PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: November 12, 2015

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Bell- Hahn, Commissioner

Bob Rogers, 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 12, 2015

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 Tom Murphy
   Vice Chair William Muller
   Commissioner James Heywood
   Commissioner Joline Bell-Hahn
   Commissioner Bob Rogers

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: September 24, 2015 Planning Commission Special Meeting Draft Minutes. -1-

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit CUP15-00008,to construct a 35,963 square foot high school on 10.3 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Sultana Street and Lassen Road (Summit Leadership Academy; APN: 3064-581-02) 1-1

2. Consideration of a Development Code Amendment DCA15-00002, to modify the standards that regulate separation requirements between wireless communications facilities. (Applicant: City of Hesperia; Area affected: Citywide) 2-1

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

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Erin Baum, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, November 5, 2015 at 5:30 p.m. pursuant to California Government Code §54954.2.

Erin Baum
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
September 24, 2015
MINUTES

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Murphy 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: **Tom Murphy**
William Muller
James Heywood
Joline Bell-Hahn
Absent: **Bob Rogers**

Motion by Joline Bell Hahn to excuse Commissioner Bob Rogers, Seconded by William Muller, passed with the following roll call vote:

AYES: **James Heywood, Tom Murphy, William Muller, and Joline Bell-Hahn**
NOES: **None**
ABSENT: **Bob Rogers**

JOINT PUBLIC COMMENTS

Chair Murphy opened Public Comments at 6:37 p.m.

There were 3 speakers in opposition of the Tapestry Project.

Chair Murphy closed Public Comments at 6:47 p.m.

CONSENT CALENDAR

Approval of Minutes: September 10, 2015 Planning Commission Meeting Draft Minutes.

Motion by Joline Bell- Hahn to approve September 10, 2015 Planning Commission Meeting Draft Minutes, Seconded by William Muller, passed with the following roll call vote:

AYES: **James Heywood, Tom Murphy, William Muller, and Joline Bell-Hahn**
NOES: **None**
ABSENT: **Bob Rogers**

PUBLIC HEARING

A. **Certification of Tapestry Final EIR SCH# 2013111021 and adoption of Facts, Findings and Statement of Overriding Considerations and Approval of a Mitigation Monitoring and Reporting Program.**

B. **Consideration of Specific Plan SPL13-00001 to approve the Tapestry Specific Plan Project.**

C.

i. Tentative Tract TT14-00004 (TT-18985) to create 15 lots for finance and conveyance purposes consistent with the phases of the Tapestry Specific Plan on 9,365 gross acres.

ii. Tentative Tract TT14-00005 (TT-18989), to create 39 lots for single family residences and Public Uses and street right-of-ways necessary to develop Phase 1 of the Tapestry project on 987 gross acres.

ii. Tentative Tract TT13-00001 (TT-18955) to create 1,941 single-family residential lots and 2 lots for 220 medium density residential units within Phase 1 of the Tapestry Specific Plan.

Dave Reno, Principal Planner, gave a presentation.

Commissioners asked questions of the developer and city staff.

Developer spoke about the project.

Chair Murphy opened Public Comments at 7:00 p.m.

26 speaker cards were turned in, 25 people spoke both in favor and opposition of the project.

Chair Murphy closed Public Comments at 9:03 p.m.

Commission discussion ensued.

Motion by Tom Murphy to recommend approval to City Council with considerations on overall density, extension of Farmdale Rd, overall water supply issues, and traffic improvements, Seconded by James Heywood, passed with the following roll call vote:

AYES:	**James Heywood, Tom Murphy, William Muller, and Joline Bell-Hahn**
NOES:	**None**
ABSENT:	**Bob Rogers**

DRC Comments

Major Project Update

ADJOURNMENT

Chair Murphy adjourned meeting at 10:46 p.m. until Thursday, November 12, 2015.

Tom Murphy
Chair

By: Andrea Ngalo
Commission Secretary

City of Hesperia
STAFF REPORT

DATE: November 12, 2015

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Daniel S. Alcayaga, AICP, Senior Planner

SUBJECT: Conditional Use Permit CUP15-00008; Applicant: Summit Leadership Academy; APN: 3064-581-02

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2015-27, approving CUP15-00008.

BACKGROUND

Proposal: A Conditional Use Permit to construct a 35,963 square foot charter high school on 10.3 gross acres (Attachment 1).

Location: On the southeast corner of Sultana Street and Lassen Road.

Current General Plan, Zoning and Land Uses: The property as well as surrounding properties are currently undeveloped, and within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). Attachment 2 shows the land uses of the surrounding land. The site is surrounded by vacant land. Stepping Stone Industrial Park exists about 750 feet to the south (Attachment 3).

Summit Leadership Academy, a charter school, currently leases school facilities from the Hesperia Unified School District at Canyon Ridge High School (12850 Muscatel Street) in Hesperia. Summit Leadership Academy acquired the project site in January 2014 with the intention of constructing a high school campus. There are currently 183 high school students (9th-12th grade) enrolled in the program.

ISSUES/ANALYSIS

Land Use:

The Development Code permits institutional uses (i.e. schools, churches) in any zone subject to a land use approval. Schools within the RC Zone require approval of a conditional use permit. Phase 1 of the proposed high school includes a 5,434 square foot administrative building; a 9,516 square foot gymnasium/multipurpose (gym) building with an attached 3,813 square foot weight room; and two 8,600 square foot classroom buildings sized to accommodate 14 classrooms. The high school operates on a four-quarter academic calendar from August through May with school hours from 7:30 AM through 2:40 PM. At full buildout the new facility would have a capacity for up to 575 students and 72 staff. The outdoor athletic facilities include basketball/volleyball hardcourts, a soccer field and an obstacle course field.

