSENT CALENDAR

D. Approval of Minutes: September 11, 2014 Planning Commission Meeting Draft Minutes.

Motion by William Muller to approve the September 11, 2014 Planning Commission Meeting Draft Minutes, Seconded by Tom Murphy, passed with the following roll call vote:

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

PUBLIC HEARING

Consideration of Conditional Use Permit CUP14-00010 to establish the sale of beer, wine and liquor in conjunction with a restaurant at 15555 Main Street, Suites G3 & G4. (Applicant: Serafina Pizzo; APN: 0413-111-55)

Senior Planner Daniel Alcayaga gave a presentation.

Chair Chris Elvert opened the Public Hearing at 6:40 p.m.

No Comments.

Chair Chris Elvert closed the Public Hearing at 6:40 p.m.

Motion by Tom Steeno to adopt Resolution No. PC-2014-28 approving CUP14-00010, Seconded by Chris Elvert, passed with the following roll call vote:

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

Consideration of Site Plan Review SPR14-00005, to construct an 85-foot high, 750 square foot City Freeway Pylon Sign which includes a 364 square foot digital display; located southeast of the Main Street and Interstate 15 Interchange (HCL Hesperia Vista LLC; APN: 3057-011-38)

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

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

Chair Chris Elvert opened the Public Hearing at 6:54 p.m.

Christopher Fahey spoke in favor of the project.

Fuad Radi spoke opposing the project.

Chair Chris Elvert closed the Public Hearing at 7:42 p.m.

Commission discussion ensued.

Motion by Chris Elvert to adopt Resolution No. PC-2014-29 as amended approving Site Plan Review SPR14-00005, Seconded by Tom Murphy, passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

Discussion item on General Plan Designation and Density Ranges

Principal Planner Dave Reno, AICP gave presentation.

Discussion ensued.

DRC Comments

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

Chair Chris Elvert adjourned the meeting at 8:31 p.m. until November 13, 2014.

Chris Elvert
Chair

By: Andrea Ngalo,
Commission Secretary

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DATE: November 13, 2014
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: LSN Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP14-00009 and Variance VAR14-00007; Applicant: Verizon Wireless; APN: 0405-042-55.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2014-30 and PC-2014-31, approving Conditional Use Permit CUP14-00009 and Variance VAR14-00007.

BACKGROUND

Proposal: A Conditional Use Permit to construct a wireless communications facility and a Variance to exceed the height limitation.

Location: 11222 Maple Avenue (Attachment 2).

Current General Plan, Zoning and Land Uses: The site is within the Neighborhood Commercial (NC) Zone. The surrounding land is designated as noted on Attachment 2. The wireless communications facility will be placed within a lot that is currently developed with a church. The surrounding land to the north, south and west is currently vacant. Single-family homes exist directly to the east with the exception of one lot which is currently vacant.

ISSUES/ANALYSIS

Land Use: Verizon Wireless, 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 3). The nearest facility is over 2000 feet away, northwest of the project site. The proposed facility will provide the necessary coverage to improve the network as well as provide space for two additional carriers.

The 75-foot high wireless communications facility designed as a monopine includes twelve panel antennas, and two parabolic antennas and will be located within the southeast corner of the site (Attachment 4). The total leasable area, which houses the facility's ground equipment, will be 900 square feet and will be surrounded by an eight-foot high decorative split face block wall (Attachment 4). The elevations and photosimulation of the proposed monopine illustrates its ability to blend into the neighborhood (Attachments 5 and 6). The proposed wireless communications facility requires a Variance for the increase in height. The maximum height allowed in this area is 45 feet in height. This height increase is necessary in order to accommodate two future carriers on the same wireless facility. As a condition of approval, a co-location agreement will be recorded allowing for two additional carriers to utilize the site. The project is consistent with the General Plan land use and zoning standards, including accessory structure height.

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 Maple Avenue in accordance with the Conditions of Approval (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.

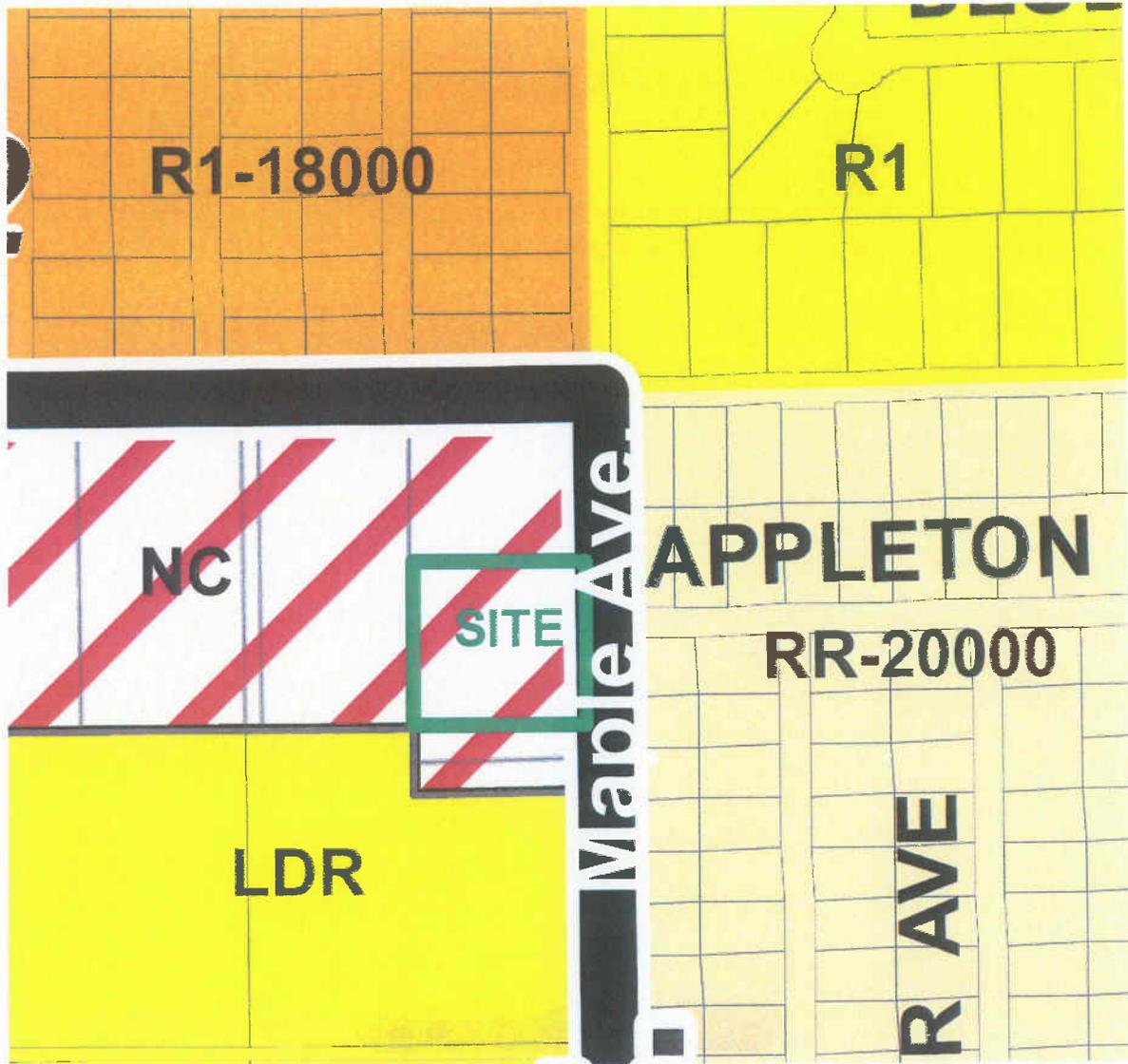
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. General Plan land use map
2. Aerial photo
3. Service plan
4. Site plan
5. Elevations
6. Photo Simulations
7. Resolution No. PC-2014-30, with list of conditions
8. Resolution No. PC-2014-31

ATTACHMENT 1



APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUP14-00009 AND VAR14-00007

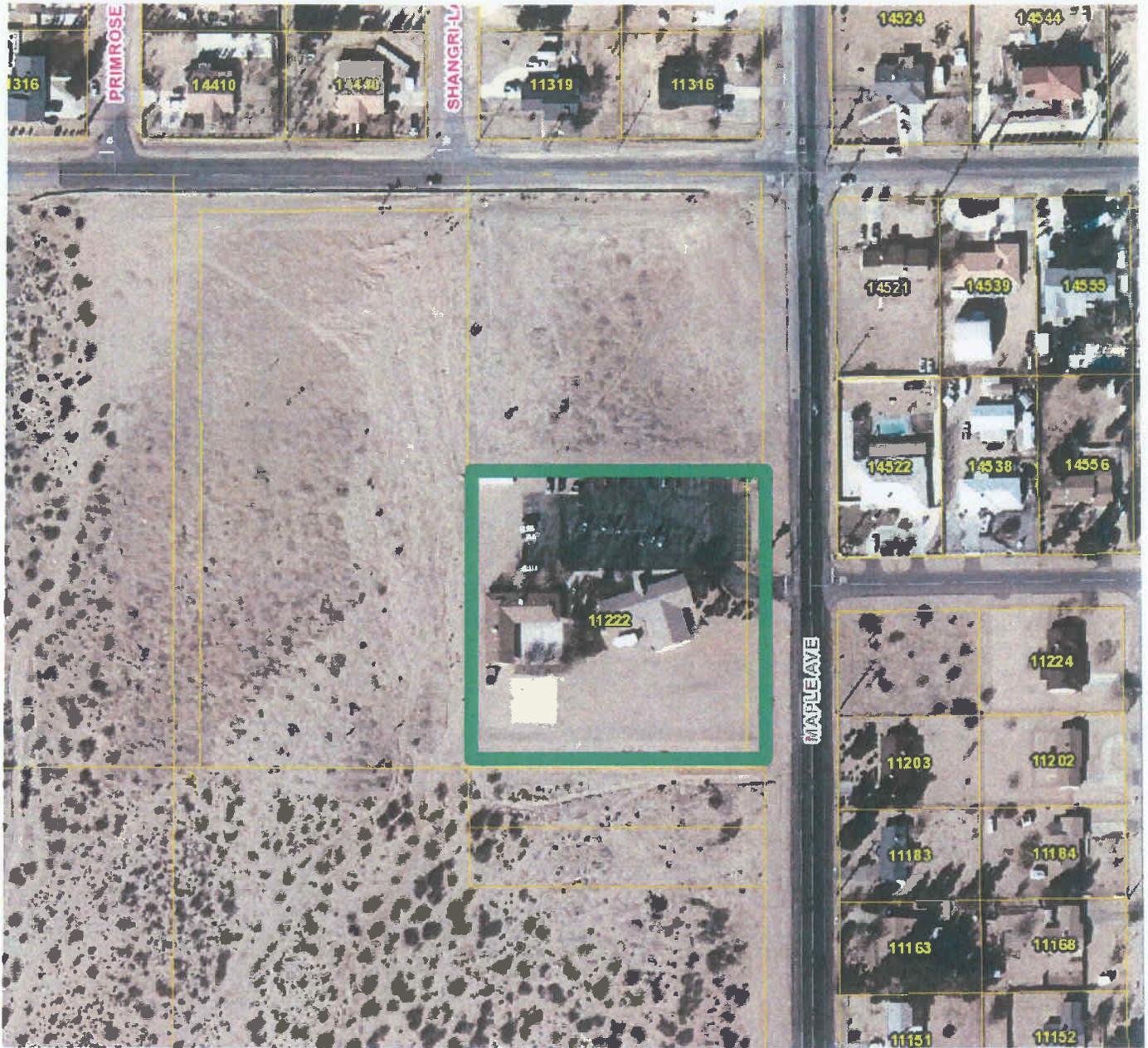
LOCATION:
11222 MAPLE AVENUE

APN(S):
0405-042-55

PROPOSAL:
TO CONSTRUCT A 75-FOOT WIRELESS COMMUNICATIONS FACILITY , DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION.

General Plan/Zoning

ATTACHMENT 2



APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUP14-00009 AND VAR14-00007

LOCATION:
11222 MAPLE AVENUE

APN(S):
0405-042-55

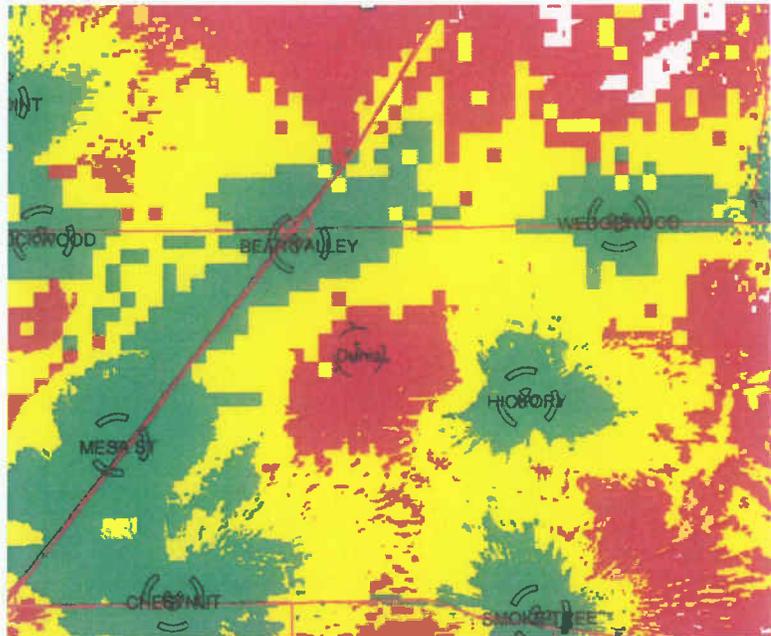
PROPOSAL:
TO CONSTRUCT A 75-FOOT WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION.

Aerial Photo

ATTACHMENT 3

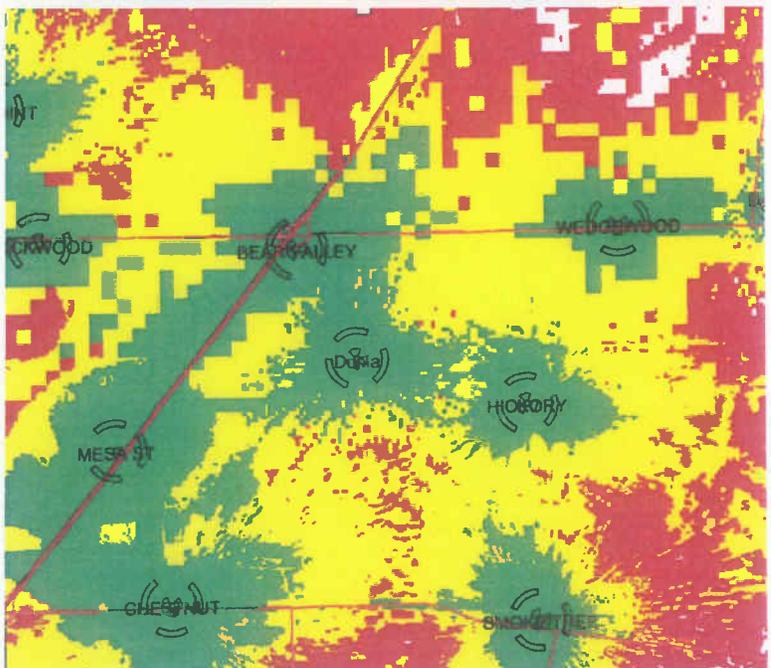
Service without the facility

- Indoors
- In vehicle
- Outdoors



Service with the facility

- Indoors
- In vehicle
- Outdoors



APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUP14-00009 AND VAR14-00007

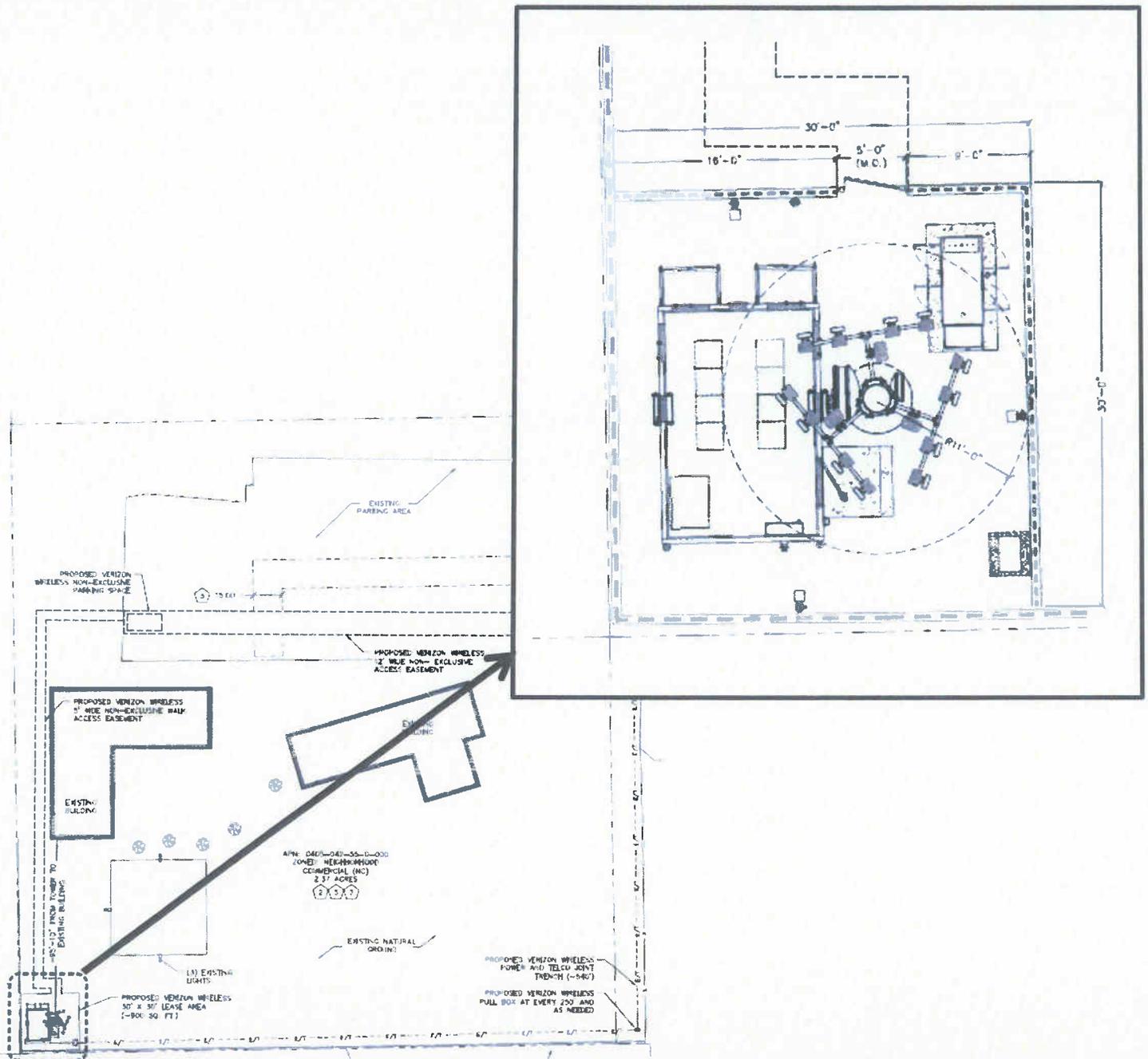
LOCATION:
11222 MAPLE AVENUE

APN(S):
0405-042-55

PROPOSAL:
TO CONSTRUCT A 75-FOOT WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION..

Service Plan

ATTACHMENT 4



APPLICANT(S):
VERIZON WIRELESS

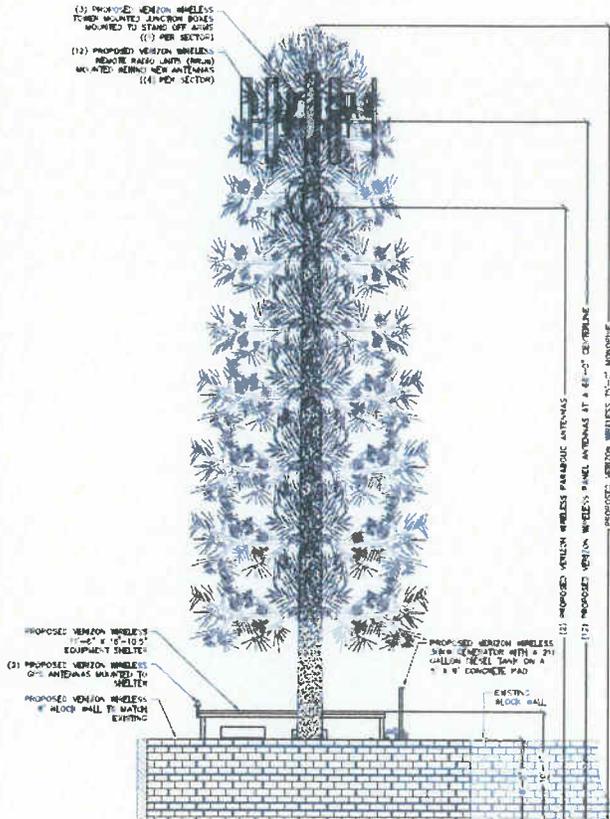
FILE NO(S):
CUP14-00009 AND VAR14-00007

LOCATION:
11222 MAPLE AVENUE

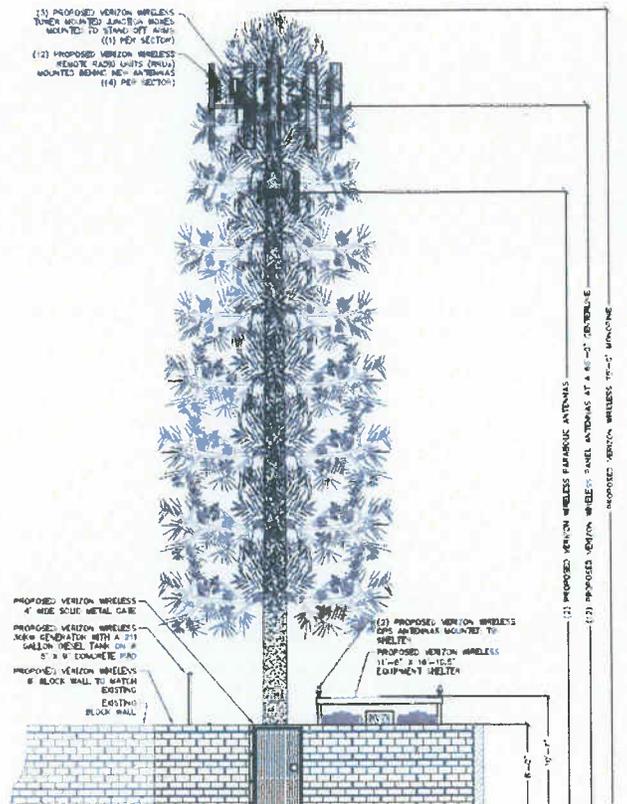
APN(S):
0405-042-55

PROPOSAL:
TO CONSTRUCT A 75-FOOT WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION.

ATTACHMENT 5



EAST ELEVATION



NORTH ELEVATION

APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUP14-00009 AND VAR14-00007

LOCATION:
11222 MAPLE AVENUE

APN(S):
0405-042-55

PROPOSAL:
TO CONSTRUCT A 75-FOOT WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION.

ATTACHMENT 6



BEFORE

AFTER



APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUP14-00009 AND VAR14-00007

LOCATION:
11222 MAPLE AVENUE

APN(S):
0405-042-55

PROPOSAL:
TO CONSTRUCT A 75-FOOT WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION.

ELEVATIONS

ATTACHMENT 7

RESOLUTION NO. PC-2014-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO CONSTRUCT AN 75-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT 11222 MAPLE AVENUE (CUP14-00009)

WHEREAS, Verizon Wireless has filed an application requesting approval of Conditional Use Permit CUP14-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Neighborhood Commercial (NC) Zone at 11222 Maple Avenue and includes Assessor's Parcel Number 0405-042-55; and

WHEREAS, the Application, as contemplated, proposes to construct a 75-foot high wireless communications facility on the subject property; and

WHEREAS, Verizon Wireless has also filed Variance VAR14-00007, to exceed the 45-foot structure height limitation; and

WHEREAS, the proposed wireless communications facility is proposed at 11222 Maple Avenue. The site is currently developed with a church. The surrounding land to the north, south and west is currently vacant. Properties to the east contain single family residences with the exception of one lot which is vacant; and

WHEREAS, the subject property is within the Neighborhood Commercial (NC) land use designation. Properties to the north, south and west are also within the NC land use designation. Properties to the east are within the Rural Residential 20,000 (RR-20,000) land use designation; 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 November 13, 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 November 13, 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 the site to Main Street.
- (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 CUP14-00009, 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 13th day of November 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

**ATTACHMENT "A"
List of Conditions for CUP14-00009**

**Approval Date: November 13, 2014
Effective Date: November 25, 2014
Expiration Date: November 25, 2017**

This list of conditions applies to Consideration of Conditional Use Permit CUP14-00009 and Variance VAR14-00007, to construct a 75-foot high wireless communications tower at 11222 Maple Avenue (Verizon Wireless, APN: 0405-042-55)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use application shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

| | | |
|-------------------------|---------------------------|--|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | SOILS REPORT. The Developer shall provide soils reports to substantiate the foundation design. (B) (use only for monopole installations) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | 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. |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | 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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | VARIANCE. These conditions are concurrent with approved Variance VAR14-00007 becoming effective. (P) |

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY** ACCESS EASEMENT. An access easement shall be recorded, allowing access from a public right-of-way to the wireless communications facility for the benefit of each wireless communications provider using the site. The easement shall provide access for construction and maintenance 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 and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

COMPLETED **COMPLIED BY** FENCES. . An eight foot high chain link fence consistent with what is existing shall be installed to surround 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)

COMPLETED **COMPLIED BY** 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 and Engineering Division requirements. (E, P)

COMPLETED **COMPLIED BY** FACILITY REQUIREMENTS. The antennae and all other equipment installed upon the electric transmission tower shall be of a matching color to the tower. (P) (use for tower installations only)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY** UTILITY CLEARANCES. The Building Division will provide utility clearances after required permits and inspections for the facility. Utility meters shall be permanently labeled. (B)

COMPLETED **COMPLIED BY** FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED **COMPLIED BY** ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED **COMPLIED BY** MAINTENANCE OF FACILITY. The monopole, landscaping, perimeter fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)

COMPLETED **COMPLIED BY** ABANDONMENT OF 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 monopole, fencing and all related equipment at its sole cost and expense. The monopole 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) (facilities on existing towers owned in fee title by the utility are exempt)

COMPLETED **COMPLIED BY** USE OF GENERATORS. A generator will only be allowed for backup emergency power to the facility and shall be located within the approved fenced area. Use of a generator to provide power for any other purpose is prohibited unless specifically approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

| | |
|--|-----------------|
| (B) Building Division | 947-1300 |
| (E) Engineering Division | 947-1476 |
| (F) Fire Prevention Division | 947-1603 |
| (P) Planning Division | 947-1200 |
| (RPD) Hesperia Recreation and Park District | 244-5488 |

ATTACHMENT 8

RESOLUTION NO. PC-2014-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A WIRELESS COMMUNICATIONS FACILITY TO EXCEED THE 45-FOOT HEIGHT LIMITATION OF THE NEIGHBORHOOD COMMERCIAL (NC) LAND USE DESIGNATION AT 11222 MAPLE AVENUE (VAR14-00007)

WHEREAS, Verizon Wireless has filed an application requesting approval of Variance VAR14-00007 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Neighborhood Commercial (NC) Zone at 11222 Maple Avenue and includes Assessor's Parcel Number 0405-042-55; and

WHEREAS, the Application, as contemplated, proposes to exceed the 45-foot structure height limitation; and

WHEREAS, Verizon Wireless has also filed an application requesting approval of Conditional Use Permit CUP14-00009, to construct a wireless communications facility; and

WHEREAS, the proposed wireless communications facility is proposed at 11222 Maple Avenue. The site is currently developed with a church. The surrounding land to the north, south and west is currently vacant. Properties to the east contain single family residences with the exception of one lot which is vacant; and

WHEREAS, the subject property is within the Neighborhood Commercial (NC) Zone. Properties to the north, south and west are also within the NC land use designation Properties to the east are within the Rural Residential 20,000 (RR-20,000) land use designation; 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 November 13, 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 the Planning Commission during the above-referenced on November 13, 2014, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the height restriction would not allow for additional carriers to co-locate on the wireless communications facility, which would result in the need to establish additional wireless communications facilities in the vicinity. In approving the additional height will allow additional wireless communications provider the ability to utilize the site, further reducing the number of wireless communications facilities necessary to serve the City of Hesperia.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the site is partially developed, and the addition of the wireless communications facility will not materially affect the character of the site or neighborhood.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because other wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because other similar wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code. In approving the variance, up to three wireless communications carriers will be allowed on the facility. This will ultimately reduce the number of wireless communications facilities throughout the City.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with the City's Development Code and the 2013 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR14-00007.

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

ADOPTED AND APPROVED this 13th day of November 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission



DATE: November 13, 2014
TO: Planning Commission
FROM: *DR* Dave Reno, AICP, Principal Planner
BY: *LSM* Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUPR14-00008 and Variance VAR14-00006; Applicant: Verizon Wireless; APN: 0408-163-18.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2014-32 and PC-2014-33, approving Conditional Use Permit CUPR14-00008 and Variance VAR14-00006.

BACKGROUND

Proposal: A revised Conditional Use Permit to increase the height on an existing wireless communications facility and a Variance to exceed the height limitation.