The project as proposed complies with all development regulations. The proposed 107 parking spaces, including 4 accessible (handicap) parking spaces, satisfies the minimum code requirement of 94 parking spaces. Approximately 6.7% landscaping covers the parking lot area, and together with the athletic fields, satisfies the minimum 10% landscaping requirement. The Fire Prevention Department approved the proposed emergency access locations. All fire lanes will be a minimum of 20 feet wide and designed for one-way circulation.

The campus is designed with on-site parking adjacent to Lassen Road and Sultana Street. Perimeter masonry walls are placed between the parking areas and campus buildings, and made of split face and scored masonry block of varying heights. These walls serve as a visual buffer to insulate the campus from the street, and along with the landscaping, help soften the look of the buildings and structures from the street (Attachment 4).

The walls are designed to wrap around and terminate at both sides of the administrative building. The administrative building serves as an entrance landmark by opening up to Lassen Road. A shade structure and a nine-foot high stone veneer wall provide articulation to the front of the building. The gym faces Sultana Street and prominently visible from both streets. A feature was added to break up the massing of the 30-foot high gym building. The feature is made of perforated mesh and holds pictures of public safety and military personnel (Attachment 5).

The classroom buildings, which stand 11 feet high, are obscured by a nine-foot high split face wall. The classrooms and administrative buildings will be made of fiber cement siding, which is a composite material made of sand, cement and cellulose fibers. All buildings will be painted blue colors with yellow and red serving as accent colors. The buildings comply with the City's architectural guidelines.

Drainage: The proposed soccer field would be built below the surrounding grade to function as a detention/retention basin. The basin would be about 83,000 cubic feet in volume and will be designed to handle the increase in storm water runoff as a result of construction of this project.

Water and Sewer: The school can be served by existing 12-inch water lines in Lassen Road and Sultana Street, and can connect to an existing 10-inch PVC sewer line located in Sultana Street.

Traffic/Street Improvements: According to the project's traffic study, the proposed project at capacity is projected to generate up to 983 vehicle trips on a typical weekday, with 247 trips (168 inbound and 79 outbound) during the AM peak hour and 75 trips (35 inbound and 40 outbound) during the PM peak. The project would generate 55 inbound trips and 112 outbound trips during the school pick-up hour at approximately 3 PM. A total of six intersections and nine street segments were studied. The project itself would not create a deficient level of service for any street segment or intersection in proximity to the project, provided the developer pays the required development impact fees and constructs street improvements along the project frontage. As a condition of approval, the developer will be required to construct street improvements and pay development impact fees.

Sultana Street and Lassen Road will be constructed with half width improvements, including curb, gutter and sidewalk along the project's street frontages. The property is currently not served by paved roads. Sultana Street will therefore be paved to Mesa Linda Street, and Lassen Road will be paved to Poplar Street to the south. These off-site street improvements are required for emergency access and to prevent future dust problems.

Environmental: Approval of this project requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 6) prepared for this project concludes that there are no significant adverse impacts resulting from development of the school at capacity with the mitigation measures provided. The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. A pre-construction survey for the burrowing owl will be conducted prior to the issuance of a grading permit. There are 24 Joshua trees scattered around the project site, which will be transplanted within the site. The cultural report states that the property does not contain any historical or paleontological resources. Two Native American tribes were notified consistent with AB 52; however, no consultation was requested from either tribe.

Conclusion: The project conforms to the policies of the City's General Plan as well as the Specific Plan.

FISCAL IMPACT

None.

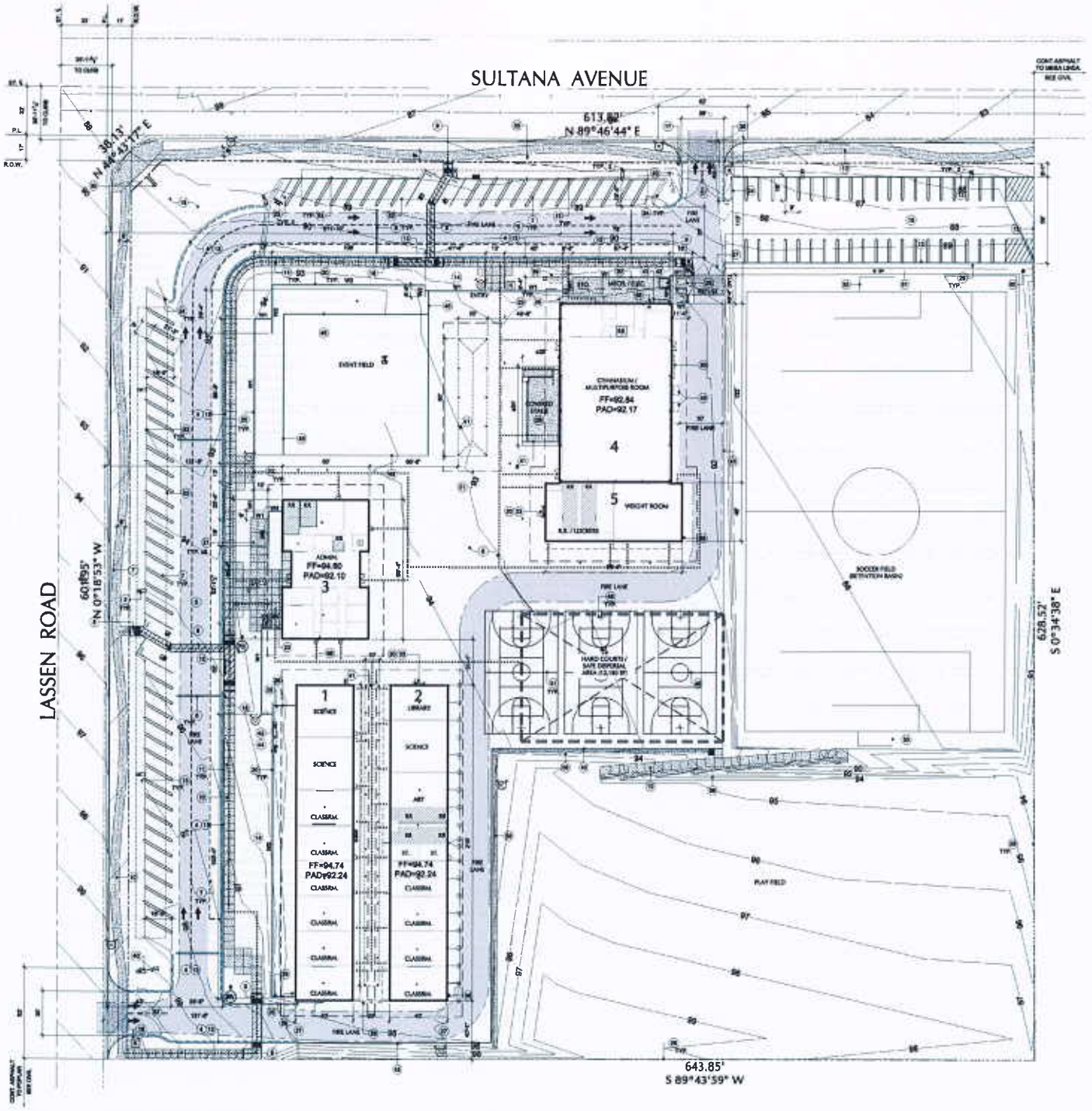
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. Main Street and Freeway Corridor Specific Plan land use map
3. Aerial photo
4. Architectural elevations
5. Architectural elevations (Gym)
6. Mitigated Negative Declaration ND-2015-05 and its initial study (under a separate cover)
7. Resolution No. PC-2015-27 (CUP15-00008), with list of conditions