Location: 15162 Main Street (Attachment 2).

Current General Plan, Zoning and Land Uses: The site is within the Office Commercial (OC) Zone. The surrounding land is designated as noted on Attachment 1. The wireless communications facility is located on a commercially developed lot. The surrounding properties are currently developed with single family residences with the exception of the properties to the north and south which are vacant.

ISSUES/ANALYSIS

Land Use: Verizon Wireless, the service provider, has demonstrated that an increase in height is necessary to provide efficient service within the area. The height increase would allow for an additional carrier establish on the existing monopine, thus reducing future wireless communications facilities from establishing in this area.

The existing 63-foot high wireless communication facility was approved in 1999, the facility includes two carriers, Sprint and AT&T. The current height of the monopine would not permit an additional carrier to establish on the facility. An increase of 12 feet would accommodate a third carrier, Verizon, thus allowing their service coverage in this area to increase (Attachment 3). The project includes the addition of twelve panel antennas and two parabolic antennas. The total lease area occupied by Verizon will be approximately 396 square feet. This area is comprised of 224 square feet of what used to be occupied by a prior carrier (NEXTEL) and a 172 square-foot expansion. The lease area will be surrounded by an eight-foot high chain-link fence to match the existing fence (Attachment 5). A block wall is not required as the site is screened from view by the adjacent commercial buildings. The elevations and photosimulation of the proposed height increase illustrates that minimal impact is caused to the surrounding neighborhood as the monopine is an existing facility and part of the surrounding environment (Attachments 5 and 6).

The proposed wireless communications facility requires a Variance for the increase in height. The maximum height allowed in this area is 45 feet. This height increase is necessary in order to accommodate one additional carrier on the same wireless facility. The project is consistent with the General Plan land use and zoning standards, including accessory structure height.

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 Maple Avenue in accordance with Conditions of Approval (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.

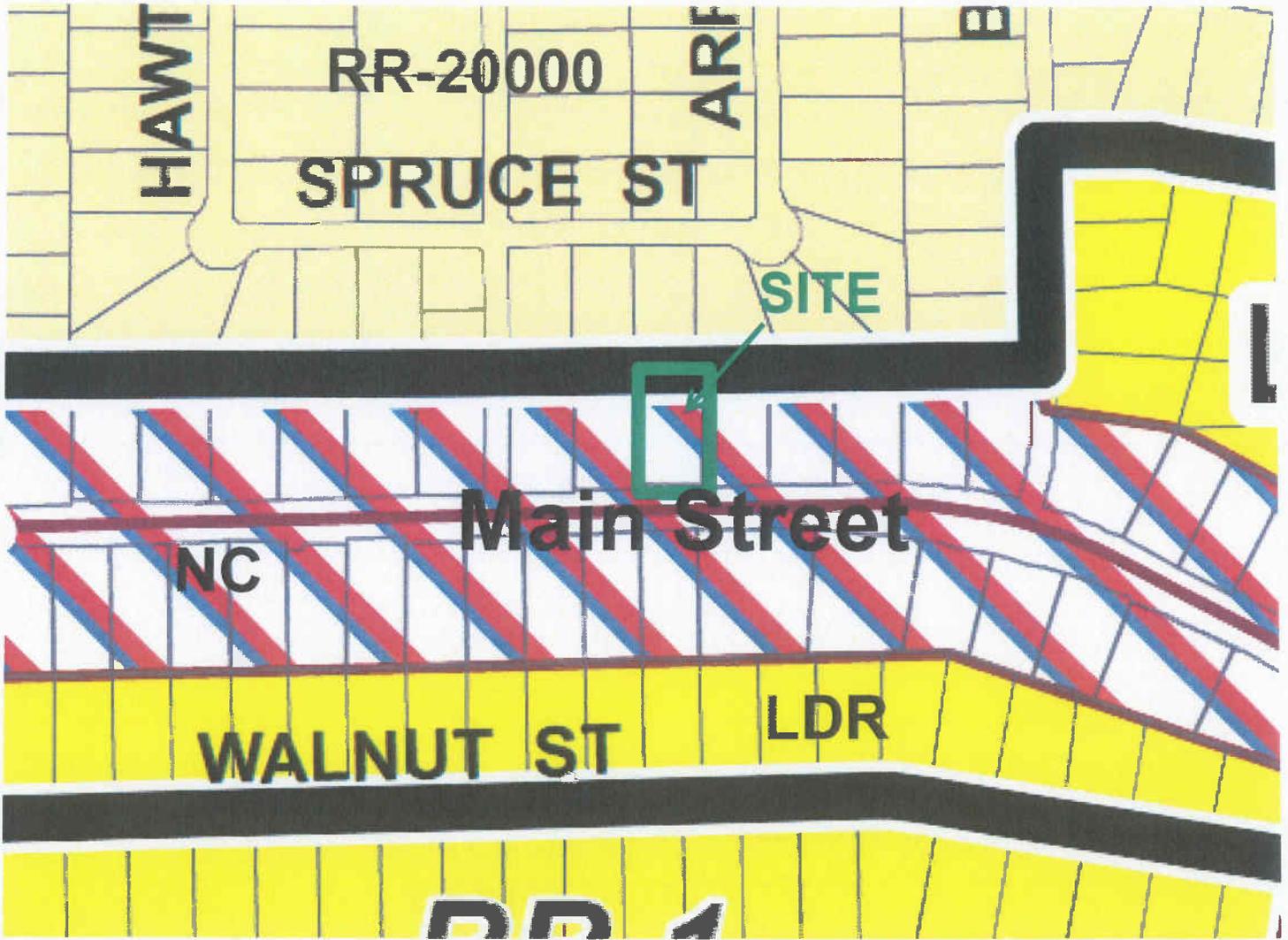
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. General Plan land use map
2. Aerial photo
3. Service plan
4. Site plan
5. Elevations
6. Photo Simulation
7. Resolution No. PC-2014-30, with list of conditions
8. Resolution No. PC-2014-31

ATTACHMENT 1



APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUPR14-00008 AND
VAR14-00006

LOCATION:
15162 MAIN STREET

APN(S):
0408-163-18

PROPOSAL:
TO INCREASE THE HEIGHT OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY,
DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT
LIMITATION.

ATTACHMENT 2



APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUPR14-00008 AND
VAR14-00006

LOCATION:
15162 MAIN STREET

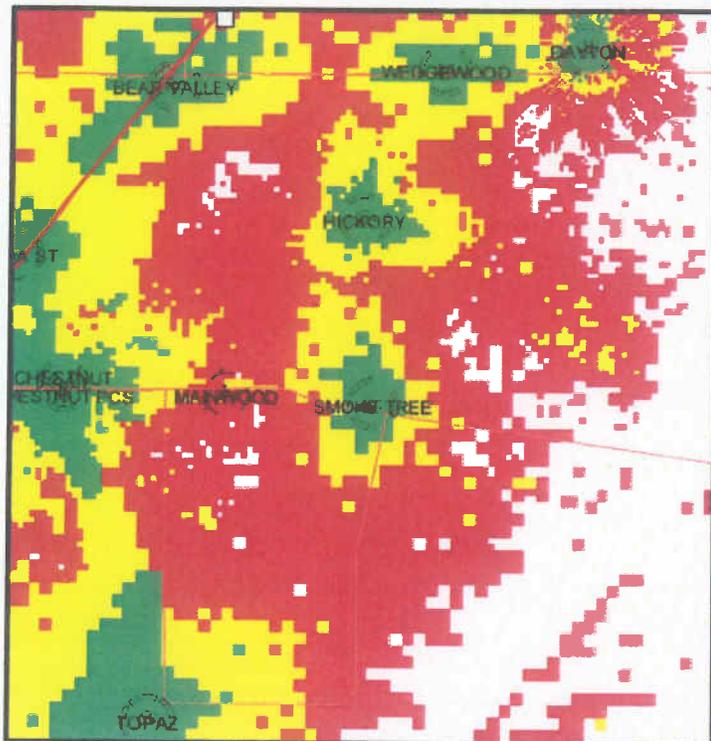
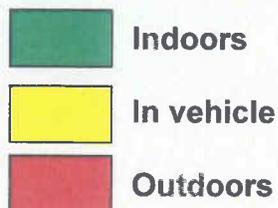
APN(S):
0408-163-18

PROPOSAL:
TO INCREASE THE HEIGHT OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY,
DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT
LIMITATION.

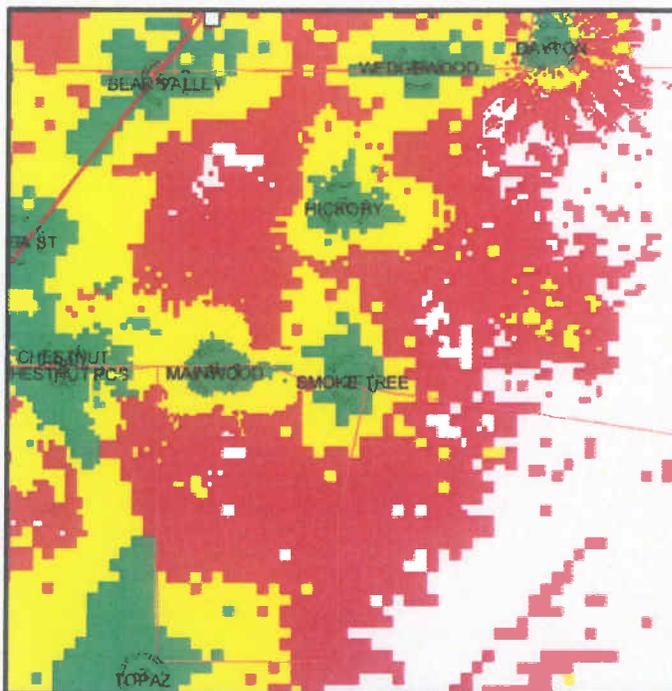
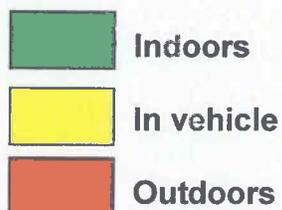
Aerial Photo

ATTACHMENT 3

Service without the facility



Service with the facility



APPLICANT(S):
VERIZON WIRELESS

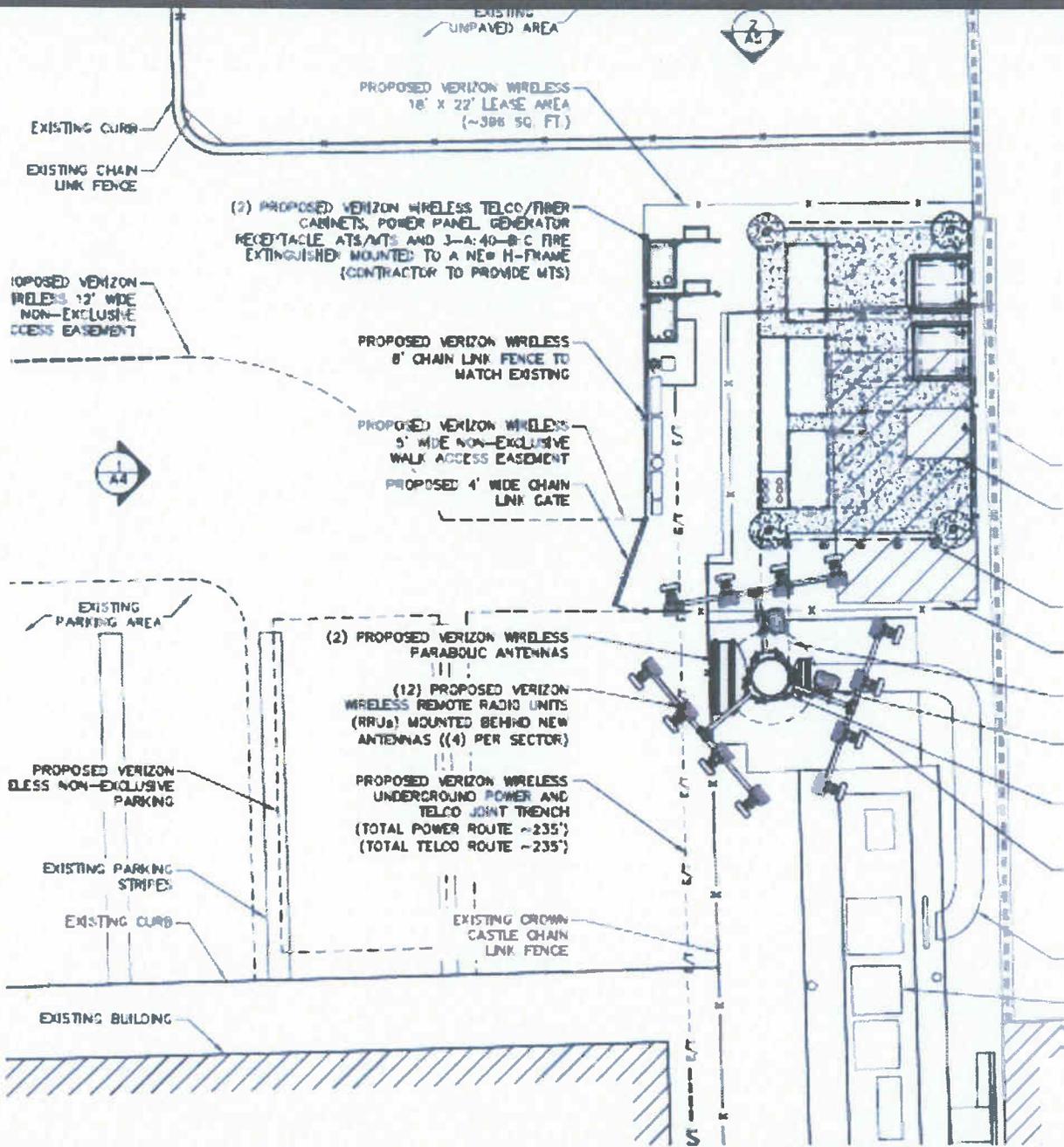
FILE NO(S):
CUPR14-00008 AND
VAR14-00006

LOCATION:
15162 MAIN STREET

APN(S):
0408-163-18

PROPOSAL:
TO INCREASE THE HEIGHT OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT LIMITATION.

ATTACHMENT 4



| | |
|---|---|
| APPLICANT(S):
VERIZON WIRELESS | FILE NO(S):
CUPR14-00008 AND
VAR14-00006 |
| LOCATION:
15162 MAIN STREET | APN(S):
0408-163-18 |
| PROPOSAL:
TO INCREASE THE HEIGHT OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY,
DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT
LIMITATION. | |

Site Plan

ATTACHMENT 6



BEFORE



AFTER

APPLICANT(S):
VERIZON WIRELESS

FILE NO(S):
CUPR14-00008 AND
VAR14-00006

LOCATION:
15162 MAIN STREET

APN(S):
0408-163-18

PROPOSAL:
TO INCREASE THE HEIGHT OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY,
DESIGNED AS A MONOPINE, AND A VARIANCE TO EXCEED THE 45-FOOT HEIGHT
LIMITATION.

ELEVATIONS

ATTACHMENT 4

RESOLUTION NO. PC-2014-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO CONSTRUCT AN 80-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT 15162 MAIN STREET (CUPR14-00008)

WHEREAS, Verizon Wireless has filed an application requesting approval of a Conditional Use Permit CUPR14-00008 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Office Commercial (OC) Zone at 15162 Main Street and includes Assessor's Parcel Number 0408-163-18; and

WHEREAS, the Application, as contemplated, proposes to construct an 80-foot high wireless communications facility on the subject property; and

WHEREAS, Verizon Wireless has also filed a Variance VAR14-00006, to exceed the 45-foot structure height limitation; and

WHEREAS, the proposed wireless communications facility is proposed at 15162 Main Street. Property to the east is commercially developed. Property to the west contains a single family residence. Properties directly to the north and south are vacant; and

WHEREAS, the subject property is within the Office Commercial (OC) Zone. Properties to the north, east and west are also within the OC zone, except for the properties to the south, which are within the Rural Residential 20,000 (RR-20,000) land use designation; 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 November 13, 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 November 13, 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 to Main Street.
- (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 denies CUPR14-00008, 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 13th day of November 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUPR14-00008

Approval Date: November 13, 2014
Effective Date: November 25, 2014
Expiration Date: November 25, 2017

This list of conditions applies to Consideration of Revised Conditional Use Permit CUPR14-00008 and Variance VAR14-00006, to increase the height of an existing monopine from 63 to 80 feet at 15162 Main Street (Verizon Wireless Project ID: Mainwood; APN: 0408-163-18)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use application shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

| | | |
|-------------------------|---------------------------|--|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | 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) |
|-------------------------|---------------------------|--|

| | | |
|-------------------------|---------------------------|--|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | 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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P) |
|-------------------------|---------------------------|--|

| | | |
|-------------------------|---------------------------|---|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | VARIANCE. These conditions are concurrent with approved Variance VAR14-00006 becoming effective. (P) |
|-------------------------|---------------------------|---|

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

| | | |
|-------------------------|---------------------------|---|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | FACILITY REQUIREMENTS. The antennae and all other equipment installed upon the monopine shall be of a matching color to the existing remaining trunk, branches, and foliage. (P) |
|-------------------------|---------------------------|---|

| | | |
|-------------------------|---------------------------|--|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | 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 regulations within the Main Street and Freeway Corridor Specific Plan, Title 16 and Engineering Division requirements. (E, P) |
|-------------------------|---------------------------|--|

COMPLETED **COMPLIED BY** ACCESS EASEMENT. An access easement shall be recorded, allowing access from a public right-of-way to the wireless communications facility for the benefit of each wireless communications provider using the site. The easement shall provide access for construction and maintenance 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 and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

COMPLETED **COMPLIED BY** CO-LOCATION AGREEMENT. The applicant shall record a co- location agreement permitting the proposed wireless communications provider to place one other communications facilities upon the exisistin site. The co-location agreement shall be binding for the life of the facility. The agreement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY** UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances after required permits and inspections for the facility. Utility meters shall be permanently labeled. (B)

COMPLETED **COMPLIED BY** JURISDICTION. Prior to any construction occurring on any parce, 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]

COMPLETED **COMPLIED BY** ON SITE IMPROVEMENTS. All onsite improvements as recorded in these conditions, and as shown on the approved site plan, elevations and photosimulations shall be completed in accordance with all applicable Main Street and Freeway Corridor Specific Plan and Title 16 requirements. The wireless communications tower, equipment shelter, landscaping, and fencing shall also be designed consistent with the approved site plan, elevations and photo simulations. In addition, all co-locations shall be designed consistent with and shall not detract from the aesthetic look of the monopine, providing identical tree branches and foliage, equipment shelter building materials and perimeter fencing. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED **COMPLIED BY** FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED **COMPLIED BY** REMOVAL BOND. The applicant shall maintain a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned. Neither the bond nor the letter of credit shall be released until the facility's complete removal is verified by the Planning Division. (P)

COMPLETED **COMPLIED BY** MAINTENANCE OF FACILITY. The monopine, landscaping, perimeter fencing, and all related equipment shall be maintained in good condition throughout the life of the wireless communications facility. (P)

COMPLETED **COMPLIED BY** USE OF GENERATORS. A generator will only be allowed for backup emergency power to the facility and shall be located within the approved fenced area. Use of a generator to provide power for any other purpose is prohibited unless specifically approved by the Director of Development Services. (P)

COMPLETED

COMPLIED BY

ABANDONMENT OF FACILITY. Should the facility fail to be used as approved for more than 180 consecutive days or should its effective life expire, then the applicant shall cause the removal of the monopole, fencing and all related equipment at its sole cost and expense. The monopole 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)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

| | |
|--|-----------------|
| (B) Building Division | 947-1300 |
| (E) Engineering Division | 947-1476 |
| (F) Fire Prevention Division | 947-1603 |
| (P) Planning Division | 947-1200 |
| (RPD) Hesperia Recreation and Park District | 244-5488 |

ATTACHMENT 8

RESOLUTION NO. PC-2014-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A VARIANCE TO ALLOW A WIRELESS COMMUNICATIONS FACILITY TO EXCEED THE 45-FOOT HEIGHT LIMITATION OF THE OFFICE COMMERCIAL (OC) LAND USE DESIGNATION AT 15162 MAIN STREET (VAR14-00006)

WHEREAS, Verizon Wireless has filed an application requesting approval of Variance VAR14-00006 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Office Commercial (OC) Zone at 15162 Main Street and includes Assessor's Parcel Number 0408-163-18; and

WHEREAS, the Application, as contemplated, proposes to exceed the 45-foot structure height limitation; and

WHEREAS, Verizon Wireless has also filed an application requesting approval of Conditional Use Permit CUPR14-00008, to increase the height of an existing wireless communications facility from 60 feet to 80 feet; and

WHEREAS, the proposed wireless communications facility is proposed at 15162 Main Street. Property to the east is commercially developed. Property to the east contains a single family residence. Properties directly to the north and south are vacant; and

WHEREAS, the subject property is within the Office Commercial (OC) Zone. Properties to the north, east and west are also within the OC zone, except for those to the south, which are within the Rural Residential 20,000 (RR-20,000) land use designation ; 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 November 13, 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 the Planning Commission during the above-referenced on November 13, 2014, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the height restriction would not allow for a third carrier to co-locate on the wireless communications facility, which would result in the need to establish additional wireless communications facilities in the vicinity. In approving the additional height will allow an additional wireless communications provider the ability to utilize the site, further reducing the number of wireless communications facilities necessary to serve the City of Hesperia.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the site is partially developed, and the addition of the wireless communications facility will not materially affect the character of the site or neighborhood.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because other wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because other similar wireless communications facilities have previously been constructed in the City that exceed the height limitations within the Development Code. In approving the variance, up to two wireless communications carriers will be allowed on the facility. This will ultimately reduce the number of wireless communications facilities throughout the City.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with the City's Development Code and the 2013 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR14-00006.

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

ADOPTED AND APPROVED this 13th day of November 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission



DATE: November 13, 2014
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP14-00012; Applicant: Desert Barn Brewing, LLC;
APN: 0415-081-41

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-35, approving CUP14-00012.

BACKGROUND

Proposal: A Conditional Use Permit to establish a microbrewery and a beer-tasting lounge.

Location: 11352 Hesperia Road (Attachment 1).

Current General Plan and Land Uses: The site is within the General Commercial (C2) zone. The surrounding land is zoned as noted on Attachment 2. The site is currently developed with two commercial buildings. The site is surrounded by commercial developments to the north and east. A single-family residential neighborhood exists to the west of the project. The properties to the south and west are vacant. (Attachment 3).

ISSUES/ANALYSIS:

Land Use: Section 16.16.320 (F) of the Development Code requires a conditional use permit (CUP) for the establishment of a bar, saloon, or cocktail lounge. The business proposes a tasting bar as part of a beer-tasting lounge and a microbrewery. Beer and wine will be sold at this location with house beer being the focus. Although a sports bar existed previously at this location, the use has been vacant for a period exceeding 12 months; therefore, the re-use of the bar requires a new CUP. The proposal includes a 2,216 square foot lounge with an additional 730 square foot lounge on the second floor both to be used for beer-tastings (Attachment 4). A 2,165 square foot microbrewery is also proposed. The microbrewery will function similar to a warehouse/manufacturing use, but allowed in a commercial zone only because it is ancillary to a commercial/retail use.

The proposed business specializes in craft brewery customizing in beers of various taste and colors. A microbrewery or craft brewery produces small amounts of beer as compared to a corporate brewery. The business will have a rustic theme associated with its facility. The lounge area will include picnic tables and rooms decorated with wagon wheels, oak barrels, and wooden paneling. The tasting room will operate Sunday through Thursday from 2pm-10pm, and Friday and Saturday from 2pm-12am. Seven employees will staff the tasting lounge. The microbrewery will operate Monday through Friday from 8am-2pm. There will be two employees and generally, the operation of the microbrewery will not involve customers. The majority of sales will be made in the lounge area.

A Type 23 (Small Beer Manufacturer) license is required by the Department of Alcoholic Beverage Control (ABC), which allows the manufacturing of beer as well as the retail and wholesale sales of beer produced. ABC allows beer and wine to be consumed either on-site, as part of a restaurant setting, or for off-site consumption. This license type is not subject to the over concentration criteria, as it is not classified as a traditional retail outlet. The business will be the only facility holding a Type 23 license within the census tract.

The applicant does not plan to provide food services. Instead, the applicant intends to have gourmet food trucks within the parking lot. Food trucks will be permitted separately under the City's Mobile Food Services Ordinance. As part of the conditions of approval, food trucks will be permitted to occupy no more than four on-site parking spaces. Food trucks may be permitted on adjacent developed properties provided that the trucks meet the Mobile Food Services Ordinance and obtain property owner authorization.

The proposed business is different from a sports bar in that it operates similar to a restaurant. Unlike a sports bar or a nightclub, the business proposes to close at 10pm on weekdays and 12am on weekends. The application states that the premise will be family friendly, as ABC allows minors to be on premises. No live entertainment or stage will be provided. On special occasions, the proposal indicates that a two-piece band will serve as entertainment. As a condition of approval, any live entertainment involving a DJ or full band will require approval of a temporary special event permit, primarily to ensure sufficient parking is provided.

There are two buildings on the property, both of which are approximately 7,067 square feet in size. A sports bar previously occupied a large portion of the project building; however, the sports bar vacated the building a few years ago. The proposal will replace the vacated space and will expand the area by 780 square feet to be used for the microbrewery. The remaining part of the building will continue to be used for vehicle service and storage. Toys For Trucks currently occupies a second building which is used for vehicle service of off-road and on-road vehicles.

Table 1 - Shared Parking Arrangement

| Land Uses | Required Parking (Daytime Hours) | Required Parking (Evenings/Weekends) |
|-----------------|----------------------------------|--------------------------------------|
| Vehicle Service | 23 | - |
| Microbrewery | 4 | - |
| Tasting Lounge | - | 29 |
| Total | 27 | 29 |

A total of 44 parking spaces exist on the property including two accessible parking spaces. The business qualifies for a shared parking arrangement (shown in Table 1), as the peak hours for the beer-tasting lounge will be different from the operating hours of the existing vehicle service shop. The vehicle service shop will operate during the day; the tasting room will operate during evening/night and weekend hours. The microbrewery operates during daytime hours, but will not generate parking or traffic demands beyond what the site can support.

Schools and Parks: The project site is located approximately one mile from Mojave High School, and 3 miles from Civic Plaza Park.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities.

Conclusion: The proposal is a unique and innovative alternative to replacing a sports bar/night club that previously occupied the building, and makes good use of a large lounge area with kitchen facilities to support a microbrewery and beer-tasting activities. The Type 23 license is not subject to the over concentration criteria as the use is not considered a traditional retail outlet according to ABC regulations. Further, no other use similar to the proposed microbrewery exists within the census tract. The proposal complies with the Development Code and approval of this conditional use permit is supportive of the land uses intended within the C2 zone.

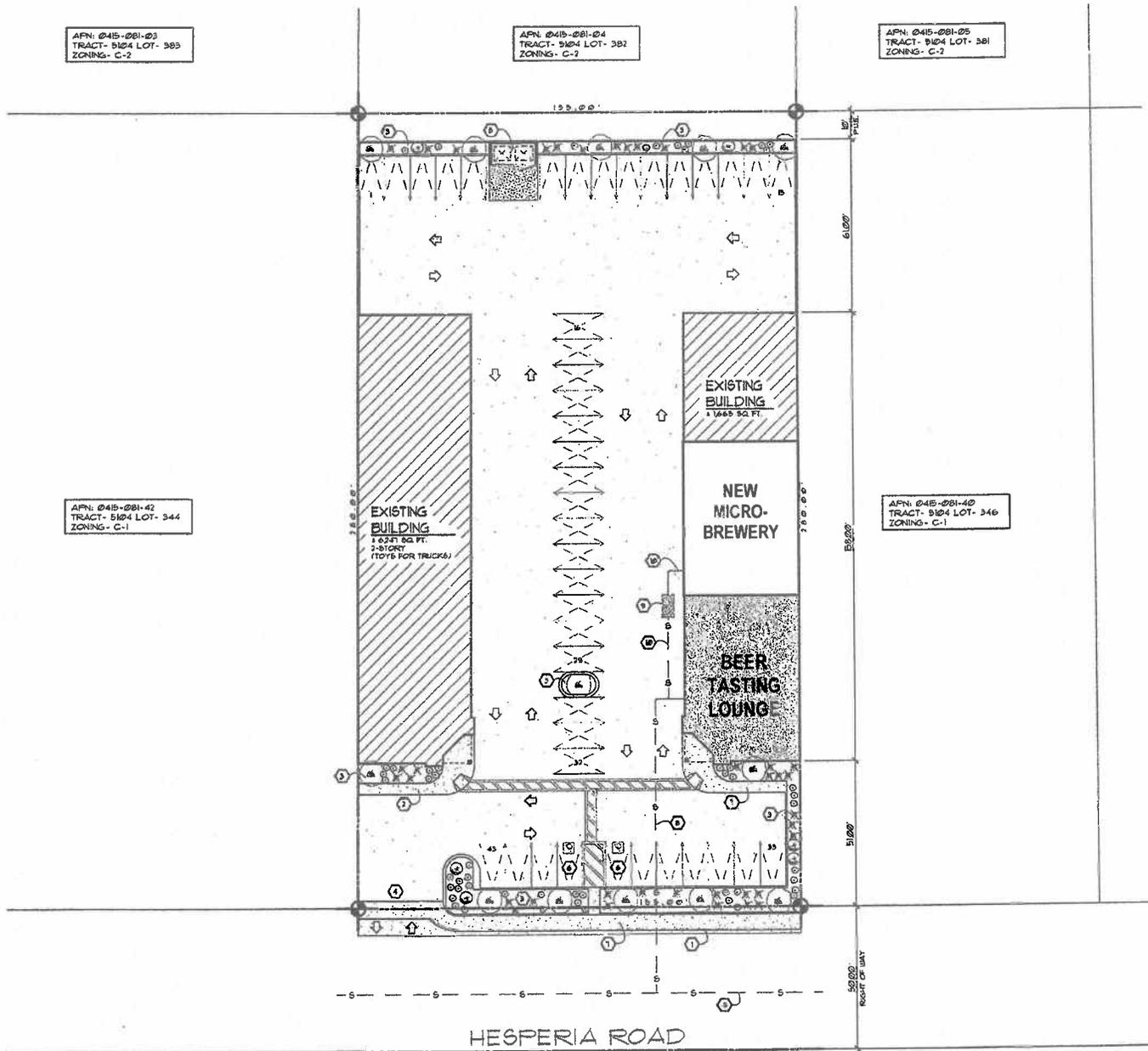
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. General Plan
3. Aerial Photo
4. Floor Plan
5. Resolution No. PC-2014-35, with list of conditions.