ATTACHMENT 1



APPLICANT(S):
SUMMIT LEADERSHIP ACADEMY

FILE NO(S):
CUP15-00008

LOCATION:
ON THE SOUTHEAST CORNER OF SULTANA STREET AND LASSEN ROAD

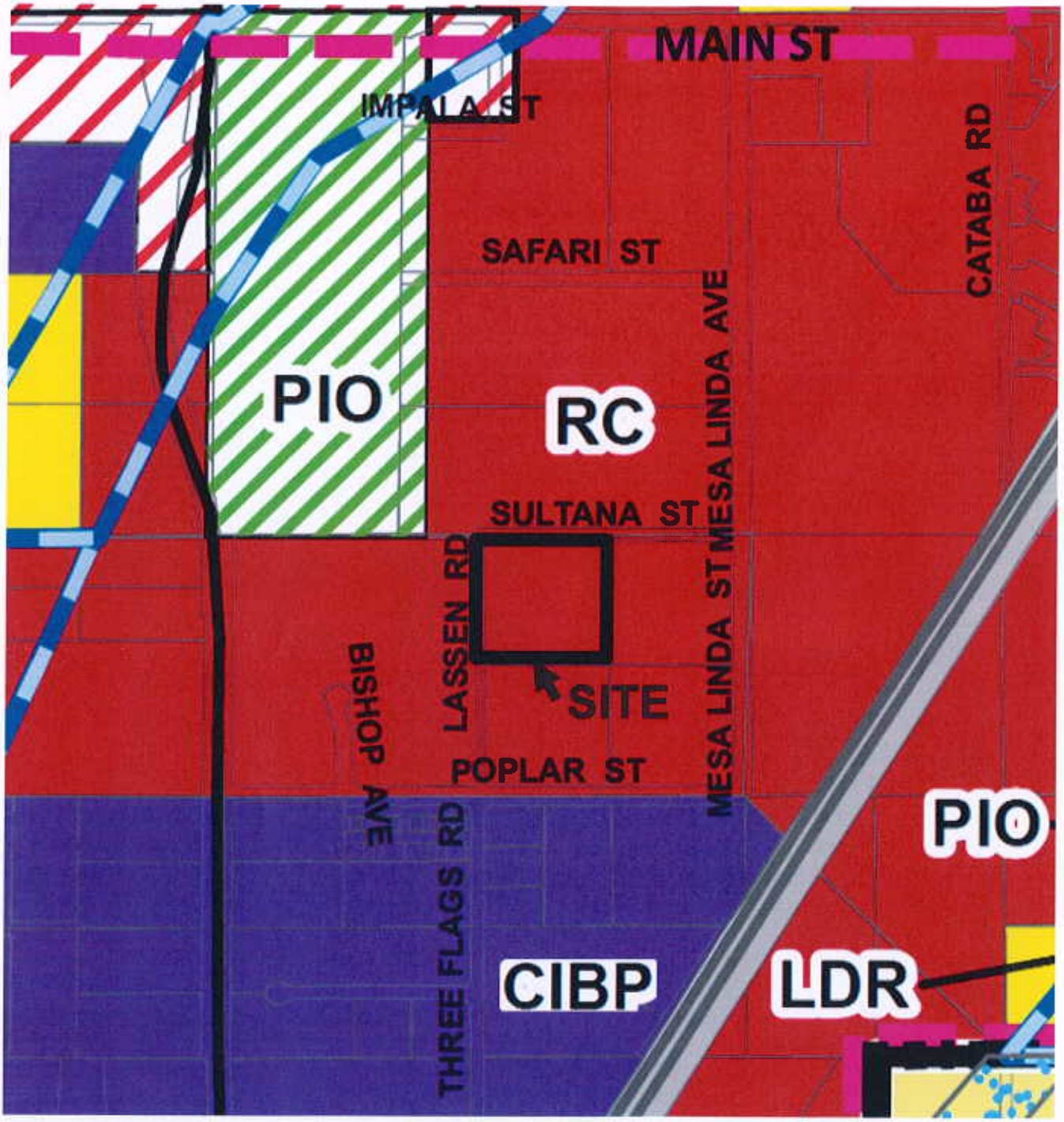
APN(S):
3064-581-02

PROPOSAL:
A CONDITIONAL USE PERMIT TO CONSTRUCT A 35,963 SQUARE FOOT CHARTER HIGH SCHOOL ON 10.3 GROSS ACRES

N

SITE PLAN

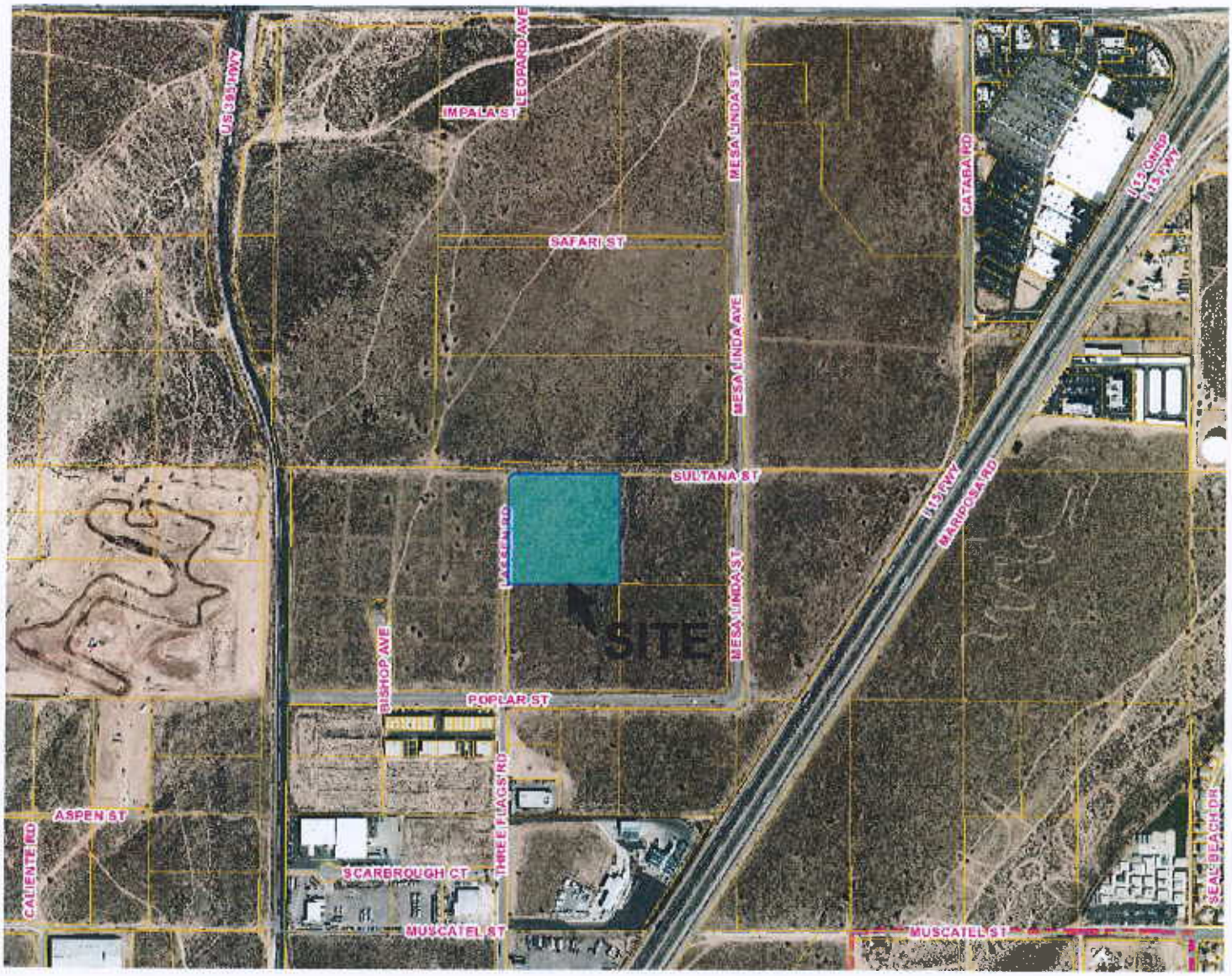
ATTACHMENT 2



APPLICANT(S): SUMMIT LEADERSHIP ACADEMY	**FILE NO(S):** CUP15-00008
LOCATION: ON THE SOUTHEAST CORNER OF SULTANA STREET AND LASSEN ROAD	**APN(S):** 3064-581-02
PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 35,963 SQUARE FOOT CHARTER HIGH SCHOOL ON 10.3 GROSS ACRES	N ↑