ATTACHMENT 1



APPLICANT(S):
DESERT BARN BREWING, LLC

FILE NO(S):
CUP14-00012

LOCATION:
11352 HESPERIA ROAD

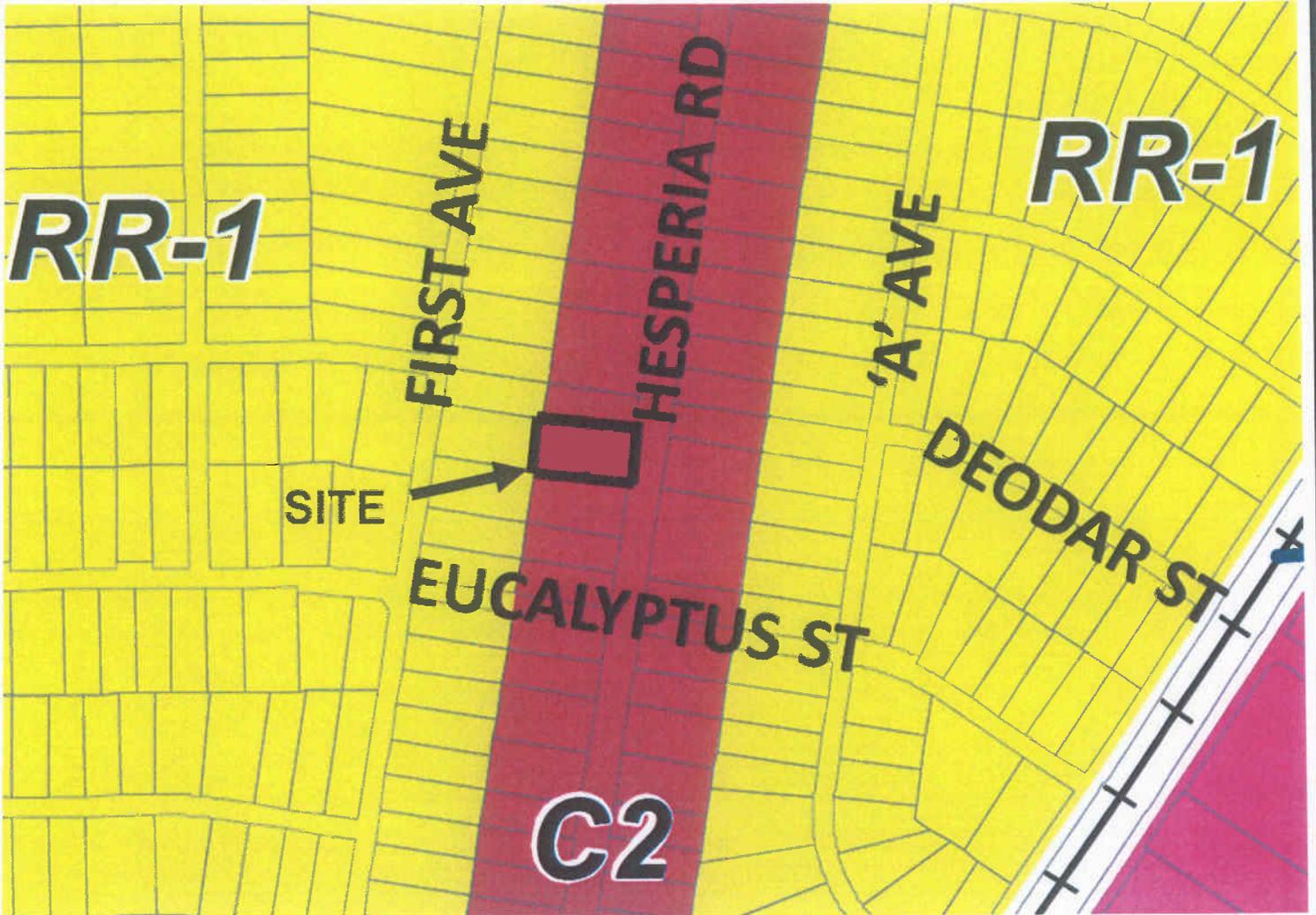
APN(S):
0415-081-41

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A MICROBREWERY AND A TASTING LOUNGE



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
DESERT BARN BREWING, LLC

FILE NO(S):
CUP14-00012

LOCATION:
11352 HESPERIA ROAD

APN(S):
0415-081-41

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A MICROBREWERY AND A TASTING LOUNGE



GENERAL PLAN

ATTACHMENT 3



APPLICANT(S):
DESERT BARN BREWING, LLC

FILE NO(S):
CUP14-00012

LOCATION:
11352 HESPERIA ROAD

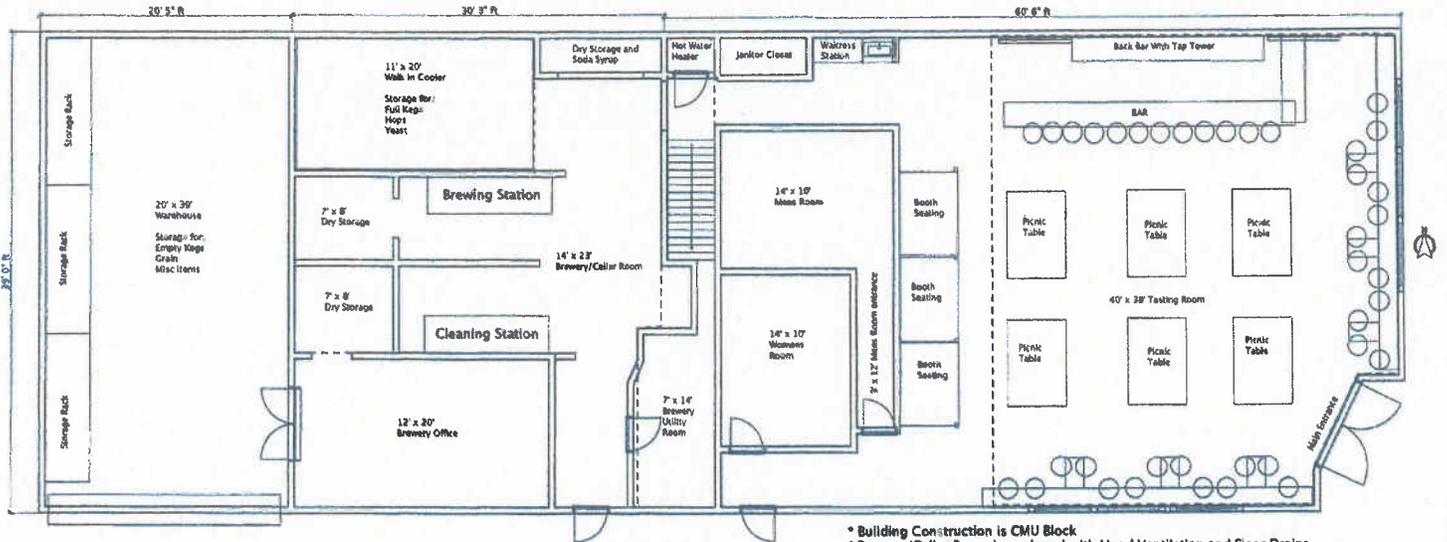
APN(S):
0415-081-41

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH MICROBREWERY
AND A TASTING LOUNGE



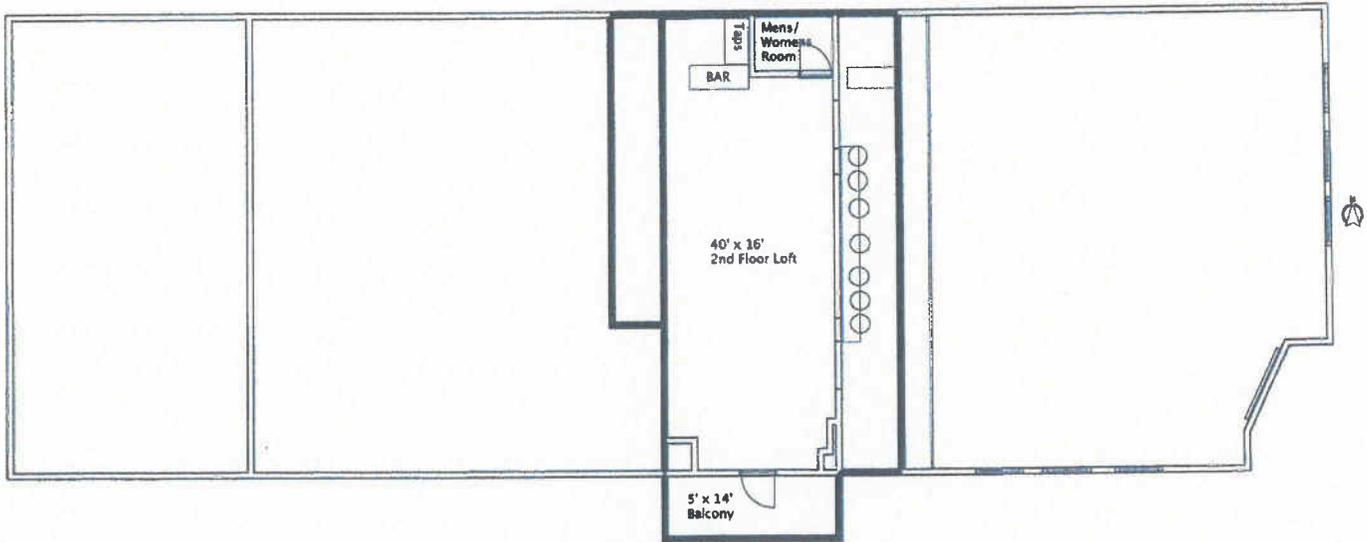
AERIAL PHOTO

ATTACHMENT 4



- * Building Construction is CMU Block
- * Brewery/Cellar Room is equipad with Hood Ventilation and Floor Drains
- * Building is Zoned Commercial

FIRST FLOOR



SECOND FLOOR (LOFT ONLY)

APPLICANT(S):
DESERT BARN BREWING, LLC

FILE NO(S):
CUP14-00012

LOCATION:
11352 HESPERIA ROAD

APN(S):
0415-081-41

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A MICROBREWERY AND A TASTING LOUNGE



FLOOR PLAN

ATTACHMENT 5

RESOLUTION NO. PC-2014-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A MICROBREWERY AND A TASTING LOUNGE AT 11352 HESPERIA ROAD (CUP14-00012)

WHEREAS, Desert Barn Brewing, LLC has filed an application requesting approval of Conditional Use Permit CUP14-00012 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a microbrewery and a tasting lounge at 11352 Hesperia Road and consists of Assessor's Parcel Number 0415-081-41; and

WHEREAS, the subject site is presently developed with two commercial buildings. Surrounding land to the north and east include commercial developments. The properties to the south and west are vacant. There is a single-family residential neighborhood to the west; and

WHEREAS, the subject property is within the General Commercial (C2) zone. The land to the north, south, and east are also within the C2 zone. The land the west is within the Rural Residential (RR-1) with a minimum lot size of one acre zone; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

WHEREAS, on November 13, 2014, the Planning Commission of the City of Hesperia conducted a hearing on the 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 November 13, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within the General Commercial (C2) zone, and would not impair the integrity and character of the surrounding area. The proposal complies with all applicable provisions of the Development Code as per Section 16.12.120. The site is suitable for the type and intensity of the use that is proposed. The business will manufacture craft beer, and provide tastings and sell of beer as part of a lounge setting.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare. The proposed serving of beer and wine as part of the microbrewery will not have a detrimental impact on adjacent properties.

- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the General Plan, and Development Code. The proposed use will take place in a permitted microbrewery. The sale of alcohol in conjunction with the microbrewery is consistent with the allowable uses within the C2 zone.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure the public convenience, health, safety and general welfare. The proposed use will occur in a microbrewery with adequate infrastructure to operate the business. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP14-00012, 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 13th day of November 2014.

Chris Evert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP14-00012

Approval Date: November 13, 2014
Effective Date: November 25, 2014
Expiration Date: November 25, 2017

This list of conditions apply to a Conditional Use Permit to establish a microbrewery and a tasting lounge at 11352 Hesperia Road (Applicant: Desert Barn Brewing, LLC; APN: 0415-081-41).

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.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

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

Init Date

- _____ 1. **Irrevocable Offer Of Dedication.** The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal, the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 2. **Dedication(s).** The developer shall grant to the City an Irrevocable Offer of Dedication for any part of the path of travel located behind any commercial drive approaches that encroach onto private property. (E)
- _____ 3. **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)
- _____ 4. **Fire Alarm - Monitoring.** An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. (F)
- _____ 5. **Fire Sprinkler NFPA#13.** An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. (F)

- _____ 6. **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 Development Review Committee, the Planning Commission, City Council, or otherwise), 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 CERTIFICATE OF OCCUPANCY:

- _____ 7. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. (F)
- _____ 8. **Gate Override Switch.** Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. (F)
- _____ 9. **Knox Box.** An approved Fire Department key box is required. (F)
- _____ 10. **Utility Clearance(s)/Certificate of Occupancy.** The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

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

- _____ 11. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)

- _____ 12. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)
- _____ 13. **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P)
- _____ 14. **Employee Age.** All employees of the use serving alcohol must be at least 21 years of age. (P)
- _____ 15. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
- _____ 16. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
- _____ 17. **Large Events.** Adequate parking shall be established for large events without adversely affecting adjacent uses or traffic on Hesperia Road. Large events, including those with a full band or DJ, shall require approval of a Temporary Special Event permit at which time parking and traffic issues shall be addressed.
- _____ 18. **Mobile Food Trucks.** Mobile food trucks are permitted to operate in conjunction with the tasting lounge, but shall comply with the requirements of the Mobile Food Services Ordinance and shall not adversely affect on-site parking or circulation. At no time shall more than four on-site parking spaces be utilized for mobile food trucks. Mobile food trucks may be stationed on adjacent properties provided trucks comply with the Mobile Food Services Ordinance and obtain property owner authorization.
- _____ 19. **Parking Lot Gates.** The gates for the enclosed parking area to the rear of the property shall remain open during of the tasting lounge's business hours. If the gates do not remain open, the Director of Development Service can order gates to be permanently removed.

**IF YOU NEED 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 | 947-1474 |
| (F) | Fire Prevention Division | 995-8190 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |



DATE: November 13, 2014
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
John Leveillee, City Engineer 
BY:  Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Revised Tentative Tract TTR14-00001; Applicant: Frontier Homes, LLC; APNs:
0405-042-07 & 08

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-36, denying TTR14-00001.

BACKGROUND

Proposal: A Revised Tentative Tract Map TTR14-00001 to amend drainage conditions for TT-17723.

Location: On the west side of Maple Avenue, 660 feet south of Eucalyptus Street (Attachment 1).

Current General Plan and Land Uses: The site is within the Low Density Residential (LDR) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is zoned as noted on Attachment 2. The site is currently vacant (Attachment 3). Surrounding land to the west is vacant. A church facility exists to the north and a single-family residence exists to the south. A single-family residential neighborhood exists on the opposite side of Maple Avenue to the east.

Tentative Tract Map TT-17723 is impacted severely by the A-04 line of the Master Plan of Drainage (MPD) (Attachment 4). The alignment of the A-04 MPD facility begins in the Cajon Pass on the east side of Interstate 15. It flows through the Un-Named Wash as it parallels I-15 gradually working its way in a northeasterly direction past the Ranchero Interchange, continuing north of the Mission Crest residential development and through an improved channel just south of the Walmart project. The alignment then continues across a Southern California Aqueduct "over-chute", crosses Main Street just west of Pyrite Avenue and flows through mostly undeveloped property until it reaches Eucalyptus Street. TT-17723 is located 660 feet south of Eucalyptus Street. From there, the alignment winds its way through developed residential neighborhoods until it crosses Bear Valley Road east of Cottonwood Avenue, and into Victorville.

Rain events over the last two decades have proven the validity of the A-04 MPD alignment as defined in the Master Plan of Drainage. Since there are no storm water facilities north of Eucalyptus Street through the developed neighborhoods, storm water flows along recorded natural drainage courses and within street rights of way until it reaches Bear Valley Road. The historical flooding of the Smart and Final store as well as Baker's restaurant was a result of

flows in and along the A-04 drain line. The undeveloped area north of Main Street to Eucalyptus Street is an area of undefined natural channels and sheet flow which has contributed large volumes of silt and debris to the neighborhoods north of Eucalyptus Street during storm events. It is also an area which has over a dozen approved residential subdivisions in various states of development.

ISSUES/ANALYSIS:

On June 6, 2007, the City Council approved Tentative Tract Map TT-17723, which permitted 109 single-family residential lots on 19 acres. The original applicant was Hesperia Verano Land Investors, LLC. The project was approved with conditions of approval to be satisfied at different stages of development. The application requests that the City modify Condition 20(D)(ii) pertaining to storm drain improvements (Attachment 5). As approved, the condition must be satisfied before recordation of the final map. This condition requires the developer to convey off-site tributary flows through the project consistent with the City's Master Plan of Drainage; tie into a proposed storm drain outlet for Tract 17291; and install the required facilities for outlet structures for a proposed retention basin in Mojave Street and Eucalyptus Avenue. The applicant has stated that it is impossible and infeasible to meet Condition 20(D)(ii). The proposed storm drain outlet in TT-17921 to the south and the proposed retention basin in Mojave Street and Eucalyptus Avenue have not been constructed. The applicant has stated that the condition places an unreasonable burden on TT-17223 by disproportionately requiring a large share of drainage improvements on the developer.

Procedurally, the condition cannot be appealed because the project was approved over seven years ago and the appeal period has passed. The developer may file a revised tentative tract map, similar to redesigning a tentative tract or adding lots, but this requires the tract to comply with all current codes. In order to approve a revision, the City must make the findings required in Section 16.12.405 (D) of the Development Code, including that, the changes are consistent with the City's General Plan and that the design of the proposed subdivision and improvements are not likely to cause serious public health or cause threat to life or property.

The applicant submitted a hydrology study and improvement plans for the map to show how drainage flows from the A-04 line will be handled. At this time, the developer is requesting to grade a small earthen channel along the southerly boundary of the tract and convey all the storm water easterly to Maple Avenue. The proposed channel will be an additional burden because the City would have to repair/re-grade the channel after every storm event, as opposed to the required storm drain improvements. An earthen channel without other infrastructure will result in the flooding of the entire roadway. At this time, staff cannot support the request for modifications to the conditions of TT-17723 because the proposed condition does not demonstrate how the proposed revision will adequately address drainage flows from the A-04 line should the developer construct homes in advance of the required infrastructure. As proposed, the design will adversely impact downstream improvements and endanger the proposed new residences. This area of approved subdivisions represents one of the highest residential density and future development areas in the entire City. Most of these subdivisions were conditioned to construct a portion of the A-04 storm water facility to adequately convey the storm water safely around or through their developments. Without these storm water facilities being in place, the new homes being constructed in these subdivisions would also be in danger of serious flooding during major storm events.

Due to the infrastructure needs for this area, and the impending desire for development to occur, staff recently met with representatives from NBS, the City's consulting firm who specializes in the formation of SFDs, to determine if it would be viable to form such a district in this area, and the related costs to perform a feasibility study, which is the first phase of establishing a SFD. Their initial opinion is that it could be feasible to form some type of SFD to pay for the required infrastructure. On September 16, 2014, this matter was discussed by the City Council, after which it approved a contract with NBS to prepare a feasibility study to evaluate the possibility of forming a Special Financing District (SFD) to fund the master plan of drainage facility in this area. The feasibility study will be completed within 2 months. At that time, City staff will have a better handle on which direction to proceed to develop this entire area. City staff prepared a map which identifies an approximate area which would benefit from the construction of improvements along the A-04 drain line (Attachment 6). Many of these properties have sustained flooding during past storm events or are adjacent to properties which have.

The majority of the subdivisions in this area were submitted and conditionally approved between 2003 and 2007. Houses were being sold faster than they could be constructed, and the City had an active Redevelopment Agency (RDA) with large balances of Development Impact Fees (DIF) available for improvements. The plan to utilize a combination of developer construction funds, DIF and RDA funding seemed a very reasonable approach to fund the required improvements along the A-04 drain line. It was at this point that development ceased.

Since the downturn in the economy there have been no DIF fees being collected. To make matters worse, the City lost its Redevelopment Agency, negating two funding sources which were to be used to construct the A-04 drain line infrastructure. This leaves only developer construction funds to construct the entire facility, including the required retention basin to be located at Mesa Street. Since there are multiple developers who have approved subdivisions along the alignment, it is unreasonable for one developer to build the entire facility for the benefit of the others. In order to spread the costs of the needed improvements, and in light of the City's inability to participate financially, it seemed logical to examine the possibility of forming some type of SFD.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15061(b)(4), applicable to projects which are disapproved by a public agency.

Conclusion: Staff cannot support the request to amend the drainage condition of TT-17723. The applicant's proposed revisions do not propose a reasonable alternative without endangering the public health, safety, and welfare. The feasibility study for the creation of a special financing district to fund the master plan of drainage facility in this area will be completed within 2 months. Without the required storm water facilities associated with A-04 MPD being in place, new homes being constructed as part of this subdivision would be in danger of serious flooding during major storm events.

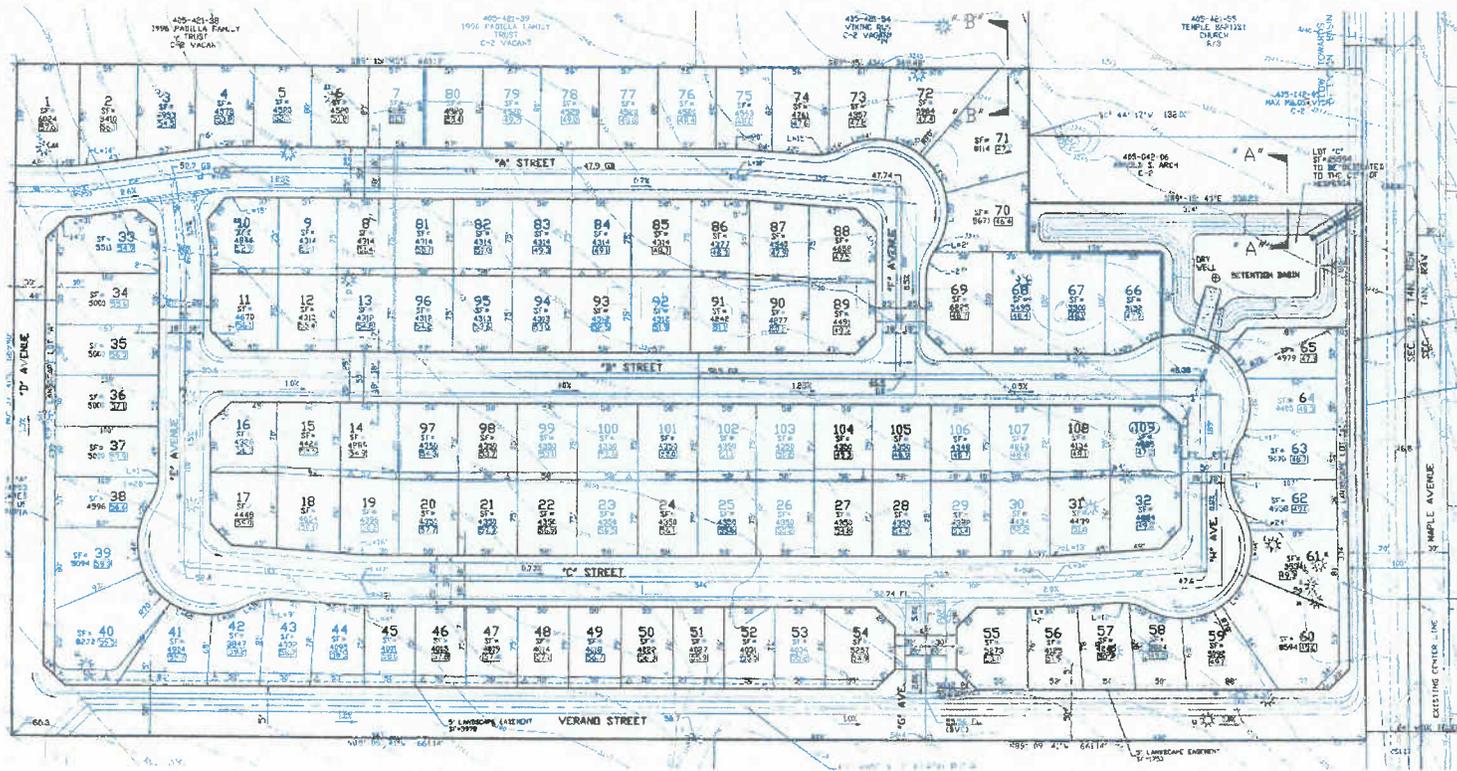
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. TT-17723
2. General Plan Map
3. Aerial Photo
4. Line A-04 MPD
5. Condition of Approval (Excerpt)
6. Benefit Area Map
7. Resolution No. PC-2014-36

ATTACHMENT 1



APPLICANT(S):
FRONTIER HOMES, LLC

FILE NO(S):
TTR14-00001

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 660 FEET SOUTH OF EUCALYPTUS STREET

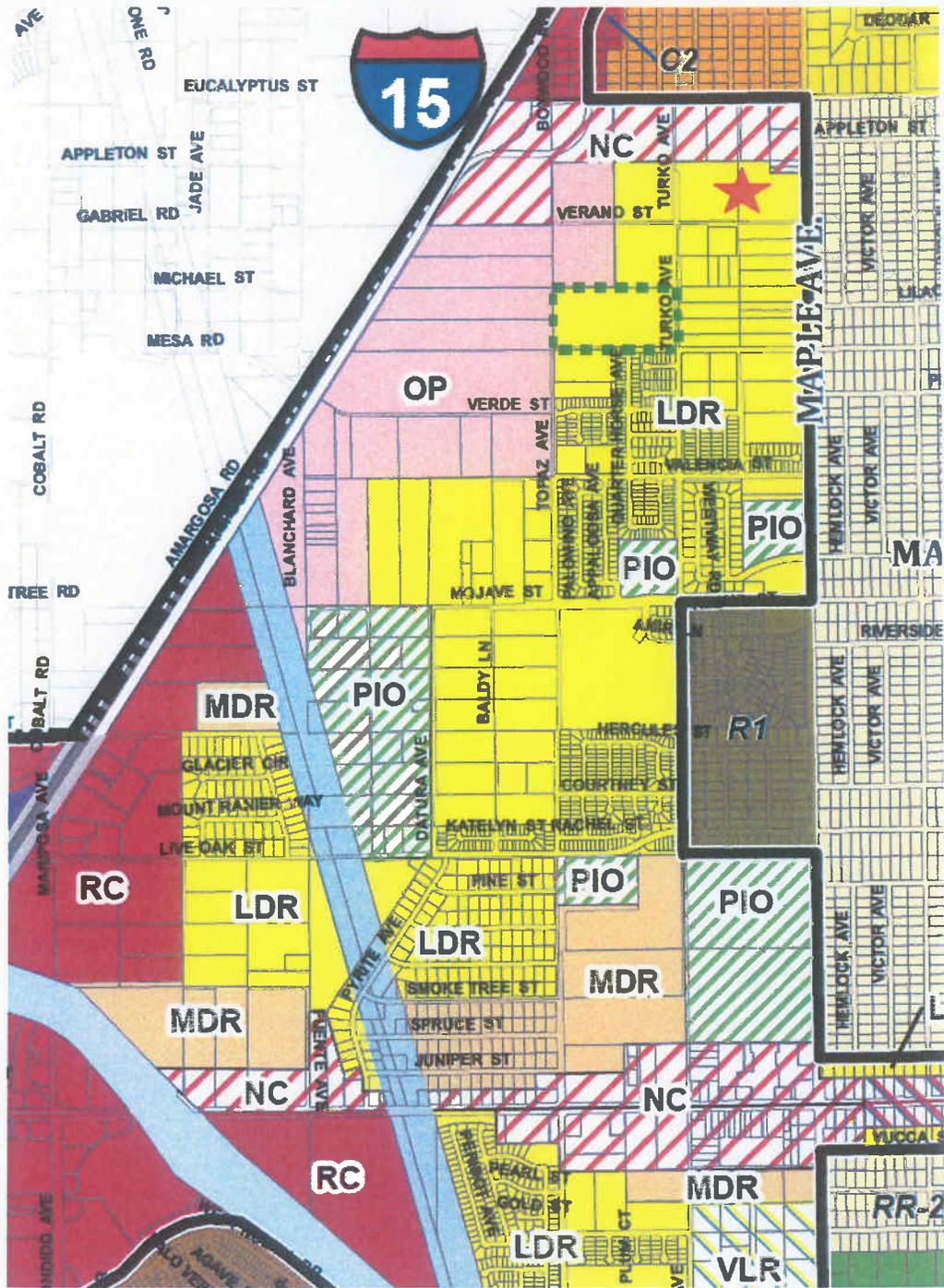
APN(S):
0405-042-07 & 08

PROPOSAL:
CONSIDERATION OF A REVISED TENTATIVE TRACT MAP TTR14-00001 TO AMEND DRAINAGE CONDITIONS FOR TT-17723.