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

ATTACHMENT 3



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AERIAL PHOTO

ATTACHMENT 4

WEST ELEVATION **A**

SCALE: 1" = 20'

WEST ELEVATION (PARTIAL) **B**

SCALE: 1/8" = 1'-0"

WEST ELEVATION (PARTIAL) **C**

SCALE: 1/8" = 1'-0"

Note: The west elevations face Lassen Road

APPLICANT(S): SUMMIT LEADERSHIP ACADEMY	**FILE NO(S):** CUP15-00008
LOCATION: ON THE SOUTHEAST CORNER OF SULTANA STREET AND LASSEN ROAD	**APN(S):** 3064-581-02
PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 35,963 SQUARE FOOT CHARTER HIGH SCHOOL ON 10.3 GROSS ACRES	N ↑

ARCHITECTURAL ELEVATIONS

ATTACHMENT 5

NORTH ELEVATION A

SCALE: 1" = 20'

NORTH ELEVATION(PARTIAL) B

SCALE: 1/8" = 1'-0"

SOUTH ELEVATION A

SCALE: 1" = 20'

SOUTH ELEVATION (PARTIAL) B

SCALE: 1/8" = 1'-0"

Note: The north elevations face Sultana Street

APPLICANT(S): SUMMIT LEADERSHIP ACADEMY	**FILE NO(S):** CUP15-00008
LOCATION: ON THE SOUTHEAST CORNER OF SULTANA STREET AND LASSEN ROAD	**APN(S):** 3064-581-02
PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 35,963 SQUARE FOOT CHARTER HIGH SCHOOL ON 10.3 GROSS ACRES	N ↑

ARCHITECTURAL ELEVATIONS

ATTACHMENT 7

RESOLUTION NO. PC-2015-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 35,963 SQUARE FOOT CHARTER HIGH SCHOOL ON 10 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF SULTANA STREET AND LASSEN ROAD (CUP15-00008)

WHEREAS, Summit Leadership Academy has filed an application requesting approval of Conditional Use Permit CUP15-00008 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 10 acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan, located the southeast corner of Sultana Street and Lassen Road and consists of Assessor's Parcel Numbers 3064-581-02; and

WHEREAS, the site is currently undeveloped. The site is surrounded by vacant land. The nearest developed land uses to the site are industrial and commercial uses in the Stepping Stone Industrial park about 750 feet to the south; and

WHEREAS, the subject property, as well as surrounding properties are within the RC Zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed conditional use permit was completed on October 9, 2015, and no significant adverse impacts were identified. Mitigated Negative Declaration ND-2015-05 was subsequently prepared; and

WHEREAS, on November 12, 2015, 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 12, 2015 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The Planning Commission had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the Planning Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.

(b) 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 in conformance with the development code.

(c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the City's RC Zone of the Main Street and Freeway Corridor Specific Plan.

(d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations of the RC Zone of the Main Street and Freeway Corridor Specific Plan. In addition, the development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-around, trash enclosures, and loading areas. The development complies with the Americans with Disabilities Act (ADA) by providing the required accessible parking spaces and path of travel. The development will also be constructed pursuant to the California Building and Fire Codes and adopted amendments.

(e) The site for the proposed use will have adequate access based upon the site's access from Sultana Street and Lassen Road, which will be constructed to City standards. Sultana Street will be paved to Mesa Linda Street, and Lassen Road will be paved to Poplar Street to the south.

(f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the RC Zone of the Main Street and Freeway Corridor Specific Plan. A high school is an allowable use in the RC Zone with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP15-00008 subject to the conditions of approval as shown in Attachment "A", and Mitigated Negative Declaration ND-2015-05 which is attached to the staff report for this item.

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

ADOPTED AND APPROVED this 12th day of November 2015.

_____
Tom Murphy, Chair, Planning Commission

ATTEST:

_____

Erin Baum, Planning Commission Secretary

ATTACHMENT "A"
List of Conditions for CUP15-00008

Approval Date: November 12, 2015
Effective Date: November 24, 2015
Expiration Date: November 24, 2018

This list of conditions applies to: Conditional Use Permit CUP15-00008, to construct a 35,963 square foot charter high school on 10 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Sultana Street and Lassen Road (Summit Leadership Academy; APN: 3064-581-02

The use shall not be established until all conditions of this land use approval application have been met. This approved land use 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

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	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)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (S.W.P.P.P.) which addresses the method of storm water run-off control during construction. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PLAN CHECK FEES. Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. Improvement Plans and requested studies shall be submitted as a package. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FIRE ACCESS. The development shall have a minimum of TWO points of vehicular access. These are for fire emergency equipment access and for evacuation routes. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Exception: May provide twenty (20) feet "one-way" unobstructed width access. Other recognized standards may be more restrictive by requiring wider access provisions. Multi Story Road Access Width. Buildings three (3) stories in height or more than thirty (30) feet in height shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,500 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 9,516 sq.ft. structure. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	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)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the Citys improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Sultana Avenue and Three Flags Road. The right of way full width for Sultana Avenue and Three Flags Road shall be one-hundred (100') feet. The Developer shall also 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. It is the Developers responsibility to obtain any additional Right of Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. Corner cut off right of way dedication per City standards is required at all intersections, including interior roadways. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GRANT OF EASEMENT FOR DOUBLE DETECTOR CHECK VALVE. The Developer shall grant to the City an easement for any part of a required double detector check valve that encroaches onto private property. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The

improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** ON SITE RETENTION. The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality and include the state's L.I.D. (Low Impact Development) requirements. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED NOT IN COMPLIANCE **COMPLIED BY** Sultana Avenue. Construct half-width improvements on Sultana Avenue across the project frontage, based on City's 100-foot Arterial Roadway Standard. The curb face is to be located at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Commercial driveway approach per City standards.
G. Pavement transitions per City Standards.
H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
J. Provide a signage and striping plan per City standards.
K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY** Three Flags Road (Lassen Road). Construct half-width improvements on Three Flags

NOT IN COMPLIANCE		Road across the project frontage, based on City's 100-foot Arterial Roadway Standard. The curb face is to be located at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: A. 8" Curb and Gutter per City standards. B. Sidewalk (width = 6 feet) per City standards. C. Roadway drainage device(s). D. Streetlights per City standards. E. Intersection improvements including handicapped ramps per City standards. F. Commercial driveway approach per City standards. G. Pavement transitions per City Standards. H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report. I. Traffic control signs and devices as required by the traffic study and/or the City Engineer. J. Provide a signage and striping plan per City standards. K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	Off-site paving on Sultana Avenue and Three Flags Road. Construct 26' (minimum) asphalt paving on Sultana Avenue and Three Flags Road from proposed full half-width improvements to nearest existing pavign on Poplar Street and Mesa Linda Street. Section to be determined by Geotechnical Report.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E) A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer. B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC water line in Lassen Road or the existing 12" PVC water line Sultana Avenue per City Standards. C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 10 PVC sewer main in Sultana Avenue per City standards. D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	COMBUSTIBLE PROTECTION. Prior to combustibles being placed on the project site an approved all weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	STREET SIGN. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (600) feet apart (as

measured along vehicular travel ways) and no more than three hundred (300) feet from any portion of a structure. Fire Department Connections (FDC) and Post Indicating Valves (PIV) shall be designed and constructed in accordance with San Bernardino County Fire Standards. (F)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)

A. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CULTURAL RESOURCES. A qualified archaeological and paleontological monitor shall be present during grading operations so that any resources discovered during grading will be collected in accordance with CEQA. A copy of an executed contract with a qualified archaeologist and paleontologist for monitoring during grading operations shall be submitted for Planning Division review and approval prior to issuance of a grading permit. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of $2,260.00 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. If constructed by DSA, shall provide certification at time of City acceptance. (F)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. Note: Freeze protection is required for all exposed piping. If constructed through DSA, shall provide certification prior to City acceptance. (F)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

HOOD AND DUCT SUPPRESSION. An automatic hood and duct fire extinguishing system is required. If constructed through DSA, system shall be certified prior to City acceptance. (F)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONSTRUCTION WASTE. The developer or builder shall contract with the Citys franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	MASONRY WALLS. The Developer shall submit four sets of masonry wall plans to the Building Division with the required application fees for all proposed walls. The design and height of the block walls shall be constructed in accordance with the approved site plan. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AS BUILT PLANS. As-Built Plans. The Developer shall provide as-built plans. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GATE OVERRIDE SWITCH/PADLOCK(S). Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. For manually operated access gates, Knox padlocks shall be provided. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	KNOX BOX. An approved Fire Department key box is required. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. Development Impact Fees (B) B. Utility Fees (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DIRECTORY ADDRESSING. Apartments condominiums and commercial or industrial complexes with more than three separate buildings on site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle

areas. Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY CLEARANCE AND C OF O. 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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 buildings 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)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT 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**

City of Hesperia
STAFF REPORT

DATE: November 12, 2015

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Ryan Leonard, AICP, Associate Planner

SUBJECT: Development Code Amendment DCA15-00002, to modify the standards that regulate separation requirements between wireless communications facilities; Applicant: City of Hesperia; Area affected: Citywide

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RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2015-28, recommending that the City Council introduce and place on first reading an ordinance approving DCA15-00002.

BACKGROUND

This Development Code Amendment is proposed in response to an application filed for a Conditional Use Permit (CUP) to construct a 77-foot high wireless communications facility at Lime Street Park. Based upon the current zoning standards staff is unable to approve the request for a CUP. However, staff believes that the request has merit and is requesting that the Planning Commission recommend that the City Council amend the standards that regulate minimum separation requirements between wireless communications facilities. The proposed revisions would only apply to specific locations of a minimum size. Staff is using this opportunity to update the existing standards and provide a uniform set of guidelines for the placement of new wireless facilities throughout the City.

The City Council adopted the Wireless Communications Facilities Ordinance on March 2, 2000 to establish regulations for the placement, design and orderly development of the emerging wireless industry. To date the Wireless Communications Facilities Ordinance has never been amended, however the needs of the wireless industry have evolved from what used to be a need to provide adequate *coverage* and *service* to new areas, to what is now a need to provide adequate *capacity* to serve a greater number of users and accommodate the increased demand for data consumption. As the wireless industry continues to evolve, staff has seen an increase in the number of applications for the construction, modification and/or placement of wireless communication facilities throughout the City.

ISSUES/ANALYSIS

Location Preferences

The Development Code Amendment will accommodate the wireless telecommunications industry by allowing for increased coverage and capacity without sacrificing the aesthetic values that are important to the City. The Development Code currently requires that any wireless facility

be located at least 1,000 feet from the nearest legally established facility. The Development Code Amendment proposes to establish an incentive for wireless facility providers by reducing the requirement to 500 feet for any facility proposed to be located on any of the following types of properties:

Any of the uses listed below provided that the site is at least 5 acres:

- *any park site;*
- *any site that is designated as "Public" on the City's General Plan Land Use Map;*
- *any public or private school campus;*
- *any church that is the sole occupant of a site;*
- *any site that is designated as "Commercial" or "Industrial" on the City's General Plan Land Use Map with a minimum of 30,000 square feet of developed structures on-site; and*
- *any golf course.*

It has been current practice for the City to encourage the siting of wireless communication facilities on these land uses. Adoption of the Development Code Amendment will help provide consistent guidance to wireless communication providers regarding the siting of wireless facilities and will codify current practice.

The above locations are not listed in order of preference; they all qualify to receive the same incentive. The locations were selected because they occur proportionally throughout all areas of the City. This will facilitate widespread coverage and capacity, and will safeguard against any one area of the City being overly burdened.

The listed locations are also the types of properties that would conceivably have the greatest potential to have the supporting infrastructure necessary to screen and integrate new wireless facilities without appearing overly cluttered or visually obtrusive. On sites less than 5 acres, the 500-foot separation requirement would not apply in most cases because they would not have the necessary area to accommodate multiple wireless facilities. The 5-acre minimum lot size will restrict multiple wireless facilities from locating on smaller lots.

Other Changes

Minor changes are also proposed to be made to Section 16.16.062 (D)(5) to add to the findings the reasonable possibility of locating a facility on any of the specified locations. In addition, Section 16.16.062 (D)(5)(d) currently requires that to the extent practicable, every facility be designed to conceal its intended purpose. New language was added to clarify that the location and design of each facility must also be in concert with its surroundings. The recommended changes to the Development Code are identified within the Exhibit "A" of the Ordinance. Additions are shown on Exhibit "A" of the Resolution using red underlined text and ~~deletions are represented by strikethroughs~~.

Environmental: This Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 16.12.415(B)(10) of the City's CEQA Guidelines. The proposed Ordinance does not permit new uses, or substantially increase the density or intensity which is already allowed in the General Plan.

CONCLUSION

Staff supports the Development Code Amendment, as it will provide clear, consistent and uniform guidance for the future placement of wireless facilities throughout the City. The Amendment addresses the industry's need for more wireless communications facilities to increase capacity, while providing an incentive to preferred land uses of a certain size to qualify for a reduced separation requirement.

FISCAL IMPACT

None.

ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENT

1. Resolution No. PC-2015-28, with Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2015-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE DEVELOPMENT CODE AMENDING STANDARDS FOR WIRELESS COMMUNICATION FACILITIES (DCA15-00002)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On March 2, 2000, the City Council of the City of Hesperia adopted Ordinance No. 290, establishing standards for the placement, construction and modification of Wireless Communication Facilities; and

WHEREAS, The regulations adopted under Ordinance No. 290 regulating minimum separation requirements between wireless communication facilities requires modification to accommodate the evolving and expanding wireless communications industry; and

WHEREAS, The City of Hesperia Development Code shall be amended to allow for a reduced separation requirement for preferred sites by which wireless communications facilities must adhere to; and

WHEREAS, The proposed Development Code Amendment is exempt from the requirements of the California Environmental Quality Act by 16.12.415(B)(10) of the City's CEQA Guidelines as the Development Code Amendment does not permit a new classification of uses that is not already permitted nor does it substantially increase the density or intensity that is allowed in the General Plan; and

WHEREAS, on November 12, 2015, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA15-00002, amending the current Wireless Communications Facilities Ordinance as shown on Exhibit "A."

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

ADOPTED AND APPROVED this 12th day of November, 2015.

_____
Tom Murphy, Chair, Planning Commission

ATTEST:

_____
Erin Baum, Secretary, Planning Commission

Exhibit 'A'

All added text is shown as red and underlined eliminated text is shown ~~red and strikethrough.~~

16.16.062 - Wireless communications facilities.

A. Definition. For the purpose of this section~~,~~ the following definitions apply:

1) "F~~f~~acility" means any facility, device or apparatus, including, but not limited to, ~~monopoles,~~telecommunications towers, satellite dishes, antennae and buildings or other types of communication array for the transmission or receipt of wireless telecommunications, radio communications or radio-transmission of energy. However, "facility" shall not include, and this section will not apply to, any satellite dish or parabolic antenna of two meters or less in diameter or diagonal measurement.

2) "Telecommunications tower" means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas including but not limited to monopoles, monopines, monopalms and similar monopoles camouflaged to resemble faux trees or other faux objects (e.g. water towers).

B. The placement, construction, modification and use of a facility may be permitted subject to the prior approval of a conditional use permit by the planning commission.

C. In addition to those items required to be submitted with an application for a conditional use permit as provided in the code, the applicant shall submit the following with its application:

1. A proposed service plan for the city and sphere area to justify the location, design and height of any proposed facility, including but not limited to a propagation map and alternative site analysis;

2. Proof that the applicant has obtained all necessary approvals for the facility from the Federal Communications Commission, the California Public Utilities Commission, or other governmental agency having jurisdiction over the facility and that the proposal is consistent with such approvals;

3. A statement of the term during which the facility will be put to use and a bond or irrevocable letter of credit in an amount to cover the reasonable cost of removing the facility in the event of abandonment. Such bond or irrevocable letter of credit shall be made payable to the city upon demand in the event of abandonment and shall not expire before the end of the term during which the facility is to be used.

D. The planning commission shall decide to approve or deny an application for a conditional use permit for the placement, construction, modification and use of a facility in consideration of the following:

1. The placement of each facility shall be consistent with the applicable land use district in which the facility is proposed;

2. Each facility shall not be taller than the maximum height allowed in the land use district in which the facility is proposed, without concurrent approval of a variance by the planning commission;

3. Any ~~facility~~ telecommunications tower proposed to be taller than fifty (50) feet in height shall be designed to accommodate the co-location of at least one other facility. A co-location agreement, valid for the life of the ~~facility~~telecommunications tower, shall be recorded as approved by the city attorney;

4. A facility shall be located at least one thousand (1,000) feet from the nearest legally established facility ~~(except in the event that such a facility is co-located with another facility)~~. This requirement shall be reduced to five hundred (500) feet for any new facility that is proposed to be located on any of the following land uses, provided that the site is at least 5 acres:

   a. any park site;

   b. any site that is designated as "Public" on the City's General Plan Land Use Map;

   c. any public or private school campus;

   d. any church that is the sole occupant of a site;

   e. any site that is designated as "Commercial" or "Industrial" on the City's General Plan Land Use Map with a minimum of 30,000 square feet of developed structures on-site; and

   f. any golf course.

5. The design features and height of each facility shall be consistent with the applicable land use district in which the facility is proposed. In determining the appropriateness of design features and height of a proposed facility, the planning commission shall consider:

   a. The intended service area of the facility,

   b. The reasonable possibility of co-locating the facility with another existing facility,

c. The reasonable possibility of locating the facility on an existing structure,

d. The reasonable possibility of locating the facility on any of the land uses identified in Section 16.16.062(D)(4) of this article,

~~d~~e. The reasonable possibility of designing the facility to conceal its intended purpose and minimize the potential visual impacts. At a minimum, the location and design of the facility must be in concert with its surroundings,

~~e~~f. The facility to the greatest extent feasible shall be designed so that it is aesthetically and architecturally compatible with the surrounding use,

~~f~~g. A facility mounted on a building or structure shall be aesthetically and architecturally compatible with the building or structure or shall be screened with materials that are aesthetically and architecturally compatible with the building,

~~g~~h. The facility shall have subdued colors and be covered with non-reflective materials,

~~h~~i. The facility as proposed shall have been approved by the Federal Communications Commission, California Public Utilities Commission or other governmental agency having jurisdiction over the facility and the facility shall be consistent in matters with such approvals, and

~~i~~j. The availability of alternate sites proposed to be located within the same land use district within which the facility is proposed to be located and the availability of reasonably and functionally equivalent alternate sites located in land use districts other than that within which the facility is proposed to be located.

E. In the event a facility is abandoned, the holder of the conditional use permit for the facility shall remove the facility at its sole cost and expense. A facility shall be considered abandoned if it ceases to be used as allowed in the conditional use permit for more than one hundred eighty (180) consecutive days.

F. In the event the planning commission denies an application for a conditional use permit for a facility, it shall render its decision in writing and shall support its decision by substantial evidence in the written record.

(Ord. 290 § 4 (Exh. A), 2000)

City of Hesperia

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, October 7, 2015

A. PROPOSALS:

1. GRACO EQUITIES LLC (SPRE15-00005)

Proposal: A fifth extension of time for Site Plan Review SPR-2006-14, to construct 20 new condominiums and convert 12 existing apartments to condominiums.

Location: 9758 Maple Avenue (APN: 3057-131-35)

Planner: Daniel Alcayaga

City of Hesperia

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, October 21, 2015

A. PROPOSALS:

1. SUMMIT LEADERSHIP ACADEMY (CUP15-00008)

Proposal: To construct a charter high school.

Location: Southeast corner of Sultana Street and Lassen Avenue (APN: 3064-581-02)

Planner: Daniel Alcayaga

City of Hesperia

CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, November 4, 2015

A. PROPOSALS:

1. MADISON DEVELOPMENT GROUP (SPR15-00013/TPMN15-00002)

Proposal: To construct a 4,800 square foot retail building on 1.3 acres and tentative parcel map PM-19694 to create 2 parcels.

Location: Northwest corner of Main Street and Cataba Road (APN: 3064-471-05)

Planner: Ryan Leonard

2. LOS ANGELES VERIZON WIRELESS (CUP15-00005/VAR15-00001)

Proposal: To construct a 75-foot high wireless communications facility disguised as a water tower and Variance to exceed the 45-foot height limitation.

Location: Southwest corner of Hesperia Road and Hercules Street (APN: 0407-061-11)

Planner: Stan Liudahl