APPROVED TENTATIVE MAP

ATTACHMENT 2



APPLICANT(S):
FRONTIER HOMES, LLC

FILE NO(S):
TTR14-00001

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 660 FEET SOUTH OF EUCALYPTUS STREET

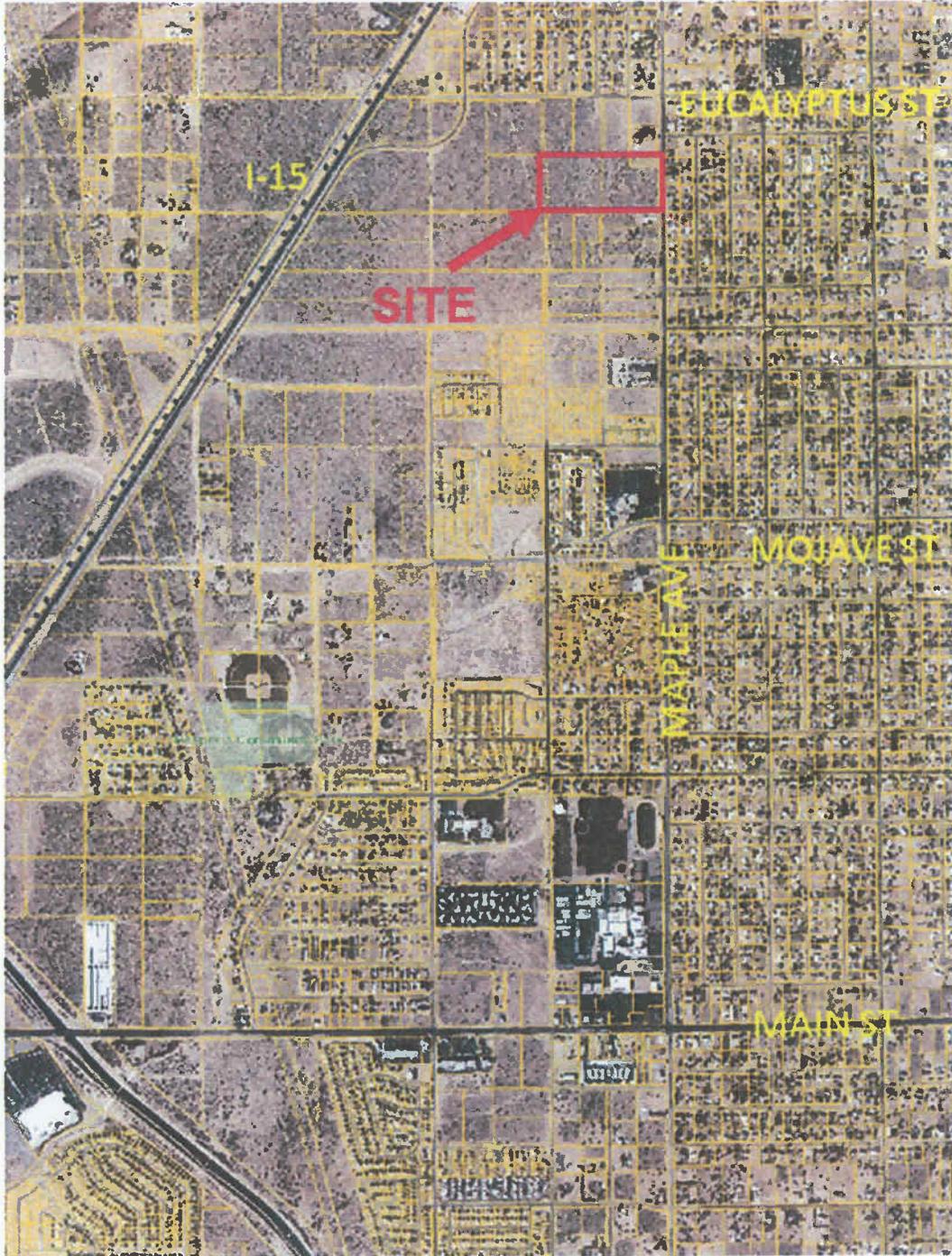
APN(S):
0405-042-07 & 08

PROPOSAL:
CONSIDERATION OF A REVISED TENTATIVE TRACT MAP TTR14-00001 TO AMEND DRAINAGE CONDITIONS FOR TT-17723.



GENERAL PLAN

ATTACHMENT 3



APPLICANT(S):
FRONTIER HOMES, LLC

FILE NO(S):
TTR14-00001

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 660 FEET SOUTH OF EUCALYPTUS STREET

APN(S):
0405-042-07 &
08

PROPOSAL:
CONSIDERATION OF A REVISED TENTATIVE TRACT MAP TTR14-00001 TO AMEND DRAINAGE CONDITIONS FOR TT-17723.



AERIAL PHOTO

ATTACHMENT 4



FILE NO(S):
TTR14-00001

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 660 FEET SOUTH OF EUCALYPTUS STREET

APN(S):
0405-042-07 & 08

PROPOSAL:
CONSIDERATION OF A REVISED TENTATIVE TRACT MAP TTR14-00001 TO AMEND DRAINAGE CONDITIONS FOR TT-17723.



A-04 MPD LINE

ATTACHMENT 5

PRIOR TO RECORDATION OF ANY PHASE OF THE FINAL MAP:

Condition 20(D)(ii) states:

Storm Drain. The Developer shall install storm drain facilities as needed to safely convey off-site tributary flow through the project per City requirements and the City's Master Plan of Drainage. The Developer is required to connect to the proposed storm drain outlet for Tract 17291. The proposed facilities shall continue through Tentative Tract 17723 and install the required facilities with outlet structures for the proposed retention basin at the intersection of Maple Avenue and Eucalyptus Street. The Developer is required to submit a Hydraulic analysis that corresponds with the proposed storm drain improvements and per City standards. **The Developer is responsible to obtain any dedications for storm drain infrastructure(s) at no cost to the City. (E)**

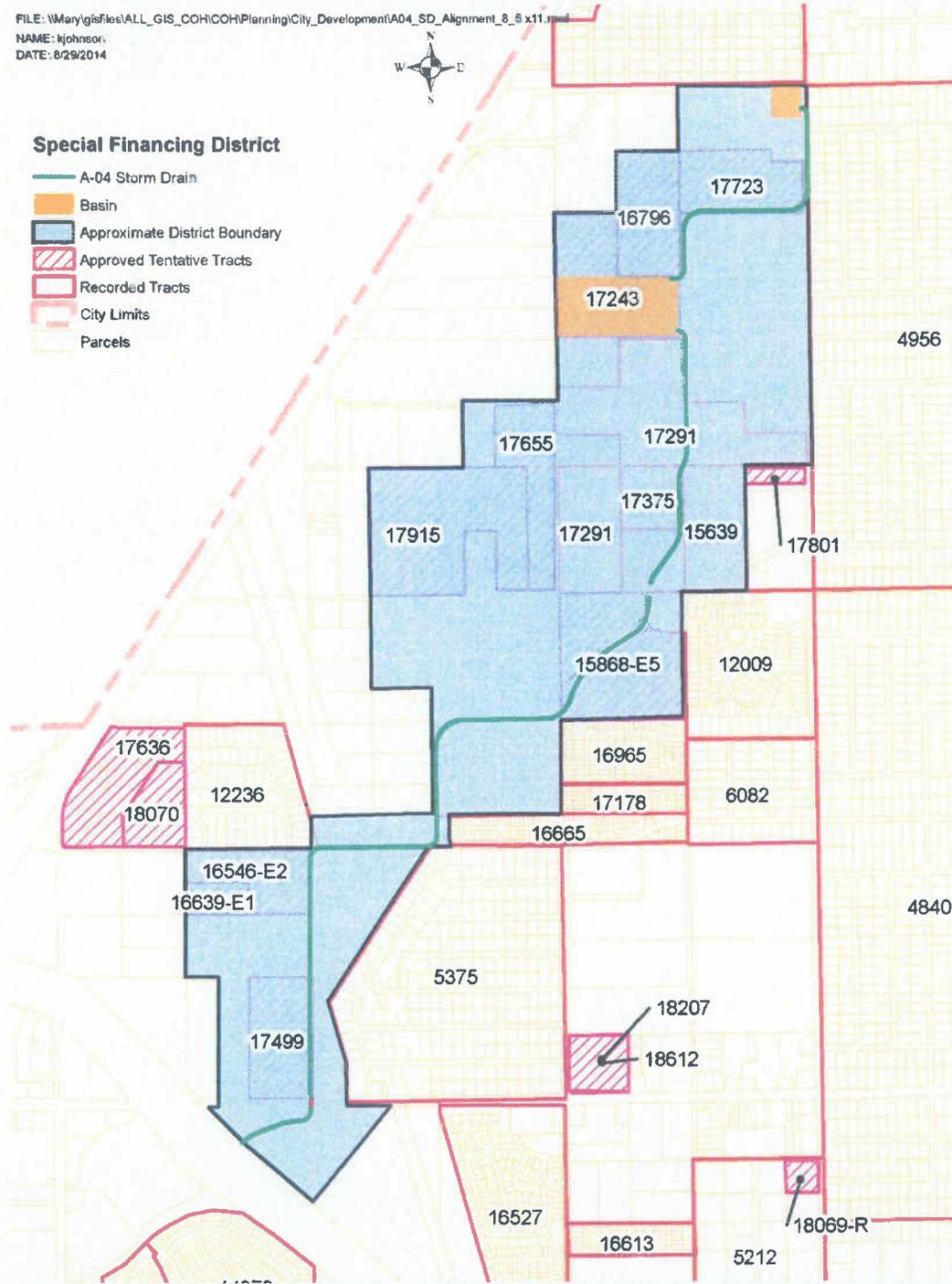
ATTACHMENT 6

FILE: \\mary\gis\files\ALL_GIS_COH\COH\Planning\City_Development\A04_SD_Alignment_8_5 x11.mxd
 NAME: kjohnson
 DATE: 8/29/2014



Special Financing District

- A-04 Storm Drain
- Basin
- Approximate District Boundary
- Approved Tentative Tracts
- Recorded Tracts
- City Limits
- Parcels



APPLICANT(S):
FRONTIER HOMES, LLC

FILE NO(S):
TTR14-00001

LOCATION:
ON THE WEST SIDE OF MAPLE AVENUE, 660 FEET SOUTH OF EUCALYPTUS STREET

APN(S):
0405-042-07 & 08

PROPOSAL:
CONSIDERATION OF A REVISED TENTATIVE TRACT MAP TTR14-00001 TO AMEND DRAINAGE CONDITIONS FOR TT-17723.



BENEFIT AREA

ATTACHMENT 7

RESOLUTION NO. PC-2014-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING A REVISED TENTATIVE TRACT MAP TO AMEND DRAINAGE CONDITIONS FOR TT-17723 LOCATED ON THE WEST SIDE OF MAPLE AVENUE, 660 FEET SOUTH OF EUCALYPTUS STREET (TTR14-00001)

WHEREAS, Frontier Homes, LLC has filed an application requesting approval of Tentative Tract Map TTR14-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to Tentative Tract Map TT-17723 which was approved on June 6, 2007 and permitted to construct 109 single-family residential lots on 19 acres and consists of Assessor's Parcel Numbers 0405-042-07 & 08; and

WHEREAS, the Application, as contemplated, proposes to modify Condition 20(D)(ii) pertaining to storm drain improvements; and

WHEREAS, the site is currently vacant. Surrounding land to the west is also vacant. A church facility exists to the north and a single-family residence exists to the south. A single-family residential neighborhood exists on the opposite side of Maple Avenue to the east; and

WHEREAS, the subject property is within the Low Density Residential (LDR) zone of the Main Street and Freeway Corridor Specific Plan. Surrounding properties to the north, south, and west are also within the LDR zone. The land to the east is within the Rural Residential (RR-20,000) with a minimum lot size of 20,000 square feet zone; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15061(b)(4) projects which are disapproved; and

WHEREAS, on November 19, 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 November 19, 2014 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The application does not demonstrate adequately how tributary flows from the A-04 Master Plan of Drainage (MPD) line will be safely accepted on to the site and how drainage will be properly discharged without adversely affecting downstream improvements. The required infrastructure along the A-04 drain line is not yet in place to protect new homes within the subdivision, and are not being proposed as part of this application. Such infrastructure is needed to support development in this area.
- (b) When the tentative map was originally approved, the site was suitable for development because there was a reasonable approach to funding the required infrastructure along the A-04 drain line. Since the downturn in the economy, there have been no Development Impact Fees being collected. The City also lost its Redevelopment Agency, negating two funding sources which were to be used to construct the A-04 drain line infrastructure. Without these required storm drain improvements, the site is not suitable for development, and the applicant's proposed improvements are not sufficient to protect new homes within the tract and downstream improvements.
- (c) The applicant submitted a revised hydrology study and improvement plans to demonstrate how tributary flows from the A-04 MPD line will be handled. At this time, the study is requesting to grade a small earthen channel along the southerly boundary of the tract and convey all the storm water easterly to Maple Avenue. Such improvements will flood the entire roadway because it is not designed to handle flows from upstream properties or discharge flows in a safe manner. Without the storm water facilities being in place, the project has the potential to place new homes being constructed within the subdivision in danger of serious flooding during major storm events, as well potentially damage downstream improvements.
- (d) The application does not propose nor identify adequate infrastructure to support the development; therefore, the revision will not promote orderly development nor minimize property damage to protect the City and residents from incurring additional costs. The application is not consistent with the following General Plan Goals and Policies:
 - 1. Safety Goal S-2: Minimize injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.
 - 2. Land Use Goal LU-7: Facilitate a self-contained community with a well-designed and maintained community with a full range of densities and uses within the capacity of infrastructure and services.
 - 3. Land Use Implementation Policy LU-7.7: Develop a public financing strategy that focuses efforts towards specific services areas or infrastructure improvements in order to create infrastructure systems of adequate scale to accommodate orderly and efficient growth.

4. Land Use Goal LU-8: Provide for a fiscally sound and balanced mix of land uses with the best and most efficient use of infrastructure and services. Development shall occur in an orderly, beneficial manner that does not fiscally impact the existing community.
 5. Land Use Implementation Policy LU-8.1: Ensure that new development is fiscally sound and able to pay for the infrastructure and services needed to support it, in order to protect the City and existing residents from incurring additional cost to support growth.
- (e) At this time, the City cannot make findings that the proposal is consistent with the General Plan, and that the applicant's proposed improvements will not likely cause threat to new homes within the subdivision or downstream improvements. A feasibility study is currently being prepared to evaluate the possibility of establishing a Special Financing District to fund the master plan of drainage facility in this area. Upon completion of the study, the City will have a better handle on which direction to proceed to develop this entire area.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Revised Tentative Tract Map TTR14-00001.

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

ADOPTED AND APPROVED on this 13th day of November 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

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DATE: November 13, 2014
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Site Plan Review Extension SPRE14-00010; Applicant: Gail Hasty; APN: 0411-182-18.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2014-34, denying SPRE14-00010.

BACKGROUND

Proposal: An extension of time for site plan review (SPR09-10210) to establish an event center.

Location: 19099 Lemon Street (Attachment 2).

Current General Plan, Zoning and Land Uses: The site is within the General Agricultural (A2) Land Use Designation. The surrounding land is designated as noted on Attachment 1. The surrounding properties are currently developed with single family residences extending into the Mojave River.

ISSUES/ANALYSIS

Land Use: Boulder Creek Ranch is an event center nestled within a single family rural and agricultural residential neighborhood on the east side of the City, abutting the Mojave River. The event center hosts a number of events such as weddings as well as the annual Harvest Festival in October. The 103-acre site contains a single family residence, a 7,000 square foot pavilion, an outdoor amphitheater, restroom facilities, a lake, and a 3,600 square foot tent. The event center has been in operation for a number of years without a permanent land use entitlement. On the same site exists an equestrian center with a number of accessory buildings and structures used to board horses that are not a part of this project. A number of these structures and buildings used for events are unpermitted.

In order to validate the use, staff worked with the applicant to get Site Plan Review SPR09-10210 approved, which occurred on May 12, 2011. Since approval of the site plan, staff maintained contact with the applicant to pursue completion of the conditions of approval, which included construction permits for several buildings and structures, securing a potable water supply, installation of fire hydrants adjacent to the event center buildings, and submission of an electrical service plan to upgrade the existing unpermitted service to an acceptable condition. The event center will also require a secondary emergency access from Choiceana Avenue.

In June 2013, staff was contacted by a representative of the event center with the proposed set of milestones outlining the pending issues and proposing dates for completion. After several revisions to this plan, staff agreed to the milestones and in turn granted permission to continue operations, including the 2013 Harvest Festival which operates under a Temporary Special Event Permit. This plan was approved with the understanding that these milestones would be met prior to the expiration date of the existing site plan on May 24, 2014.

However, no progress to address the pending issues was made in 2013. Therefore, on January 2, 2014, a letter was sent to the applicant's representative, notifying them that since no progress had been made, no future events would be allowed to occur after the May, 2014 expiration date. The applicant again met with city staff and agreed to apply for an extension of time, which was filed on March 7, 2014. On April 9, 2014, the extension was approved until October 31, 2014. This extension permitted regular events as well as the 2014 Harvest Festival. Again, the applicant was notified that no events would be permitted after October 31st, unless and until all the conditions and building permit issues had been satisfied.

Staff continued to meet with the applicant over the previous months, but no real progress towards resolving the outstanding issues has been made. On October 9, 2014, the applicant submitted this application for another extension of time, stating the event center was for sale and that another extension was necessary to facilitate sale of the property. Staff notified the applicant that the extension of time would not be supported administratively, as an administrative Development Review Committee action. In order to provide additional due process to the applicant, staff has forwarded this item to the Planning Commission for consideration.

Conclusion: While staff supports the use of the property and an event center, staff recommends that the Planning Commission deny the extension of time as the applicant has been given multiple extensions and opportunity to complete the required conditions of approval. Staff's recommendation is primarily based on conditions that deal with the health and safety of the public. Specifically, construction permits for several buildings and structures, securing a potable water supply, installation of fire hydrants adjacent to the event center buildings, provisions of secondary access, and submission of an electrical service plan to upgrade the existing unpermitted service to an acceptable condition. To date, none of these conditions have been met. The applicant has notified staff that a new well has been drilled. This well has not been certified as compliant by the County of San Bernardino Environmental Health Services nor has the City issued, inspected nor finalized any electrical permit that would indicate that an approved and fully operational well has been constructed. Therefore, a supply of potable water along with the aforementioned conditions have not been met. Given the health and safety issues involved, staff recommends that all operations cease until progress is made. When all code issues have been corrected on-site, then the applicant can re-apply for a new entitlement.

FISCAL IMPACT

None.

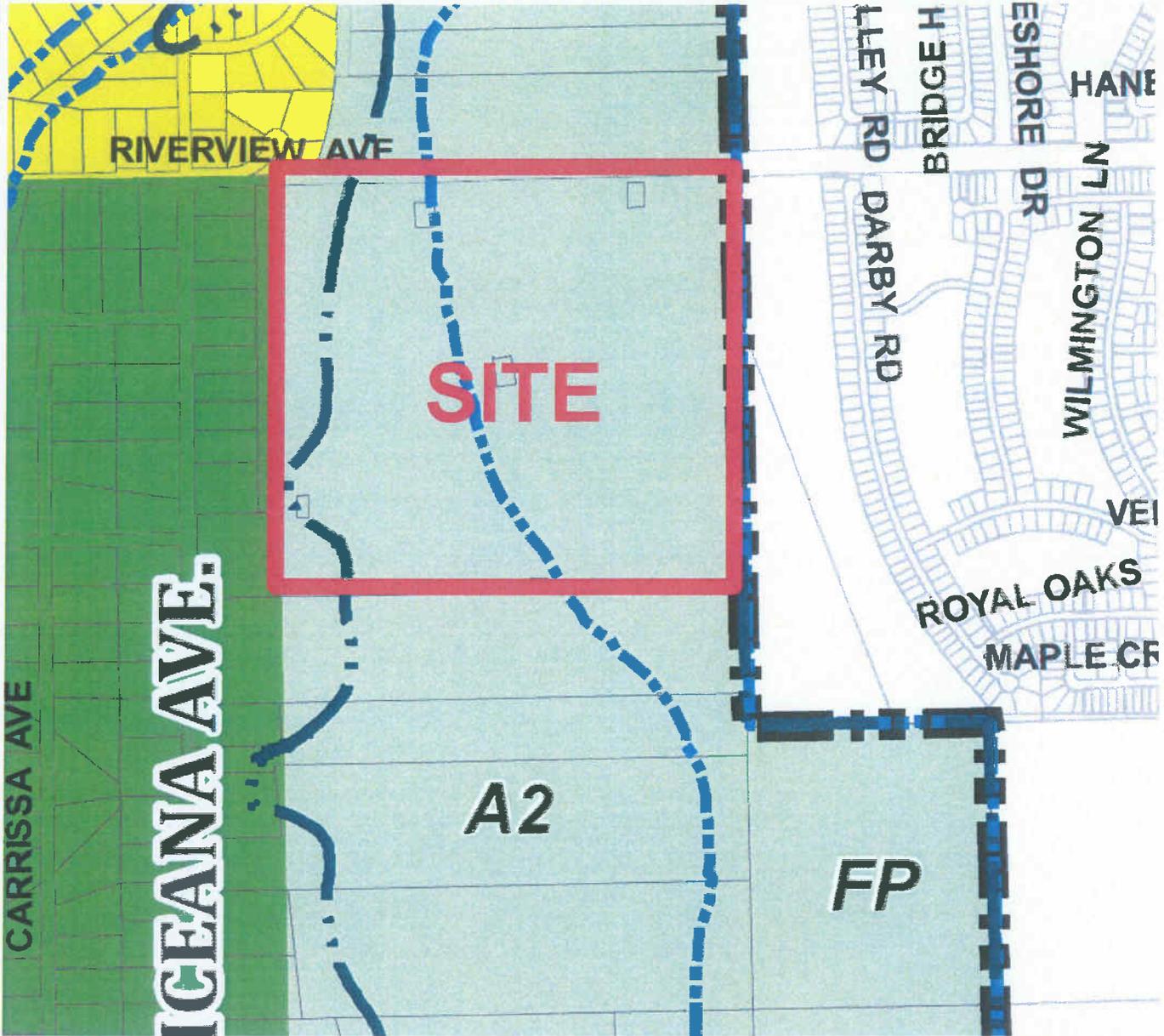
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. General Plan land use map
2. Aerial photo
3. Site plan
4. Resolution No. PC-2014-34,

ATTACHMENT 1



APPLICANT(S):
GAIL HASTY

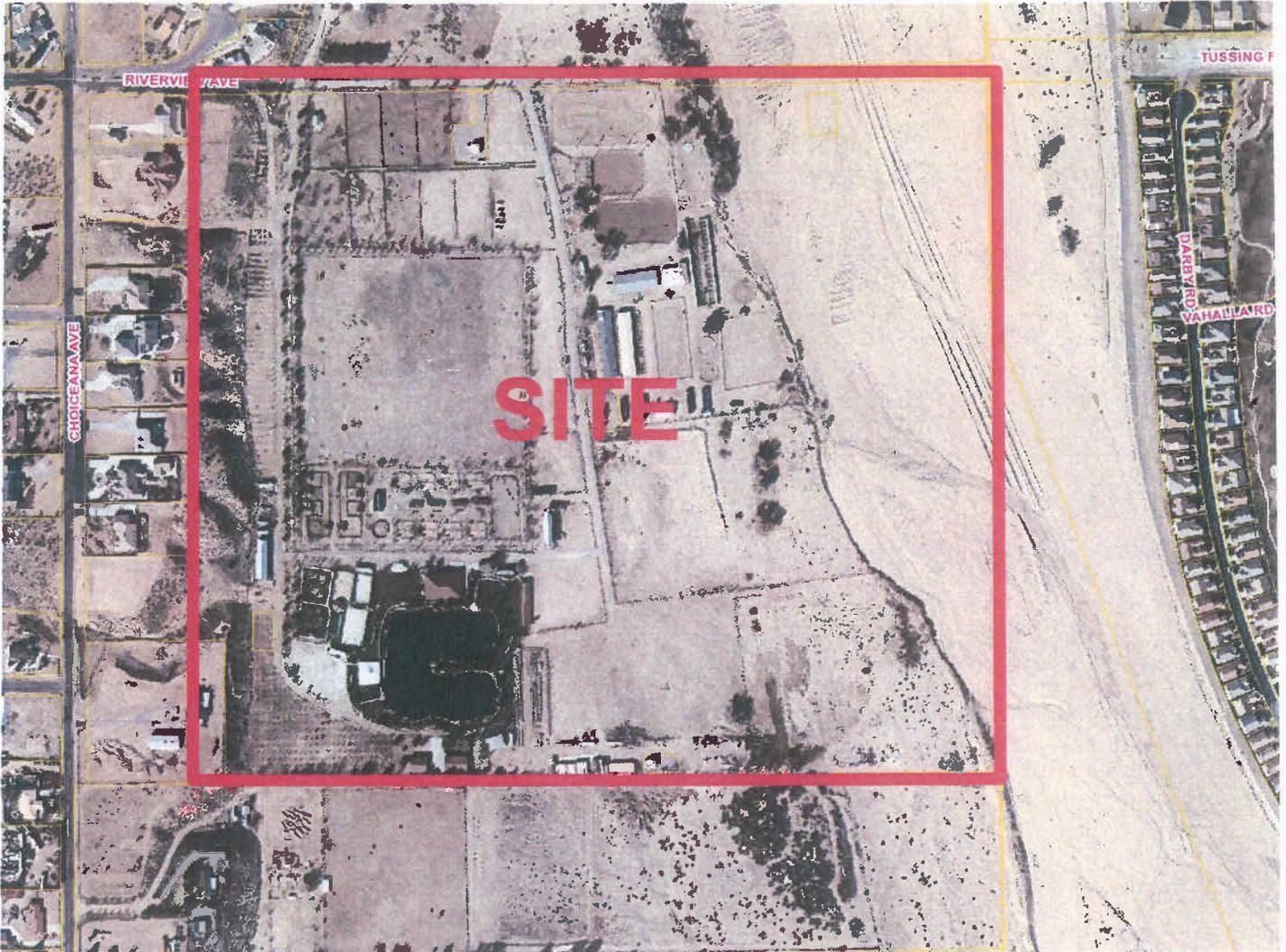
FILE NO(S):
SPRE14-00010

LOCATION:
15162 MAIN STREET

APN(S):
0411-182-18

PROPOSAL:
EXTENSION OF TIME FOR SITE PLAN REVIEW TO ESTABLISH AN EVENT CENTER ON 103 ACRES

ATTACHMENT 2



APPLICANT(S):
GAIL HASTY

FILE NO(S):
SPRE14-00010

LOCATION:
15162 MAIN STREET

APN(S):
0411-182-18

PROPOSAL:
EXTENSION OF TIME FOR STE PLAN REVIEW TO ESTABLISH AN EVENT CENTER ON
103 ACRES

Aerial Photo

ATTACHMENT 4

RESOLUTION NO. PC-2014-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO DENY AN EXTENSION OF TIME TO ESTABLISH AN EVENT CENTER ON 103 ACRES (SPRE14-00010)

WHEREAS, in June 2009, Gail Hasty filed an application requesting approval site plan review SPR09-10210. The application was approved on May 12, 2011; and

WHEREAS, on March 7, 2014, Gail Hasty filed an application requesting approval of a first extension of time for SPR09-10210 (SPRE14-0000). The extension of time was approved on April 9, 2014; and

WHEREAS, Gail Hasty has filed an application requesting approval of a second extension of time for SPR09-10210 (SPRE14-00014) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the General Agricultural (A2) Land Use Designation at 19099 Lemon Street and includes Assessor's Parcel Number 0411-182-18; and

WHEREAS, the Application, as contemplated, proposes to establish an event center on the subject property; and

WHEREAS, the proposed event center is proposed at 19099 Lemon Street. The surrounding properties are currently developed with single family residences and agricultural uses extending into the Mojave River; and

WHEREAS, the subject property is within the General Agricultural (A2) Land Use Designation. Properties to the north and south are also within the A2 land use designation, except for the properties to the west, which are within the Limited Agricultural (A1) land use designation; and

WHEREAS, approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study prepared for this project concludes that there are no significant adverse impacts resulting from this project; and

WHEREAS, on November 13, 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 November 13, 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 not 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 as the project does not have a secured potable water supply, fire hydrants, and an adequate electrical service. Adequate progress to meet those requirements has not been made during the entitlement period.
- (d) The site for the proposed use will have adequate access based upon the required access easement from Lemon Street and Choiceana Avenue. However, construction of the secondary access from Choiceana Avenue was not met during the entitlement period.
- (e) The proposed project is not 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 denies SPRE14-00010.

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

ADOPTED AND APPROVED this 13th day of November 2014.

Chris Elvert, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission