

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: February 12, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Stephen James, Chair

Chris Elvert, Vice Chair

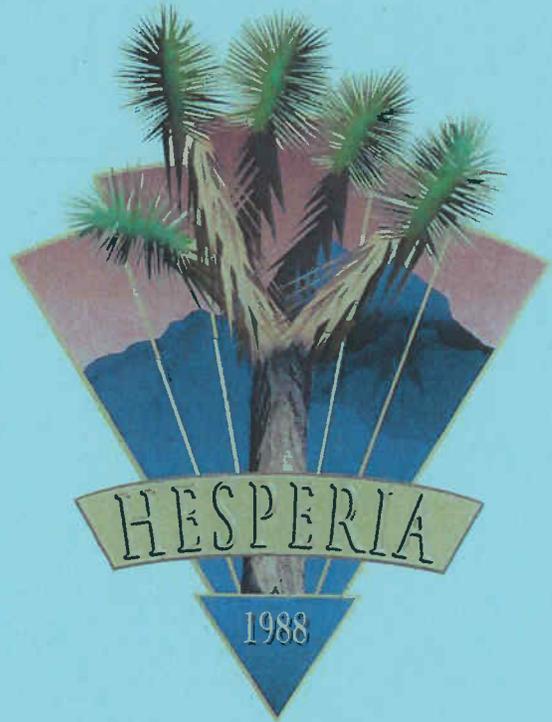
Joline Bell Hahn, Commissioner

Paul Russ, Commissioner

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Dave Reno, Principal Planner

Douglas P. Haubert, 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.

**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 Stephen James
 - Vice Chair Chris Elvert
 - Commissioner Joline Bell Hahn
 - Commissioner Paul Russ

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: January 29, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Public Facility Review (PFR-2008-02), to construct a two-story 42,887 square foot police station on 5.0 net acres located on the northeast corner of Smoke Tree Street and Ninth Avenue (Applicant: City of Hesperia; APN: 0407-233-01) (Staff Person: Paul Rull). 1-1

- 2. Consideration of Administrative Appeal (APP-2008-01), to replace an existing two-sided, 40-foot high, 1,344 square foot billboard with a two-sided, 47-foot high, 672 square foot digital billboard located on the east side of Interstate 15, north of Short Street (Appellant: OOS Investments, LLC; APNs: 3072-251-04) (Staff Person: Stan Liudahl, AICP). 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

3-1

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.

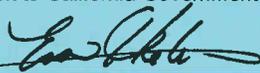
G. Reorganization of the Planning Commission

1. Election of Chair
2. Election of Vice Chair

ADJOURNMENT

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

I, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, February 5, 2009 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**PLANNING COMMISSION
SPECIAL MEETING**

DRAFT MINUTES

January 29, 2009

The special meeting of the Hesperia Planning Commission was held on Thursday, January 29, 2009 in the City Council Chambers, 9700 Seventh Avenue Hesperia, California. The meeting was called to order at 6:31 p.m. by Chair James.

A. CALL TO ORDER

1. Pledge of Allegiance – Commissioner Russ

2. Invocation - Commissioner Hahn

3. Roll Call
Chair, Stephen James Present
Vice Chair, Chris Elvert Present
Commissioner Joline Bell Hahn Present
Commissioner Paul Russ Present
(1) Commissioner's Seat Vacant

In Attendance for Staff: Principal Planner, Dave Reno AICP; Director Development Services, Scott Priester; Deputy Director – Development Services, Tom Harp; City Manager, Mike Podegracz; City Engineer, John Leveillee; City Attorney, Eric Dunn; Senior Planner, Daniel Alcayaga AICP; Senior Planner, Stan Liudahl, AICP; Assistant Planner, Lisette Sanchez-Mendoza; Planner, Paul Rull; Senior Engineer, Tom Thornton; Deputy Director – EDD, Steve Lantsberger; Administrative Analyst, Rod Yahnke; MIS Technician, Kurt Willis; Fire Prevention Specialist, Brian Headley; Recording Secretary, Eva Heter.

* * * * *

B. PUBLIC COMMENTS-

Chair James opened Public Comment: 6:33 p.m.

No comments to consider.

Chair James closed Public Comments: 6:34 p.m.

C. CONSENT CALENDAR

Approval of Minutes: January 8, 2009 Planning Commission Minutes

Motion: Commissioner Russ moved to approve the January 8, 2009, Planning Commission Minutes as presented. Vice Chair Elvert seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

* * * * *

D. PUBLIC HEARING ITEMS

1. Consideration of Conditional Use Permit (CUP-2006-05) to construct the Main Street Marketplace project consisting of up to 425,038 square feet of retail space and Tentative Parcel Map (PM-18187) to create eight commercial parcels with an associated Environmental Impact Report on approximately 43.84 acres zoned Regional Commercial located on the southeast corner of Main Street and Escondido Avenue (Applicant: Wal-Mart Stores, Inc.; APNs: 3057-011-07, 09, 11 thru 13) (Planner: Senior Planner, Daniel S. Alcayaga AICP).

Senior Planner, Daniel S. Alcayaga AICP gave a brief overview of the meeting procedures. He also gave a brief staff report; introduced green sheeted items (see Attachments 1 thru 12), and introduced Principal Planner, Dave Reno AICP, who was to review the Environmental Impact Report (EIR) Process. He introduced the project with the use of a PowerPoint Presentation (See Attachment 13).

Vice Chair Elvert questioned the Conditional Use Permit (CUP).

Senior Planner, Daniel Alcayaga AICP reviewed the specifications of the CUP.

Commissioner Russ stated he hadn't ever known a project to generate the amount of support from Hesperia Residents, such as the proposed project had generated.

City Attorney, Eric Dunn stated that 24 white cards had been received in favor of Wal-Mart; however, the individuals did not want to address the Commission.

Senior Planner, Daniel Alcayaga AICP explained the variables for approval or denial of the CUP.

Principal Planner, Dave Reno AICP referred the Commission to page 1-100 of the agenda and reviewed the conditions pertaining to the proposed CUP.

Vice Chair Elvert questioned how the ½ foot candle was measured.

Senior Planner, Daniel Alcayaga AICP reviewed the specifics for the ½ foot candle.

Commissioner Hahn questioned an amendment needing to be noted for the condition on page 1-100.

Principal Planner, Dave Reno AICP stated that the change would need to pertain to condition 58 (Limitations on Outdoor Activities).

Chair James stated that there were specifics that were included in the concern, such as large equipment operation, dust, debris, and various others.

Principal Planner, Dave Reno AICP reviewed the EIR Process with the use of a PowerPoint Presentation (See Attachment 13). He also reviewed the concerns mentioned in the eight comment letters received during the EIR comment process and the impacts of the project (noise, water supply, hydrology/water, hazardous materials, biology, and alternatives). He stated that the project met CEQA requirements and staff felt that the benefits of the project outweighed the impacts. He also reviewed the EIR Findings with regards to traffic, air quality and noise. He reviewed Senate Bill SB 375, which requires MPO (SCAG) to adopt Sustainable Communities Strategies (SCS) by 2012 and the current standards applicable to the project. He stated that the project met all of the City's design, architectural, and code requirements as well as met all CEQA requirements. He stated that Staff recommended that the Commission adopt the resolution to certify the EIR and adopt the statement of overriding considerations and that the Commission also adopt the two resolutions for the CUP and the Parcel Map.

Commissioner Russ questioned the things that could not be mitigated; the daily operational emission of the PM10 in the cumulative. He stated that the emissions during construction were obviously temporary; however, it seemed as though there would be less impact, by emission, due to the fact that the Citizens would not be traveling 20 miles round trip, rather residents would be traveling a shorter distance placing less of an impact on the environment.

Principal Planner, Dave Reno AICP stated that the issue was only to examine traffic that would be coming in and out of the location in question.

Commissioner Hahn stated that all her questions had been answered.

Chair James questioned traffic in the vicinity of the project. He questioned the possibility of continuing Knight Street through to Hollister, giving a third access to the project.

City Engineer, John Leveillee stated that there were a lot of undeveloped tracts in the area and Knight Avenue was part of the entire circulation plan; therefore, as the projects develop the right-of-way will be given for Knight Avenue to be part of the major circulation for the area.

Chair James questioned the development of Knight Avenue prior to further development of tracts in the area.

City Engineer, John Leveillee stated that given the findings that the circulation met the requirements for the City, there would be no need to develop Knight Avenue at that given time; however, when the area becomes more developed and the need arises, then Knight Avenue would be developed.

Chair James questioned what looked to be a natural drainage course, south of Major Street.

City Engineer, John Leveillee stated that the area in question was part of the open space area and a drainage easement, with existing pipes allowing water to flow beneath the street. He stated that the pipes would eventually be removed and the area would be an open channel for water to flow through.

Chair James stated that it appeared as though the drainage flow would go right below Home Depot.

City Engineer, John Leveillee stated that right behind the Home Depot there was a natural wash area, which was where the water would be allowed to flow. He stated that the pipes would be removed and the natural wash would be restored in the area.

Chair James questioned the boundary to the south of the Home Depot being the brick wall.

City Engineer, John Leveillee stated that the brick wall would be along the most southerly property line.

Chair James questioned the natural drainage being a considerable distance from the area where John had indicated that the natural drainage would be; he stated that there almost appeared to be two natural drainage channels.

City Engineer, John Leveillee stated that modifications had been made previously when the tract in the area had be developed; however, the natural drainage would be restored back to its natural condition with the proposed development.

Chair James questioned if water would flow into both the privately owned basin and the publicly owned basin.

City Engineer, John Leveillee stated that the public basin serves the tract, which would be reconfigured slightly but still maintained by the City, and the other portion of the basin would remain on the proposed project site, which would be maintained by the owner as an onsite facility.

Commissioner Russ questioned if the entire drainage basin could be taken over by the Applicant, in order to eliminate future disputes.

City Engineer, John Leveillee stated that the property belonged to the City and was deeded to the City as part of final map. He stated that if the Applicant was to take over the entire basin, the Applicant would be assuming the entire run-off from the tract.

Commissioner Russ questioned if the drainage could be deeded to the Applicant, in order to eliminate future disputes.

City Engineer, John Leveillee stated that what Commissioner Russ was speaking of would be unprecedented, to put the responsibility for drainage outside of a proposed development onto a new development.

Commissioner Russ stated that the area was not a lot of area and it may be a legal question. He also stated that the Commission could question Wal-Mart if they were willing to take over the entire drainage basin.

Chair James stated that the existing retention basin, behind the homes on Molina, would be redesigned.

City Engineer, John Leveillee stated that the basin would be reconfigured slightly; the actual capacity would remain the same.

Chair James stated that the retention basin would still exist and then the natural drainage would be just north of the basin.

City Engineer, John Leveillee stated that another retention basin would be further north.

Chair James stated that he was questioning the retention basin further west from the aqueduct; stating that the retention basin on the corner of Molina and Major Road.

City Engineer, John Leveillee stated that the basin at the corner of Molina and Major Road was an interim basin put in as part of phase 2 of Tentative Tract (TT-14372).

Chair James clarified that the basin was an interim basin, stating that he noticed that the flow was north. He questioned if the basin in question would be eliminated.

City Engineer, John Leveillee stated that the interim basin would eventually be eliminated.

Commissioner Russ stated that he felt that it would protect the residence from any future disputes if the Applicant took over the maintenance of the entire drainage area.

City Engineer, John Leveillee stated that the access issue would be one issue of concern when having the Applicant maintain the entire drainage area. He stated that what Commissioner Russ was proposing was certainly not something that Staff would recommend; however, it was something that could be looked at.

Chair James questioned the traffic signals and what possible synchronization was being set in place.

City Engineer, John Leveillee stated that the long term plan was to synchronize; however, the signals needed to be positioned and then the system would be upgraded and the synchronization would be set in place. He reviewed the long term goals of the City and the coordination of the signals.

Chair James opened Public Hearing: 7:30 p.m.

Barry Lindner, Civil Engineering Consultant gave a brief introduction of the Project Representatives who were available to answer any questions by the Commission. He stated that he would focus mainly on the drainage channel, which seemed to generate the majority of questions. He stated that the drainage would be separate from the channel; he reviewed the existing drainage patterns as well as the existing conditions and the proposed design of the drainage flow. The design was to improve the conditions, provide better water quality measures, slow the water down (preventing sediment transport) and generate more functionality. He stated that there would be fencing around the basin and the grading, as well as the pipes, would be placed. He reviewed maintenance of the drainage system by reviewing the drainage system detail. He also reviewed the landscape plans and the maintenance of those areas landscaped areas and basins. He reviewed the drainage with the use of a PowerPoint Presentation (See Attachment 13).

Commissioner Hahn questioned the landscaping and the type of plants included in the landscape plan.

Barry Lindner, Civil Engineering Consultant stated that the plants would be consistent with local policies.

Commissioner Hahn stated that there was a concern about the high winds and dust as well as using landscaping that would better the area.

Chair James questioned the lighting on the site, especially the lighting from the rear of the building.

Barry Lindner, Civil Engineering Consultant stated that lighting on the building and parking areas would be shielded to direct the light downward.

John Mendez, Wal-Mart Representative stated that he was joined by a few dozen Wal-Mart Associates, who were Hesperia residents, he asked the residents to stand in order to be acknowledged (roughly 24 people from the audience stood to be acknowledged by the Commission). He stated that the store would overall be a more handsome shopping experience and would benefit the community. He discussed the design and experience intended for the shopping center. He stated that the project would benefit the City economically; he reviewed the jobs that would be provided by the facility and the benefits to the local economy.

Commission Hahn questioned the store having groceries and a pharmacy.

John Mendez, Wal-Mart Representative stated that the store would include groceries and a pharmacy.

Vice Chair Elvert questioned the amendment regarding the blowers and maintenance of the parking lot between the hours of 7:00 and 10:00.

Barry Lindner, Civil Engineering Consultant stated that the proposed amendment would not be a problem.

Donna Nemeth, Wal-Mart Associate stated that she drives 40 miles a day to the Apple Valley Wal-Mart. She stated that the Hesperia Wal-Mart would reduce her daily travel time. She was in support of the project.

Rick Bergstrom, Hesperia Property and Business Owner stated that he was in favor of the project. He also stated that the new jobs in the area would be a blessing.

Frank Mendiola, Oak Hills Resident stated that he was in favor of the Wal-Mart Project.

Kenneth Willman, Hesperia Resident was in support of the Wal-Mart Project.

Russ Blewett, Hesperia Resident stated that he was in favor of the Wal-Mart.

Richard Gordon, Hesperia Resident state that he was against the project. His house was directly behind the project and he was concerned about the drainage, traffic and public safety. He stated that a sheriff sub-station would be desirable on the site location. He also questioned timing for the signal at Sultana.

Principal Planner, Dave Reno AICP stated that individual issues would be addressed after the close of the public hearing.

Rosita Jones, Hesperia Resident stated that she was in support of the project. She questioned the types of jobs that the new store would generate and stated that she was in favor of a company that was proactive in the community, hiring people with disabilities.

Jerrett Dressler, Wal-Mart stated that he was in favor of the project.

Kelly Montano, Wal-Mart Associate stated that she was pleased with the advancement of the City (retail, traffic). She was in support of the project. She stated that she worked in personnel with Wal-Mart and she receives a minimum of 10-15 calls a day inquiring about jobs. She stated that 450 jobs may not seem like a lot; however, the jobs were a lot, especially with the current economic times.

Mary Hart, Hesperia Resident stated that she was in favor of the project.

Cindy Chandler, Hesperia Resident & Wal-Mart Associate, she was in support of the project.

Carol Guthrie, Hesperia Resident was in support of the project.

Ed Hewitt, Apple Valley Resident was in favor of the project. He discussed his concerns with the sound wall and stated that there was a new building material being used; aerated autoclaved concrete (AAC), was a structural material that could be used for sound walls, he stated that sound was heard on one side of the wall and not on the opposing side of the wall.

Commissioner Hahn questioned if the material was recycled.

Ed Hewitt, Apple Valley Resident stated that AAC was a recycled material.

Commissioner Hahn questioned if there was a plant in Arizona that produced the material.

Ed Hewitt, Apple Valley Resident stated that there was a plant in Arizona, near Tucson.

Commissioner Russ questioned block walls and if there was another alternative for the block wall. He questioned if staff had a specific material for construction of the sound barrier or if the criteria was just to require that the wall meet the sound requirements.

Principal Planner, Dave Reno AICP stated that the mitigation measure and the condition would not specify a type of material; it only specifies that it has to meet a certain standards for sound barriers.

Eugene Buchanan, Gridnot Corporation Representative stated that the corporation he represented was green technology consultant firm, promoting platinum leads certified buildings that are net zero energy. He stated that the EIR discussed "air quality mitigation" and he questioned if Wal-Mart had explored geothermal air conditioning, renewable energy in order to mitigate some of the emissions that would be created from the center.

Principal Planner, Dave Reno AICP stated that staff would respond to Eugene's question after the close of the public hearing.

George Paul, Hesperia Resident stated that he was in support of the project. He questioned if the Commission would vote on the project at that time and also if the project would go before the City Council.

Commissioner Russ stated that unless the decision of the Planning Commission was appealed, the project would not go before the City Council.

Chair James stated that the project was not scheduled to go before City Council.

Barry Lindner, Civil Engineering Consultant stated that he was interested in the product that Ed Hewitt had mentioned.

Commissioner Hahn questioned the bus stops that were to be included in the design.

City Engineer, John Leveillee stated that there would be a new Route #48, which was the new shopping route that would cover the Escondido and Main Street area. He pointed out the location of the proposed bus stops.

Commissioner Hahn questioned if there was a planned turn-out off of Main Street; she stated that she felt that a special turn-out would be necessary for the area in question.

City Engineer, John Leveillee stated that the VVTA would prefer to not have a bus turn-out because it causes difficulties reentering traffic.

Commissioner Hahn stated that she was seeing the same concerns with the bus route off of Main Street as she sees on Bear Valley Road.

City Engineer, John Leveillee stated that coupled with the additional lane and widening on Main Street a turn-out was not deemed necessary; he reviewed the additional lane that would be provided. He stated that it would be preferable to place the bust stop on Escondido.

Commissioner Hahn stated that she would like to see the bus stop on Escondido as well.

Principal Planner, Dave Reno AICP stated, for the record, that Richard Cabrera submitted a white card indicating that he was in favor of the project; however, he did not want to speak.

Chair James clarified that there was a total of 25 white cards, indicating support of the Wal-Mart Project, from Citizens who did not want to address the Commission.

Principal Planner, Dave Reno AICP recommended that one last call be made for additional comments from those who did not have a chance to speak and then close the public hearing and bring the meeting back to staff discussion.

Chair James closed Public Hearing 8:11 p.m.

Chair James recessed the meeting: 8:12 p.m.

Chair James opened meeting for staff discussion: 8:33 p.m.

Principal Planner, Dave Reno AICP turned the discussion over the Daniel Alcayaga.

Senior Planner, Daniel Alcayaga AICP stated that there was a modification to Condition 29 on page 1-96 and Condition 58 on page 1-100, changes were introduced into the record as follows:

Condition 29:

1st Modification: The title was modified from "Solid Masonry Sound Wall" to "Solid Decorative Sound Wall"

2nd Modification: The second sentence of the condition, remove "split-face masonry" and replace with "decorative".

Condition 58:

1st Modification: The condition was modified, adding landscaping maintenance equipment to the list of things prohibited between the hours of 10:00 p.m. and 7:00 a.m.

This concluded modifications to the Conditions of Approval.

City Engineer, John Leveillee responded to a inquiry of a light being installed at the intersection of Sultana and Escondido. He stated that both streets were listed on the master plan as arterial highways; therefore, DIF was collected for improvements along the road ways. The area would continue to be monitored and when a signal was warranted for the intersection and then a signal would be installed.

Commissioner Russ stated that he believed that the question was whether or not a light would be installed during the construction of the proposed project.

City Engineer, John Leveillee stated that a signal was not warranted at the intersection at that time.

Commissioner Russ questioned what would be done during construction, questioning the mitigation plan for the streets mentioned.

Chair James questioned if Sultana would be affected during construction.

City Engineer, John Leveillee stated that the route in question would not be a construction route.

Commissioner Russ questioned if there would be an impact on the neighborhood due to the construction site.

City Engineer, John Leveillee stated that there would be no impact from a traffic circulation standpoint.

Chair James questioned if there would be a condition having the construction entrance off of Escondido.

City Engineer, John Leveillee stated that entrances during construction would be handled as part of various other construction plans; however, he stated that it would make sense that the entrances would be off of Escondido.

Principal Planner, Dave Reno AICP addressed the question regarding the drainage facility; he stated that the drainage was designed to handle a 100 hundred year storm, which was the standard level of care required for all City drainage facilities. He addressed the energy saving measures, stating that it was not City Policy to require LEED certification and the building was not required to do so. He stated that the EIR did list, as a matter of course, some things that Wal-Mart was doing to the building that would have beneficial affects on energy; however, it was not the City's Policy to require LEED certification. He also addressed the question regarding a police sub-station located on the site, and he clarified that there would not be a sub-station on the site; the police department had been asked whether various projects should have a sub-station and typically the best operational procedures was for the police to work out of their cars, which was the practice and preference of the Sheriff's Department.

Commissioner Russ questioned if there would be a sub-station in the area at all.

Principal Planner, Dave Reno AICP stated that a sub-station was not part of the Sheriff's operational plan and that there would not be a sub-station in the area.

Motion: Commissioner Russ motioned to adopt Resolution No. PC-2009-04 making the environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (SCH # 2006061064) and adopting a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, and; adopting Resolution Nos. PC-2009-05 and PC-2009-06, as amended, approving Conditional Use Permit (CUP-2006-05) and Parcel Map (PM-18187). Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Voting on Resolution No. PC-2009-04:

Ayes: Commissioner Hahn, Commissioner Russ, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

Voting on Resolution Nos. PC-2009-05 and PC-2009-06:

Ayes: Commissioner Hahn, Commissioner Russ, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

* * * * *

E. PRINCIPAL PLANNER'S REPORT

Principal Planner, Dave Reno AICP gave a brief review of the Planning Commission calendar for February.

DRC COMMENTS:

No comments to consider.

F. PLANNING COMMISSION BUSINESS OR REPORTS:

No comments to consider.

* * * * *

G. ADJOURNMENT-

Chair James adjourned the meeting to Thursday, February 12, 2009 at 8:41 p.m.

Approved By:

Stephen S. James, Chair

Attested By:

Eva Heter, Recording Secretary

RECEIVED

JAN 26 2009

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

Hesperia City Hall
9700 Seventh Avenue
Hesperia CA, 92345

Dear Hesperia Leaders,

With all the environmental challenges our world is facing today, we need companies like Wal-Mart who will lead the way to sustainability. As a proponent of sustainable development, I am in favor of the new Wal-Mart supercenter.

Wal-Mart has worked with its suppliers to reduce overall packaging and to develop recyclable packaging. It has set a goal to reduce greenhouse gases by 20% at existing stores. One way it is working toward that goal is by using new technologies in heating and cooling that work more efficiently, consuming less gas and electricity.

Another way that Wal-Mart helps our local residents is by providing a one-stop shopping center, where we can go to buy our food, clothes, and pharmaceuticals, instead of having to make several trips all over town. This saves gas, time, and money and results in fewer emissions from our cars, keeping our Hesperia air clean.

I am proud of our night skies and beautiful natural environment. Progressive businesses like Wal-Mart will help keep Hesperia's environment healthy.

Please approve this project.

Sincerely, *Miccia Bañuelos*
13375 Buena Vista Dr.
Hesperia CA 92344

Supporting Wal-Mart
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RECEIVED

Hesperia, City of Progress
9700 Seventh Avenue
Hesperia CA, 92345

JAN 26 2009

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

Dear Hesperia staff and elected leaders,

Wal-Mart supports our military. We should support Wal-Mart.

This is a trying time for military personnel and their families. Wal-Mart recognizes this and is committed to serving those who serve our country – not only our troops, but the entire military family.

For example, Wal-Mart teamed up with Fisher House donating cash and gift cards to military families for Christmas. They have also partnered with Sesame Workshop (the organization behind Sesame Street) to develop outreach kits to help young children cope with the stresses of military life. Furthermore, Wal-Mart offers supplemental pay for many associates called to active duty and continuation of many benefits – including health benefits – for the duration of an associate's military leave.

This is the kind of company we need in our community. Please approve the new Wal-Mart shopping center.

Respectfully,

Ben D. Smith
9550 A. 1st ave
Hesperia, CA 92345

*Supporting
Wal-Mart*

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RECEIVED

JAN 26 2009

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

Hesperia Council chambers
9700 Seventh Avenue
Hesperia CA, 92345

Dear Hesperia Planning Commission,

Please approve the new Wal-Mart super center.

Wal-Mart will be a good neighbor to Hesperia. Wal-Mart donates much needed funds to our local schools and other organizations annually. In fact, Wal-Mart and Sam's Club gave nearly \$17 million in cash and in-kind donations to charitable causes in California in 2007 alone. They also give out a teacher of the year award to local educators.

Not only does the company itself donate funds, but they encourage their employees to volunteer in the community and be involved in charitable giving. Wal-Mart gives generously to the organizations where its own employees volunteer. This encourages people to volunteer in their own communities. Therefore, Hesperia charities will directly benefit from this store.

Please support community giving by supporting Wal-Mart.

Thank you,

Naomi Ramos
16351 Oak St.
Hesperia, Ca 92345

Supporting Wal-Mart

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ATTACHMENT 4

Hesperia
9700 Seventh Avenue
Hesperia CA, 92345

City of Hesperia,

I am asking you to approve the new Wal-Mart shopping center in order to help our local economy.

The new Wal-Mart will provide lower grocery costs, help families spend less on fuel driving out of town, and increase tax revenues in Hesperia. Many young families and senior citizens will be able to save money as well, from the lower prices Wal-Mart provides.

It is essential that Hesperia residents be given the opportunity to buy everyday household items at an affordable price without having to drive all over the Victor Valley.

They have prescription drugs for \$4.00. Most health insurance programs have co-pays that are more than that - and that's if you even have insurance, which many people don't. I have heard that grocery prices in these Wal-Marts are lower too.

Now, more than ever, with prices going up all over, Hesperia families need help stretching their dollar.

Please approve the new Wal-Mart to keep our economy going.

Kindest Regards,

Patricia Brundage
9006 Independence Ave
Hesperia Ca. 92345

Supporting Wal-Mart

90

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JAN 26 2009

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

City of Hesperia
9700 Seventh Avenue
Hesperia CA, 92345

Dear Hesperia Officials,

This new project will bring new jobs to the community in a time where they are most needed to stimulate the local economy.

The Wal-Mart Supercenter alone is estimated to create 450 jobs, not including the other vendors or the construction jobs it will require. Many of these are good-paying jobs with benefits.

Wal-Mart also provides plenty of opportunity for advancement. In fact, 75 percent of Wal-Mart's managers started out as hourly associates.

We need these kinds of jobs and opportunities in Hesperia. Please support this project.

Sincerely,

Alfredo Henriquez

86295 Parsley Ave
Hesperia, CA 92345

Supporting Wal-Mart

88

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Hesperia Council chambers
9700 Seventh Avenue
Hesperia CA, 92345

JAN 26 2009

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

Dear Hesperia City Council,

Please approve the new Wal-Mart super center.

Wal-Mart will be a good neighbor to Hesperia. Wal-Mart donates much needed funds to our local schools and other organizations annually. In fact, Wal-Mart and Sam's Club gave nearly \$17 million in cash and in-kind donations to charitable causes in California in 2007 alone. They also give out a teacher of the year award to local educators.

Not only does the company itself donate funds, but they encourage their employees to volunteer in the community and be involved in charitable giving. Wal-Mart gives generously to the organizations where its own employees volunteer. This encourages people to volunteer in their own communities. Therefore, Hesperia charities will directly benefit from this store.

Please support community giving by supporting Wal-Mart.

Thank you,

Hanna Lopez
16417 Smokefree Apt. A
Hesperia Ca. 92345

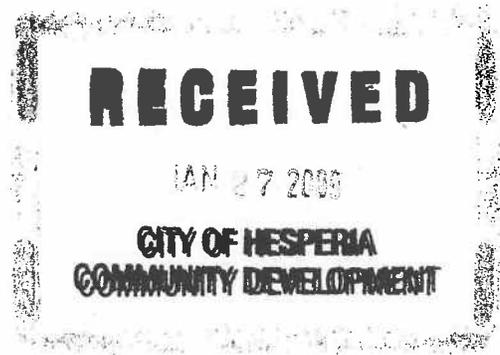
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Supporting Wal-Mart

47

January 27, 2009

Daniel S. Alcayaga
City of Hesperia
9700 Seventh Ave.
Hesperia, CA 92345



RE: Main Street Marketplace Project - Wal-Mart

Mr. Alcayaga:

Please add these comments to those being heard at the public hearing on January 29th, 2009. My wife and I live in the housing tract just south of the proposed Main Street Marketplace site. We strongly **oppose** developing this site into a Wal-Mart Super Center for following reasons:

1. The Proposed Wal-Mart Will Bring Crime to Our Front Door

The Wal-Mart located on Bear Valley Road in Victorville is the 7th most dangerous Wal-Mart in the Nation (according to an article in The Daily Press, 2008). Because the proposed Super Wal-Mart would be within such close proximity (5.3 miles from the Victorville store), many patrons of the Victorville Wal-Mart would shop at the new Super Wal-Mart. The Super Wal-Mart is likely to inherit the same problems that are present at the Wal-Mart in Victorville such as: violence, gang fights, shootings, and murder. The proposed location for the Super Wal-Mart would bring this violence within yards of my front door, endangering my children. A national study of 551 Wal-Marts found the average rate of reported police incidents for each Wal-Mart store was 400 to 1000 percent **HIGHER** than the average rate for the nearest Target store – and six times higher for serious and violent crime. (See link below)

<http://www.austinfullcircle.org/Wal-MartCrimeReport.pdf>

2. The Proposed Wal-Mart Will Decrease Our Property Value

Wal-Marts have been shown to decrease property values in surrounding neighborhoods. Because Wal-Mart leads to the closure of surrounding businesses, the property values on those commercial strips decrease as more and more establishments remain vacant. It has been shown that when a Wal-Mart is built close to a residential neighborhood, the property values of those homes decrease and people are more apt to move. Given current economic housing conditions, the last thing the City of Hesperia needs is another source dragging down property values.

3. The Proposed Wal-Mart will Increase Noise and Light Pollution

A 24-hour Wal-Mart superstore will increase noise and light pollution. Around the country, neighborhoods situated near a Wal-Mart complain about excessive noise from the store's refrigeration systems and idling tractor trailers waiting at the loading dock. My home would be just yards from the back of the warehouse.

4. The Proposed Wal-Mart Location Would Remove Major Place

The proposed marketplace includes plans to remove the access road Major Place. This leaves Hidden Canyon, a development of many homes, with access only through Sultana Rd. This is a matter of great concern. All traffic for Hidden Canyon as well as a portion of that of adjacent developments would be confined to one small local road. Not only is this unsafe, but in the event of an emergency or accident on Escondido or Sultana the whole tract would be inaccessible except through Ranchero Rd.

5. The Proposed Wal-Mart Would Drastically Increase Congestion

The distance from our driveway to the onramp of the freeway is exactly 1 mile. Though this is short, this already takes 5 minutes to drive due to the four stop lights and Main Street traffic. With the increased congestion from the proposed marketplace, traffic problems would significantly increase between the I-15 over pass and Escondido Ave. We would see a huge increase in the number of semi-trucks, which would drastically slow down the flow of traffic on Main Street. The I-15/Main Street Interchange would quickly become as congested as the "nightmare" I-15/Bear Valley Interchange. Escondido would become a major arterial road.

While we agree with and encourage the promotion of growth and increased commerce, we feel this is a poor location for such a large improvement. A development this large needs to be in a vacant area, where no homes or neighborhoods are nearby to be adversely affected. We adamantly ask you to reconsider developing this site and encourage you to look elsewhere to continue with this project.

Sincerely,

Russell & Kori Pratt

9421 Dragon Tree Dr.
Hesperia, CA 92344

BRIGGS LAW CORPORATION

*San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705*

*Telephone: 858-495-9082
Facsimile: 858-495-9138*

Please respond to: Inland Empire Office

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JAN 28 2009

**CITY OF HESPERIA
COMMUNITY DEVELOPMENT**

29 January 2009

*Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786*

*Telephone: 909-949-7115
Facsimile: 909-949-7121*

BLC File(s): 1366.15

City Planning Commission
c/o City Clerk Vicki Soderquist
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Via Facsimile to 760-947-2881

Re: Item 1 (Public Hearings) on Planning Commission's Agenda for January
29, 2009

Dear Planning Commission:

On behalf of Citizens for Responsible Equitable Environmental Development, I am writing to urge you not to approve the project that is the subject of the above-referenced item on your agenda for tonight's meeting. In general, approval of those items would violate the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, and other laws.

If for any reason your consideration of these items is not completed tonight, please provide me with written notice of the new date and time for their consideration.

Thank you for our attention to this matter.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

Cory J. Briggs



ATTACHMENT 9

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES1416 NINTH STREET, P.O. BOX 942806
SACRAMENTO, CA 94206-0001
(916) 653-5791

JAN 27 2009

City of Hesperia
Attn: Daniel Alcayaga, Senior Planner
15776 Main Street
Hesperia, California 92345Draft Environmental Impact Report for the Proposed Main Street Marketplace, City of Hesperia, San Bernardino County, Southern Field Division, SCH2006061064

Dear Mr. Alcayaga:

Subsequent to our last visit to Hesperia to attend the City Design Review Committee meeting on the Main Street Marketplace project, new information has come to light regarding the drainage study for the Main Street Marketplace project prepared by Thomas Graham Engineers. The drainage study was circulated to the Department of Water Resources (DWR) in February 2008 as a review item pursuant to California Government Code Section 66455.1, which requires a DWR review of all development proposals within one mile of the State Water Project. Regrettably, the State Clearinghouse number for the environmental document was not cross-referenced in the drainage study, nor was there any mention of DWR's March 12, 2008, comments regarding the study (copy attached) in the Draft Environmental Impact Report (EIR). As a result, no immediate connection to DWR's previous review of the study was made when the Draft EIR for the Main Street Marketplace was circulated.

The necessity for a trapezoidal channel across DWR right of way (constructed by the developer) to direct all storm water from the project was discussed in the previous review; however, there is no indication that the developer agreed to such a design in either the Draft EIR or proposed Drainage Plan. DWR advises that this feature be included in the Final EIR, and as a provisional condition required in any future City of Hesperia Use Permit. An Encroachment Permit from DWR for all construction or work within DWR right of way will be necessary. Information regarding forms and guidelines for submitting an application for an Encroachment Permit can be found at DWR web address:

http://www.dwr.water.ca.gov/Services/Real_Estate/Encroach_Rel/index.cfm

Mr. Daniel Alcayaga

JAN 27 2009

Page 2

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review.

If you have any questions, please contact Scott Williams at (916) 653-5746, or Leroy Ellinghouse of my staff at (916) 653-7168.

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: Greenberg Farrow
1920 Main Street, Suite 1150
Irvine, California 92614

ATTACHMENT 10

* Previous Response

Maria C. 1/11/08
Attachment

March 12, 2008

Thomas Graham Civil Design Group
 Attn: Jon Jessey
 1902 Wright Place, Suite 200
 Carlsbad, California 92008

SB 2161 Review of 36-HE-23, Preliminary Drainage Study for Wal-Mart, Home Depot and Additional Outlots Adjacent to East Branch of the California Aqueduct at Milepost 395.9, Southern Field Division, City of Hesperia, San Bernardino County

Dear Mr. Jessey:

Your proposed development is located south of Main Street and just west of the California Aqueduct on 43.84 acres in the City of Hesperia. Storm water runoff from the proposed development will convey flows over DWR's cross drainage facility at Milepost 395.9 (DWR Station 1817+00). The storm water plan includes a concrete lined channel that will convey off-site storm runoff to the west edge of DWR's right of way. Additionally, a detention pond will be designed to limit peak flows below pre-development conditions for the on-site storm runoff.

The Division of Operations and Maintenance (O&M) reviewed the above mentioned Preliminary Drainage Study and preliminary comments were sent via e-mail from Linus Paulus on February 27, 2008. Our formal comments are as follows:

1. Due to the increased development within this general area, development of this property shall conform to the Hesperia Master Plan of Drainage.
2. Drainage or surface runoff from the proposed development shall not impact DWR facilities or right of way.
3. The location of this proposed development is adjacent to DWR's East Branch of the California Aqueduct located near Milepost 395.9.

Any construction or work within DWR right of way will require an Encroachment Permit (EP) from DWR. Information regarding forms and guidelines for submitting an application for EP can be found at DWR's web address:

http://www.doe.water.ca.gov/Services/Real_Estate/Encroach_Rel/index.cfm

3/12/08

M
 2/16/08

Thomas Graham Civil Design Group

Attn: Jon Jessey

March 12, 2008

Page 2

4. The Applicant shall manage all nuisance water originating from on-site and off-site areas. Nuisance water shall be prevented from entering DWR's right of way at all times where it could cause a potential wet lands issue for DWR and interfere with routine operations and maintenance within DWR right of way.
5. A trapezoidal channel shall direct all storm water from the west edge of DWR's right of way to the overchute inlet and from outlet to the east edge of DWR's right of way. This construction in DWR's right of way will require an Encroachment Permit as stated above.
6. If the Applicant chooses not to construct a trapezoidal channel downstream of the overchute, the Applicant shall post a five-year renewable bond to cover the cost of improving the downstream channel from the overchute outlet at Milepost 395.9 to DWR's East right of way edge in the event nuisance water management strategies are unsuccessful.

If you have any questions, please contact me, at (916) 653-8029 or Larry Lopez at (916) 653-6739.

Sincerely,

Original Signed By

Maria Chiu, Chief
SWP Encroachment Section
Division of Operations and Maintenance

cc: Acting Chief, O&M Headquarters, Civil Maintenance Branch
Banafshah Behnam, 649-2
Surjit Bajaj, SFD
Jaime DeSantiago, SFD
Linus Paulus, 425
Laurie Walker, 425

LLopez: Danielle Ruiz/Samuel Paek/Danielle Ruiz
M:\SWP Operations Support\Civil Maint\Maint Eng\Larry\SB2161\Hesperia\36-HE-23.doc
Spell check March 12, 2008

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JAN 28 2009

CITY OF HESPERIA
COMMUNITY DEVELOPMENT

January 28, 2009

Joe Rock
9360 Palo Verde Drive
Hesperia, CA 92344

Daniel S. Alcayaga, AICP
Senior Planner
City of Hesperia

Dear Mr Alcayaga and Planning Commission:

My name is Joe Rock and I live in the Hidden Canyon housing development adjacent to Tentative Parcel Map PM-18187 located on the SE corner of Main Street and Escondido Avenue.

At this time I am not opposed to the progress of this application for construction, nor of any known tenants. My concerns are with residential egress points and traffic safety in and around the vicinity of this housing development.

As shown on the published map, Major Place and Mesa Avenue will be incorporated into the retail plaza and will no longer be available for thru traffic. This will force over 200 occupied homes in the Hidden Canyon community to utilize Sultana Street and Escondido Avenue exclusively. Our increased traffic will greatly impact these two streets, which already have a heavy traffic flow from our and surrounding communities. And as our and surrounding communities further develop, the impact on traffic will become critical on Sultana Street and the intersection of the streets already named.

I understand a vehicle bridge over the California Aqueduct utilizing Fuente Avenue may not be feasible, at this time, therefore, I believe a second traffic outlet is absolutely necessary and needs to be retained directly from West Nolina to Escondido.

My other concern to this matter is safety on Escondido Avenue. As the Planning Commission is aware, there are minimal street lamps in the vicinity. With the addition of retail space, traffic into and out of the plaza will be dramatically increased, both vehicular AND pedestrian. The need for street lamps on Escondido Avenue is crucial to the safety of Hesperia residents in this area.

Finally, the greatest concern is that there will be a need for better traffic control on the corner of Escondido Avenue and Sultana Street. Escondido northbound traffic is difficult to see from either Sultana or Escondido itself, when attempting to enter or exit Escondido; as there is a swell in the roadway in the vicinity of Hollister and the traffic flow is VERY fast. A traffic signal, with a left turn lane, will be necessary to increase safety in the area, now and in the future.

I believe these concerns are obvious and common sense. I am confident that the matters concerning residential egress points, safety deficient street lighting and traffic control are already known and will be addressed during further stages of planning by the Commission.

Thank you,



Joe Rock

Mrs. Edie Kelley
18985 Choiciana Court
Hesperia, California 92345

JAN 29 2009

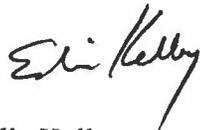
Councilman Ed Pack
City of Hesperia
9700 Seventh Ave.
Hesperia, Ca 92345

January 26, 2009

Speaking as a consumer, I was excited to hear of the possibility of a new WalMart store coming to Hesperia in the near future. Even though the Bear Valley location in Victorville is closer to me, I prefer to do the majority of my shopping in Hesperia, keeping revenues in my hometown. The new Target store has been wonderful for us shoppers who like variety, and I believe a WalMart located on this side of the freeway would be just as great. I probably won't buy all our groceries there, as I prefer Stater Brothers markets; however, the convenience of picking up a few items without having to stop at the grocery store would be pleasing.

Aside from my personal preferences, I understand that WalMart will benefit our city in many ways including creating hundreds of new jobs for Hesperians, providing affordable prescriptions for many without health insurance, and donating to local charities and schools in need. I think they would be an asset to Hesperia. Please vote in favor of bringing WalMart to our city.

Sincerely,



Edie Kelley

The Main Street Marketplace Shopping Center



Presentation Outline

- Project Description:
 - Site Plan
 - Parcel Map
 - Architecture
- Environmental Impact Report (EIR)
 - Purpose
 - Process
 - Contents/Findings/Overriding Considerations
- Required Approval Actions

Project Description:



Project Location

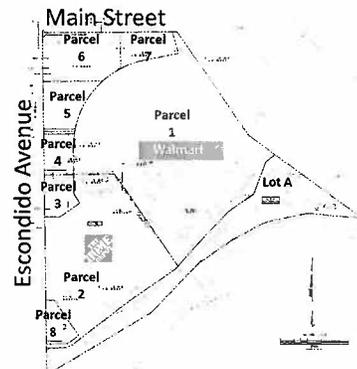


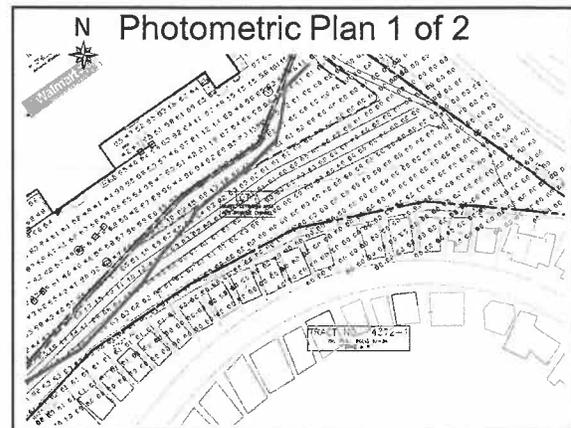
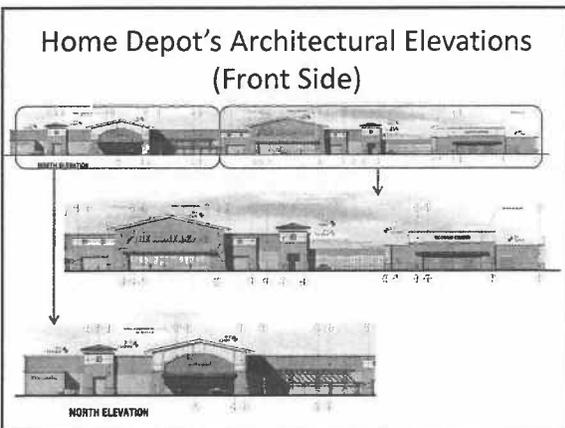
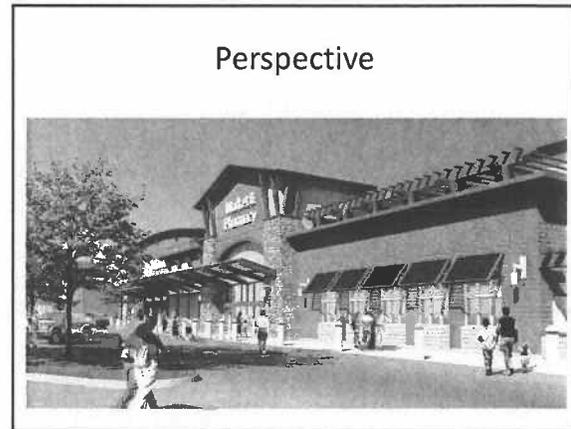
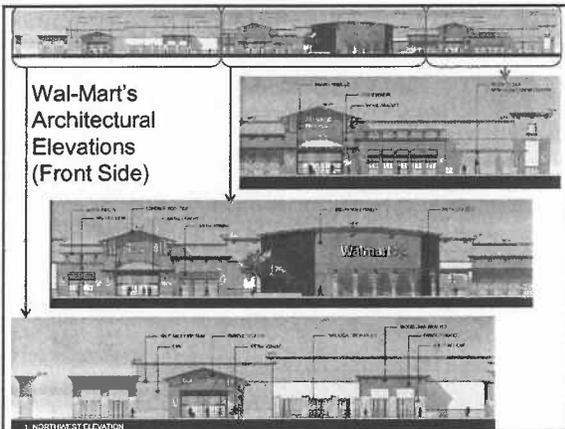
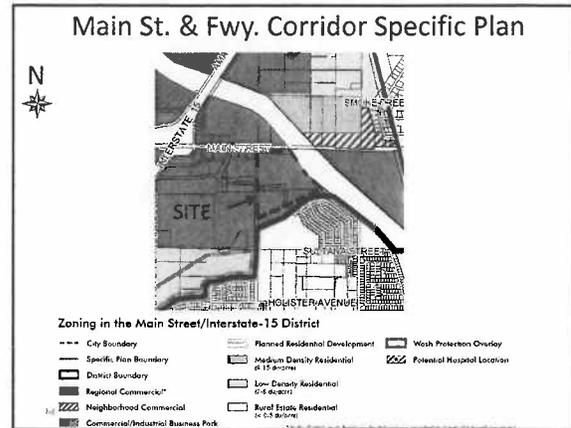
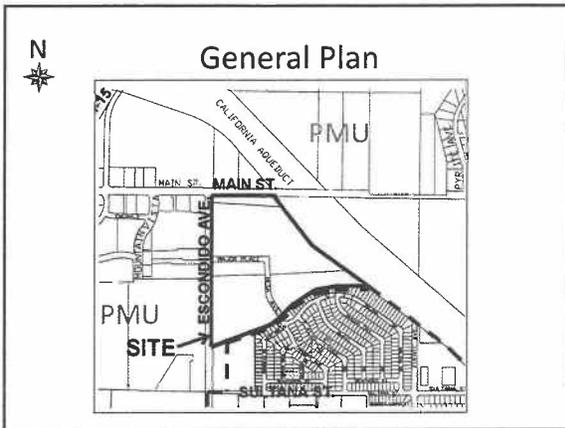
Hesperia Planning Commission

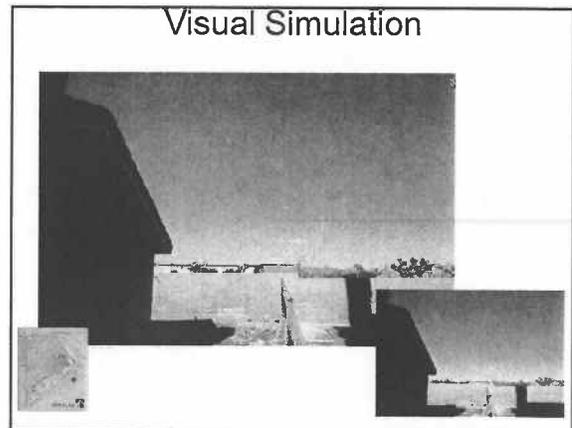
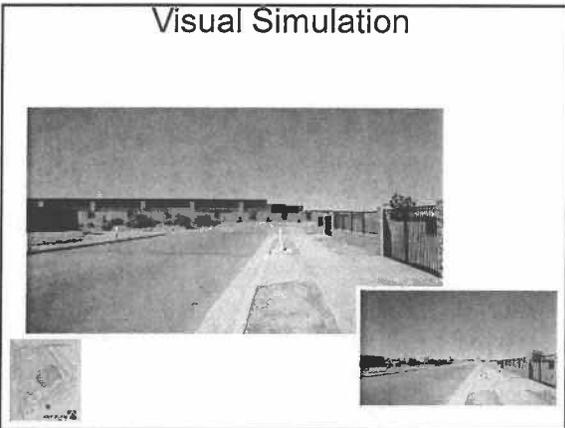
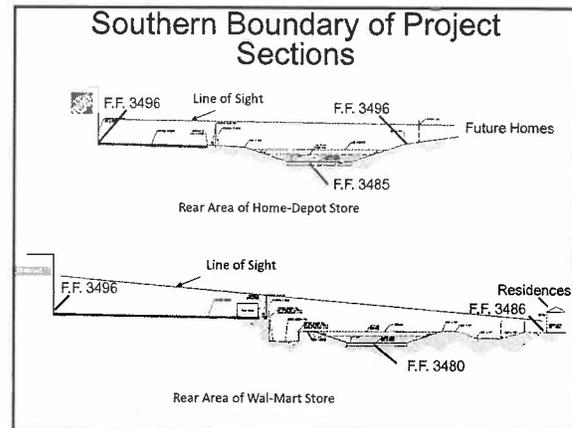
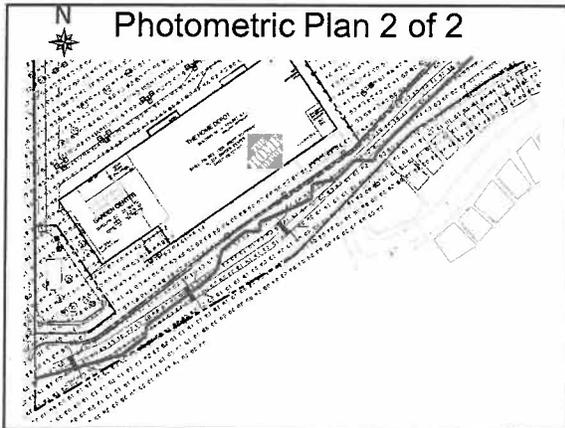
Main Street Marketplace



Tentative Parcel Map PM-18187







Main Street Marketplace
Shopping Center

Environmental Impact Report

The logo for Hesperia, featuring a stylized arrow pointing downwards with palm trees and the word 'HESPERIA' written across the arrow.

Purpose of an EIR

- Analyze potential impacts of the project;
- Discuss alternatives to the project;
- Lists environmental issues and level of impacts;
- Includes mitigation measures to lessen impacts;
- Discusses issues where impacts cannot be mitigated;
- Overall goal of CEQA is to inform decision makers of the impacts of a project

EIR Process

- Initial Study and Notice of Preparation
- Draft EIR (DEIR)
- Public Circulation (45 days)
- Final EIR (FEIR)
- Review, Certification and Adoption

Initial Study and NOP

- Initial-Study and Notice of Preparation (NOP) were circulated June 13, 2006, for 30 days
- Five letters received from public agencies
- Letters included in Appendix A of the Draft EIR

Decision to Prepare EIR

- Although the site is already General Planned and zoned for the project, the City decided to prepare an EIR for three reasons:
 - The legal presumption that the analysis of impacts has more validity if attached to an EIR rather than to an Initial Study and Negative Declaration;
 - The Initial study identified issues where impacts may not be mitigated to non-significant levels
 - Wal-Mart requests that EIRs be prepared on all their projects

Draft EIR (DEIR)

- The Draft EIR contains:
 - Project Description
 - Discussion of Alternatives
 - Analysis of impacts by topic
 - Determination of significance by topic
 - Mitigation measures to reduce impacts

Draft EIR (DEIR)

- DEIR found three areas where impacts could not be mitigated to a non-significant level:
- Air Quality
 - Operational daily emissions (CO and PM-10)
 - Cumulative air emissions (PM-10)
- Traffic
 - Intersections and freeway segments below an acceptable level of service
- Noise
 - Temporary Construction Noise

Draft EIR (DEIR)

- EIR also examined areas where project impacts were not significant or could be mitigated to a level of non-significance
 - Public Services & Utilities
 - Water Supply & Wastewater
 - Biological Resources
 - Cultural Resources
 - Geology & Soils
 - Hydrology & Water Quality
 - Land Use

Draft EIR (DEIR)

- DEIR Circulated for a 45-day public review period between November 12 and December 29, 2008.
- Eight comment letters received:
 - Department of Water Resources
 - S.B. County Public Works
 - Department of Toxic Substances Control
 - MDAQMD
 - Fish & Game
 - Concerned Residents of Hesperia
 - Morongo Band of Mission Indians
 - Southern California Edison
 - Comments at the EIR Informational Meeting

Final EIR (FEIR)

- Includes the Draft EIR as well as;
- Comment letters from the five public agencies;
- Letters from Edison, concerned Hesperia Residents and the Morongo Band of Mission Indians;
- Transcript of the EIR meeting;
- Responses to each letter and comment;
- Mitigation Monitoring and Reporting Program

EIR Findings

- CEQA permits approval of a project even though there are significant, unavoidable impacts;
- These areas are listed in the Statement of Overriding Considerations;
 - Traffic
 - Air Quality
 - Noise

EIR Findings

- CEQA's basic purpose is for full disclosure of impacts for use by decision makers
- EIR quantifies carbon footprint and identifies compliance with Climate Action Plan Team Strategies
- GCC is a new area of regulation, and AB32 requires the ARB to establish a plan by 2009
- SB97 requires OPR to prepare new CEQA Guidelines for GHG Mitigation

EIR Findings

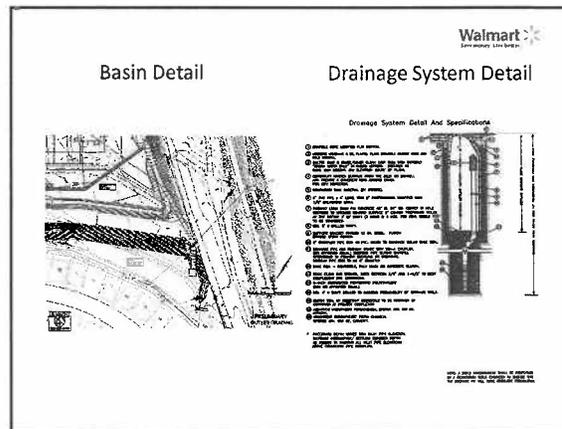
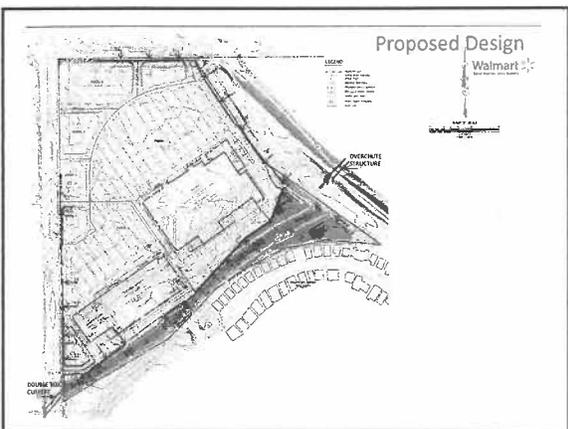
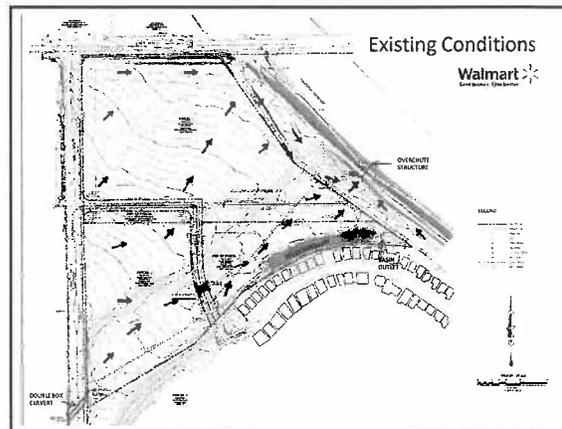
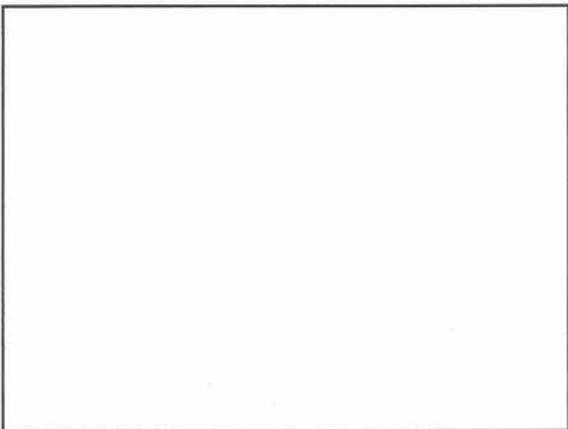
- SB 375 now requires MPO (SCAG) to adopt Sustainable Communities Strategies (SCS) by 2012
- SCS tied to housing and transportation plans
- Mitigation measures required by the City must pass constitutional tests, including essential nexus and rough proportionality

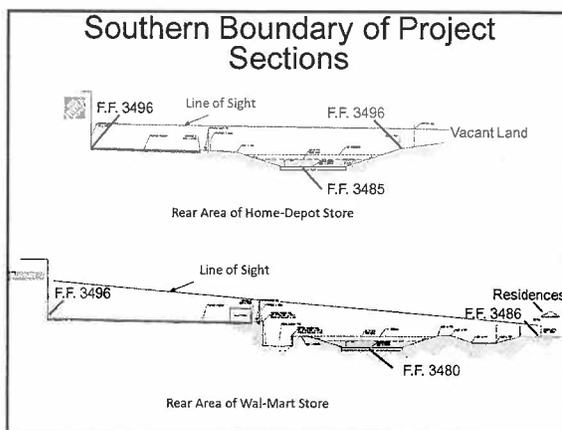
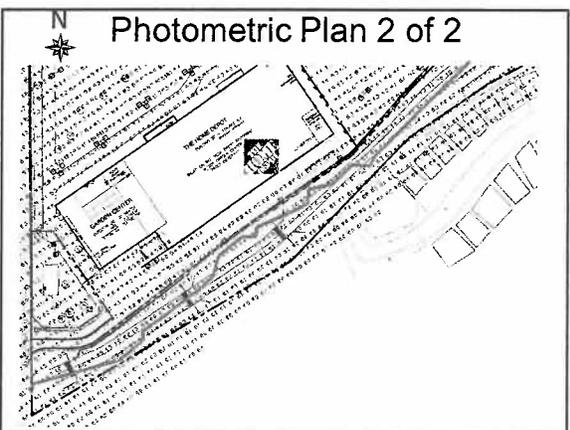
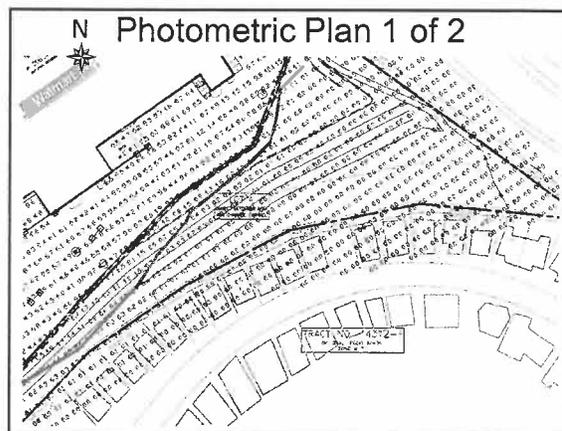
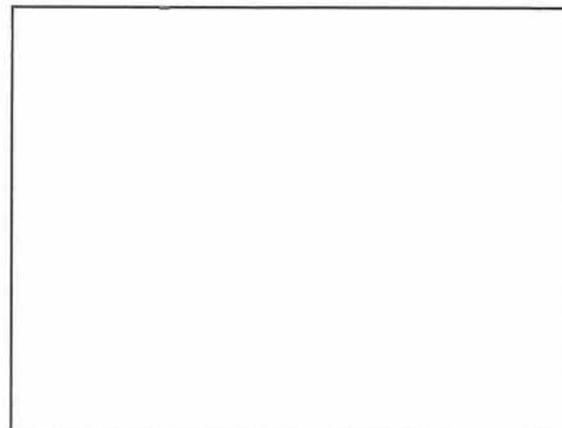
EIR Findings

- Without such standards established, the City cannot determine if a given mitigation will reduce impacts to a non-significant level
- Therefore, as the project complies with applicable CAT strategies, a finding of less-than significant impacts is included

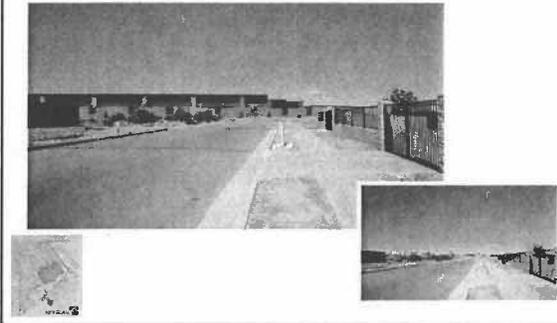
Proposed PC Actions

- Adopt Resolution PC 2009-04, certifying the EIR and adopting the Statement of Overriding Considerations
- Adopt Resolution PC-2009-05, approving the Conditional Use Permit for the shopping center
- Adopt Resolution PC-2009-06, approving the parcel map to create the lots for future ownership of the stores and restaurants

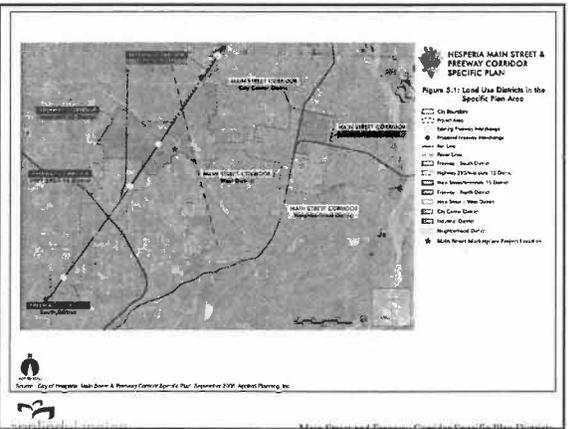
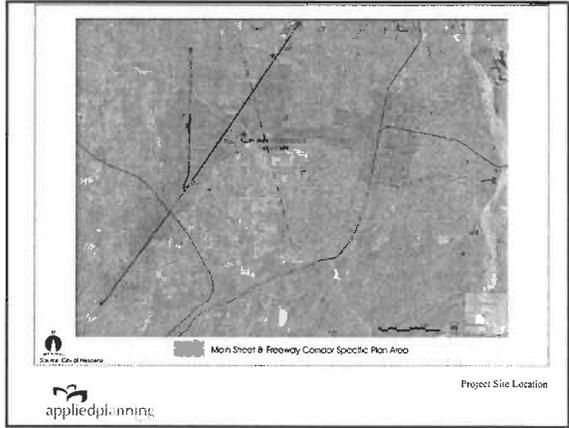
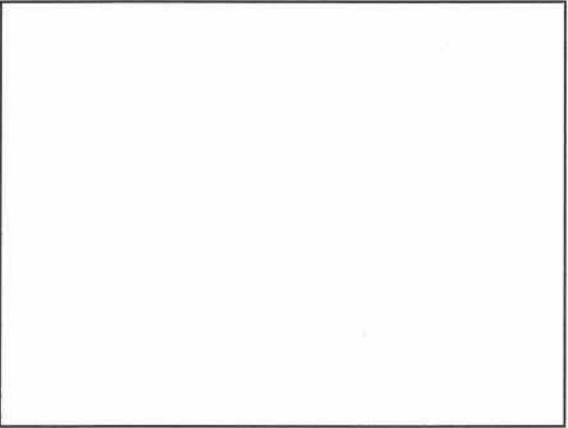
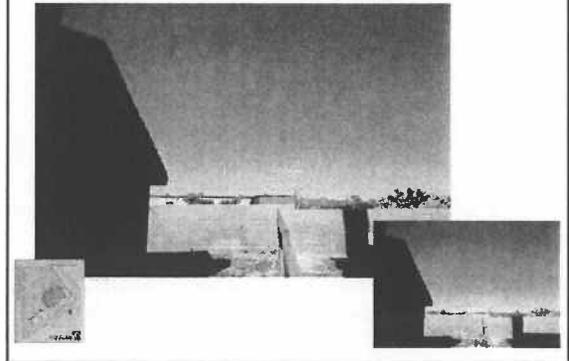


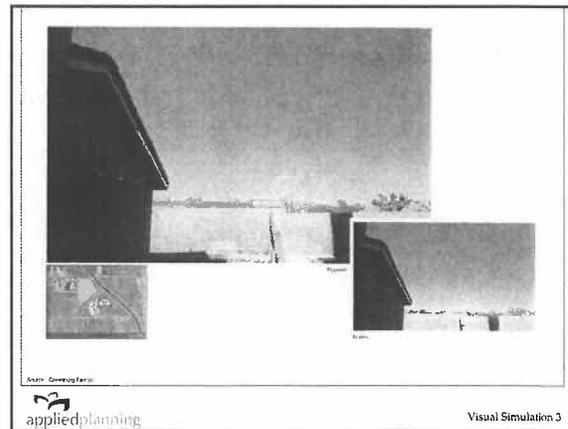
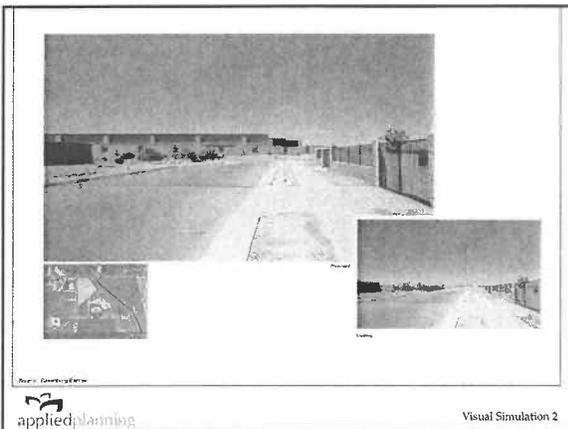
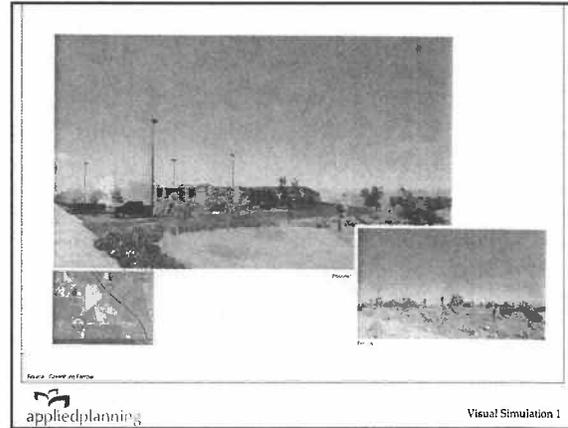
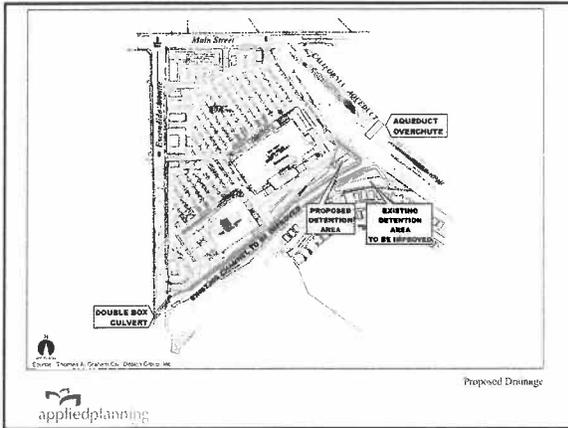
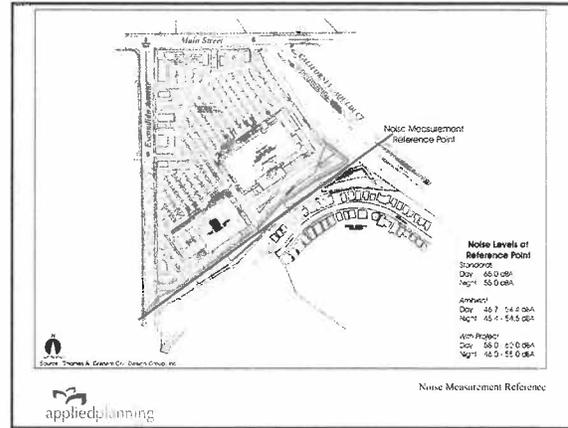
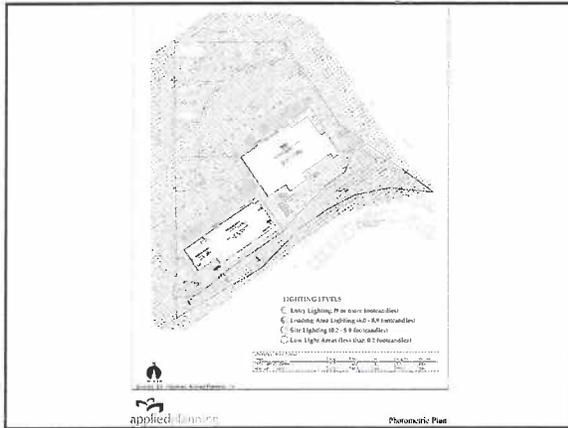


Visual Simulation



Visual Simulation







DATE: February 12, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *[Signature]*
BY: Paul Rull, Planner
SUBJECT: Public Facility Review PFR-2008-02; Hesperia Police Station; Applicant: City of Hesperia; APN: 407-233-01

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2009-03, approving PFR-2008-02.

BACKGROUND

Proposal: A Public Facility Review to construct a two-story 42,887 square foot police station on 5.0 net acres (Attachment 1).

Location: Northeast corner of Smoke Tree Street and Ninth Avenue.

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and zoned High Density Residential allowing 15-20 dwelling units per acre. The proposed institutional use is permitted in any zone, including the High density residential zone, through a public facility review. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site is currently vacant. The property to the east is also vacant. The properties to the north and west contain single-family homes. The property to the south contains a park (Attachment 4).

ISSUES/ANALYSIS

The project site includes a proposed 42,887 square foot building with two future building expansion areas and 341 parking spaces for employees and the public. The site is accessed by two public driveways on Smoke Tree Street, with limited access through mechanical gates on Eighth Avenue and Ninth Avenue. The public parking area has access from Smoke Tree Street. The building will contain offices for police staff and general administration, storage areas, conference rooms, locker room and gym facilities. The building also includes a specialized room for detainees and storage areas for armory, evidence, drug, and hazmat materials.

The building is consistent with the Development Code by exhibiting varying vertical and horizontal building planes, and varying materials such as glass, aluminum, concrete, decorative windows, louvers, and decorative stacked stone along the columns and base of the building. The proposed building design is similar to the City Hall building. The project is set to operate 24 hours a day with public visiting hours between 8 a.m. to 5 p.m. Monday through Friday. The station will have 57 sworn officers and 19 general employees. The maximum occupancy for the building is 609.

Drainage: All on-site drainage will be retained in an underground retention system. The site is also impacted by an off-site local drainage flow identified by the City's Master Plan of Drainage, located along the site's southwesterly boundary. These flows have been sufficiently handled by the City's installation of catch basins along Ninth Avenue south of Smoke Tree Street, and along Smoke Tree Street east of Ninth Avenue.

Water and Sewer: The project is required to connect to the existing 8-inch water and sewer lines in Smoke Tree Street.

Street Improvements: The project will be required to provide sidewalks and commercial drive approaches on Smoke Tree Street and Ninth Avenue. Eighth Avenue will be fully improved as a cul-de-sac, with curb, gutter and sidewalks.

Traffic: Approval of the project will not create a significant impact to the daily vehicle trips in as the trips generated by the project are significantly less than compared to vehicle trips created by a multi-family residential project. The site is zoned High Density Residential 15-20 units per acre by the Main Street and Freeway Corridor Specific Plan, which at maximum density, could be deferred with 100 multi-family units. According to the Institute of Traffic Engineer's manual, approval of a potential 100-unit multi-family development would create an estimated 670 daily vehicle trips (6.7 daily trips per dwelling unit). The proposed police station would create an estimated 342 daily vehicle trips based on 57 employees (each employee calculated having six trips a day in and out of the site). The visits from the general public are not anticipated to be significant. Even if all of the 54 public parking spaces were used twice over the course of a day, this would only amount to 216 trips. Combined with the trips from the sheriffs and other employees, the total number of vehicle trips generated by the project would be 558. Therefore, the proposed police station would result in a decrease of approximately 112 daily vehicle trips beyond what was considered as part of the City's Main Street and Freeway Corridor Specific Plan Program Environmental Impact Report.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, as the project is no more than five acres and is substantially surrounded by existing development.

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

FISCAL IMPACT

None

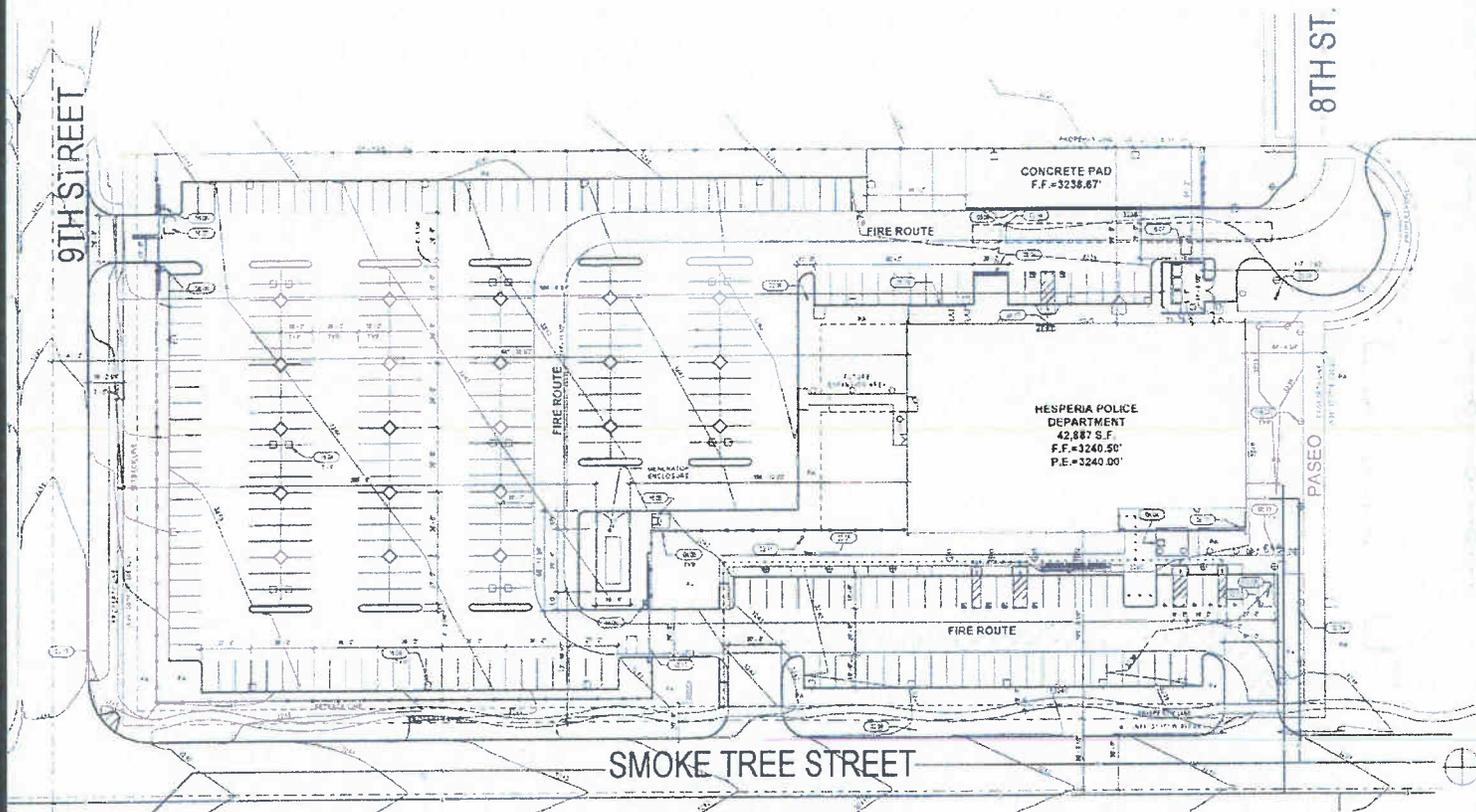
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Building rendering
6. Resolution No. PC-2009-03, with list of conditions

ATTACHMENT 1



APPLICANT:
CITY OF HESPERIA

FILE NO:
PFR-2008-02

LOCATION:
LOCATED ON THE NORTHEAST CORNER OF SMOKE TREE STREET AND
NINTH AVENUE

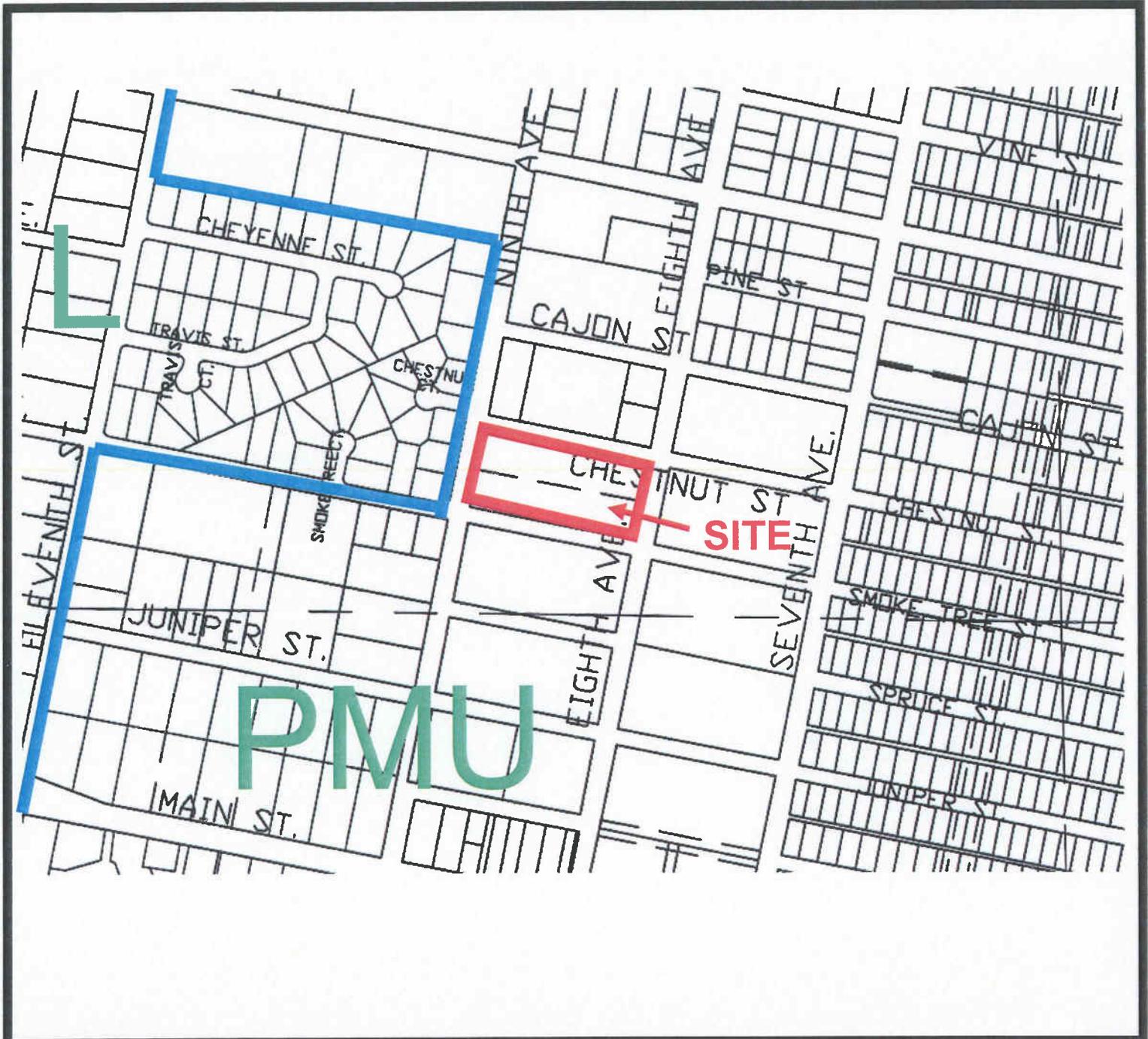
APN:
407-233-01

PROPOSAL:
PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY 42,887 SQUARE FOOT
POLICE STATION ON 5.0 NET ACRES



SITE PLAN

ATTACHMENT 2



APPLICANT:
CITY OF HESPERIA

FILE NO:
PFR-2008-02

LOCATION:
LOCATED ON THE NORTHEAST CORNER OF SMOKE TREE STREET AND
NINTH AVENUE

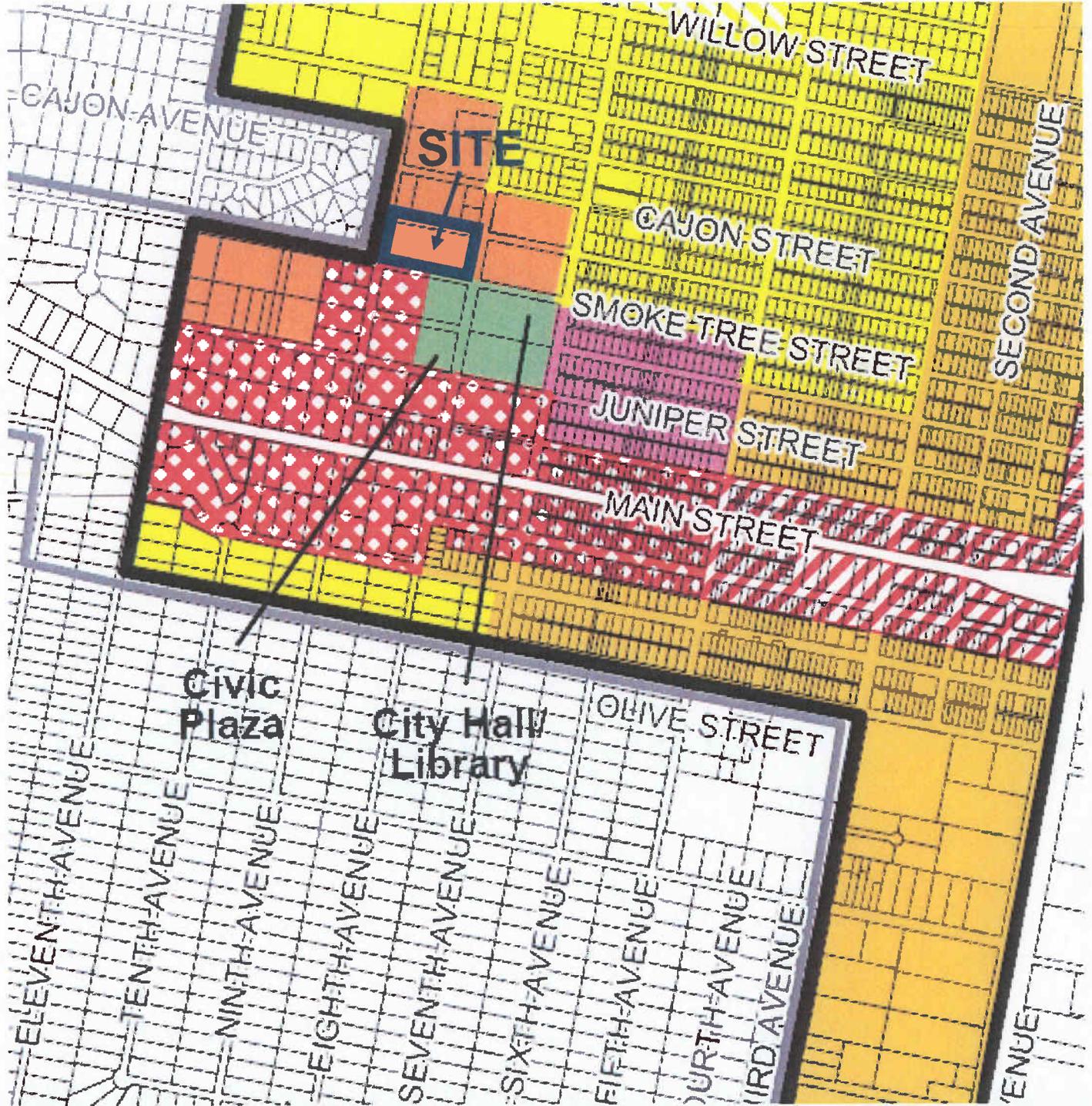
APN:
407-233-01

PROPOSAL:
PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY 42,887 SQUARE FOOT
POLICE STATION ON 5.0 NET ACRES



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT:
CITY OF HESPERIA

FILE NO:
PFR-2008-02

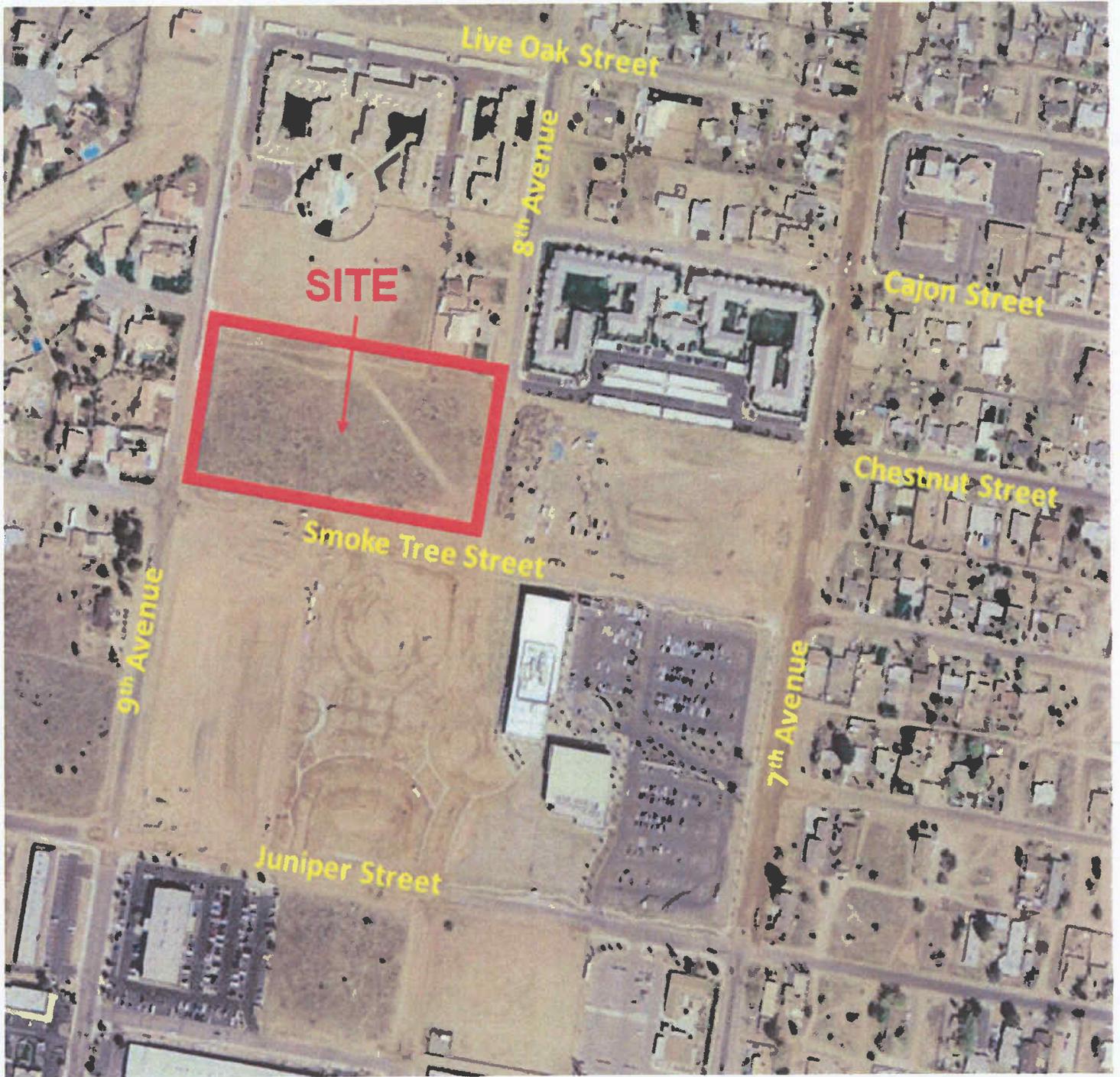
LOCATION:
LOCATED ON THE NORTHEAST CORNER OF SMOKE TREE STREET AND NINTH AVENUE

APN:
407-233-01

PROPOSAL:
PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY 42,887 SQUARE FOOT POLICE STATION ON 5.0 NET ACRES



ATTACHMENT 4



APPLICANT:
CITY OF HESPERIA

FILE NO:
PFR-2008-02

LOCATION:
LOCATED ON THE NORTHEAST CORNER OF SMOKE TREE STREET AND
NINTH AVENUE

APN:
407-233-01

PROPOSAL:
PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY 42,887 SQUARE FOOT
POLICE STATION ON 5.0 NET ACRES



AERIAL PHOTO

PERMITS DIVISION

ATTACHMENT 5



APPLICANT:
CITY OF HESPERIA

FILE NO:
PFR-2008-02

LOCATION:
LOCATED ON THE NORTHEAST CORNER OF SMOKE TREE STREET AND
NINTH AVENUE

APN:
407-233-01

PROPOSAL:
PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY 42,887 SQUARE FOOT
POLICE STATION ON 5.0 NET ACRES



BUILDING RENDERING

PLANNING COMMISSION

ATTACHMENT 6

RESOLUTION NO. PC-2009-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A PUBLIC FACILITY REVIEW TO CONSTRUCT A TWO-STORY 42,887 SQUARE FOOT POLICE STATION ON 5.0 NET ACRES, LOCATED ON THE NORTHEAST CORNER OF SMOKE TREE STREET AND NINTH AVENUE (PFR-2008-02).

WHEREAS, the City of Hesperia has filed an application requesting consideration of Public Facility Review PFR-2008-02, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a 5.0 net acre lot within the High Density Residential zone, located on the northeast corner of Smoke Tree Street and Ninth Avenue and consists of Assessor's Parcel Number 407-233-01; and

WHEREAS, the Application, as contemplated, proposes to approve a public facility review to construct a two-story 42,887 square foot Police Station; and

WHEREAS, the site is currently vacant. The property to the east is also vacant. The properties to the north and west contain single-family homes. The property to the south contains a park; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) on the City's Land Use Map. The properties to the north, east and south are also designated PMU. The property to the west is designated Low (L) density residential; and

WHEREAS, the subject property is currently zoned High Density Residential, allowing 15-20 dwelling units per acre. The properties to the north and east are also zoned High Density Residential. The property to the west is zoned Single-family residential with a minimum lot size of 18000 square feet (R1-18000). The properties to the south are zoned Public/Institution and Pedestrian Commercial; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15332, In-Fill Development Projects; and

WHEREAS, on February 12, 2009, 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 February 12, 2009, 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 requirements. On-site improvements required by the Hesperia Development Code can be constructed on the property including 341 parking spaces, minimum 26-foot wide drive aisles, landscaping, and trash enclosures. The Police Station also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disability Act (ADA). The development is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because it is permitted in any zone. The institutional use is permitted in the City's Planned Mixed Use (PMU) General Plan Land Use designation and the High Density Residential zone. The proposed development is substantially similar to adjacent uses. To the south is an existing park and civic center, and to the east will be a proposed administration building. The properties to the north and west are single-family homes. However, the proposed use will not have a significant impact on the residential uses as design concessions on the site plan will assist in minimizing noise, visual and traffic impacts. The development is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The City has established Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.
- (c) The proposed development is consistent with the goals, policies, standards and maps of the adopted Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed institutional use is permitted in any zone including the High Density Residential zone where it is located in. The development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, trash enclosures, and loading areas. The development complies with Americans with Disability Act (ADA) by providing 9 handicap parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the development's condition of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.

- (d) The granting approval of the will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disability Act (ADA) by providing 9 handicap parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings.
- (e) The site for the proposed use will have adequate access based upon the site's current accessibility to Eighth Avenue, Ninth Avenue and Smoke Tree Street are already paved. The development will have one drive approach on Eighth Avenue, Ninth Avenue, and two drive approaches on Smoke Tree Street.
- (f) The proposed development is consistent with and promotes the goals and policies of the General Plan, Specific Plan, and all applicable codes and ordinances adopted by the City of Hesperia.

Section 3. The Planning Commission hereby finds that there will be no significant environmental impacts resulting from the development.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves PFR-2008-02, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 5. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 12th day of February 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Site Plan Review PFR-2008-02:

**Approval Date: February 12, 2009
Effective Date: February 24, 2009
Expiration Date: February 24, 2010**

This list of conditions apply to a Public Facility Review to construct a two-story 42,887 square foot Police Station on 5.0 net acres located on the northeast corner of Smoke Tree Street and Ninth Avenue. Any change of use or expansion of area may require approval of a revised site plan review application (Applicant: City of Hesperia; APN: 407-233-01).

The use shall not be established until all conditions of this Public Facility Review application have been met. This approved Public Facility Review shall become null and void if all conditions have not been completed within two (2) 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 at least thirty (30) days prior to the expiration date.

PRIOR TO THE PREPARATION OR SUBMITTAL OF PUBLIC IMPROVEMENT PLANS:

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

Init Date

- | | | |
|-------|-------|--|
| _____ | _____ | 1. <u>Drainage Study.</u> The Developer shall submit a Final Hydrology/Hydraulic study identifying the method of collection and conveyance of tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E) |
| _____ | _____ | 2. <u>Title Report.</u> The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E) |
| _____ | _____ | 3. <u>Percolation Test.</u> Where onsite retention/detention is proposed, the applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services. The applicability of any percolation test for use in designing the retention/detention method shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B) |
| _____ | _____ | 4. <u>Geotechnical Report.</u> The Developer shall provide two copies of the soils report with the grading plan. The soils report shall substantiate with all grading, building, and public improvement plans. In addition, a percolation report shall be performed to substantiate the percolation of the on-site drainage retention areas. Include "R" value testing and pavement recommendations for public streets (E, B) |

- _____ 5. **NPDES.** 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)
- _____ 6. **Storm Water Pollution Prevention Plan.** The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off collection during construction. (E)
- _____ 7. **Vacation.** The Developer shall submit a "Request for Vacation" to the City's Engineering Department for acceptance. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
- _____ 8. **Offer Of Dedication, (I.O.D.).** 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)
- _____ 9. **Grant Of Easement.** The Developer shall submit a "Grant of Easement" 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)
- _____ 10. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the Development Advisory Board, 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 GRADING PERMIT ISSUANCE:

- _____ 11. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)

- _____ 12. **Cultural Resources.** If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. Further, prior to completion of the project, the applicant shall submit a report describing all cultural resources encountered during grading. (P)
- _____ 13. **NPDES.** 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)
- _____ 14. **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. No clearing or grading shall commence until the SWPPP has been accepted and the perimeter protection required in the plan is installed and approved by the City. (E)
- _____ 15. **Survey.** The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
- _____ 16. **Street Vacation.** The Developer shall submit a letter of intent to vacate 9th Avenue. The Developer shall provide for the vacation of the right-of-way. Any necessary utility easements shall be maintained in place. The right-of-way shall be abandoned by action of the City Council. (E)
- _____ 17. **Grant of Easement(s).** 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)
- _____ 18. **Utility Non-interference / Quitclaim Document(s).** The Developer shall provide non-interference and or quitclaim letter(s) from all applicable utility agencies for all 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.
- _____ 19. **Pre-construction Survey.** A pre-construction survey for burrowing owls shall be conducted by a City approved, licensed biologist, no more than 30 days prior to commencement of grading. (P)
- _____ 20. **Pre-construction Meetings.** Pre-construction meetings shall be held between the City, the Developer, grading contractors, and special inspectors to discuss permit requirements, monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B, P)

- _____ 21. **Off-Site/On-Site Improvements.** The Developer shall design the following off-site/on-site improvements:
- _____ A. **Improvement Plans (Streets, Water, Sewer, Grading, Storm Drain, etc.).** (E)
- _____ i. **Dedication(s).** The Developer shall grant to the City an Irrevocable Offer of Dedication for Smoke Tree Street across the project frontage. The right-of-way full-width for Smoke Tree Street shall be seventy (70) feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for a cul-de-sac on 8th Avenue. 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. **Corner cut-off right of way dedication per City standards is required at all intersections, including interior roadways.** (E)
- _____ ii. **Plan Check Fees.** Prior to improvement plan submittal, the Developer shall pay applicable plan-checking fees. Fees must be paid along with plan submittal. The Improvement Plans and requested studies must be submitted as a package. (E)
- _____ iii. **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”, proposed development of the retention basins, as a minimum. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)
- _____ iv. **Plans.** All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City’s improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department, Engineering Department for plan review with the required checking fees. All Public Works plans shall be submitted as a complete set. (E)
- _____ v. **Grading Requirements.** The site grading and building pad preparation shall include the recommendations provided by 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 and the Finish Grade (FG) elevations. Wall height from Finish Grade (FG) to Top of Wall (TW) shall not exceed 6.0 feet in height. (E & P)
- _____ vi. **Drainage Acceptance Letters.** It is the Developer’s responsibility to obtain signed Drainage Acceptance Letters from the adjacent property owner’s who are affected by concentrated off-site storm water discharge from any on-site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the City’s Engineering Department for plan check approval. (E)

_____ vii. **On-site Retention.** The Developer shall design / construct on-site retention facilities, which have minimum impact to ground water quality. 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)

_____ viii. **Erosion Control.** The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)

_____ ix. **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 Developer's expense.** (E)

_____ B. **Street Improvements.** The Developer shall design street improvements in accordance with City standards and these conditions. (E)

Smoke Tree Street:

- _____ i. These improvements shall consist of:
1. Sidewalk (width = 6 feet) per City standards.
 2. Commercial driveway approaches per City standards.

Ninth Avenue:

- _____ ii. These improvement shall consist of:
1. Sidewalk (width = 6 feet) per City standards.
 2. Commercial driveway approaches per City standards.

Eighth Avenue:

_____ iii. Saw-cut (2-foot min.) and match-up asphalt pavement on 8th Avenue based on City's 60-foot Cul-De-Sac Roadway Standard. 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:

1. 8" Curb and Gutter per City standards.
2. Sidewalk (width = 6 feet) per City standards.
3. Streetlights per City standards.
4. Commercial driveway approach per City standards.
5. Pavement transitions per City Standards.
6. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index per City Engineer and per the soils report.
7. Traffic control signs and devices as required by the traffic study and/or the City Engineer.

_____ **C. Utilities.** (E)

1. The Developer shall design a Utility Plan for service connections. Domestic water and sewer connections to be shown on the utility plan.
2. 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.

_____ **D. Water Improvements.** (E)

1. Domestic and fire connections shall be per City standards and be made off of the existing 8" PVC water main located in Smoke Tree Street per City standards.
2. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer. (E)
3. Connection for fire service shall require a City approved back flow device. (E)

_____ **E. Sewer Improvements** It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 8" PVC sewer main in Smoke Tree Street per City standards.

Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to Section 66462.5 of the Subdivision Map Act. (F, E)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

_____ **22. Landscape Plans.** The Developer shall submit four sets of landscape and irrigation plans to the Building Division. Plans shall utilize xeriscape landscaping designs wherever practical and conform to current Hesperia Recreation and Park District standards. Landscaping shall include 24-inch box and 15-gallon trees as approved by the Planning Division.

Landscaped areas shall also contain shrubs of at least 5-gallon size. All areas within a planter not containing a tree, shrub, or groundcover shall be covered by rock and/or decomposed granite (not pulverized decomposed granite). The number, size, type and configuration of plants shall be subject to review and approval by the City. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. Enhanced landscaping shall be provided along the perimeter wall to soften the appearance. Vines and tall shrubs are recommended. (P)

- _____ 23. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall and/or fencing plans to the Building Division for all proposed walls and fences. All walls and fencing shall be in accordance with the Development Code. The perimeter wall surrounding the site which is called out as "precast structure-cast wall smooth face" shall have decorative features to be reviewed and approved by the Planning Division. (P)
- _____ 24. **Building Construction Plans.** Four 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 for review. (B)
- _____ 25. **Fire Protection.** Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)
- _____ A. Three sets of fire sprinkler plans prepared by a Fire Protection Engineer, or a C-16 Fire Protection Engineering contractor currently licensed in California.
- _____ B. Two sets of monitored fire alarm plans prepared by a C-7 low voltage systems contractor currently licensed in California.
- _____ C. Operable fire extinguishers shall be maintained throughout the building in accordance with fire codes.
- _____ 26. **Fire Hydrants.** Install fire hydrants within 150/300 feet of all buildings in accordance with the approved design. The hydrants shall be in operable condition prior to delivery of combustible materials to the site. (F)
- _____ 27. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. (RPD)
- _____ 28. **Utility Relocation/Undergrounding.** If the Developer is required to install water, sewer, or construct street improvements or when required utilities shall be placed underground, it shall be the developer's responsibility to relocate/underground any existing utilities at his/her own expense. Relocation/undergrounding of utilities shall be identified upon submittal of construction plans. (E)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 29. **Utility Clearances.** 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. (B)
- _____ 30. **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 graphic identified as Exhibit "A." Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 31. **As-Built Plans.** The Developer shall provide as-built plans, Notice of Completion, One-Year Maintenance Bonds, and Bill of Sale to the Engineering Division. (E)
- _____ 32. **Public Improvements.** All public improvements shall be completed by the Developer and approved by the Engineering Division. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 33. **Easements for On-Site Utilities.** The Developer shall submit a grant of easement for on-site utilities on forms provided at the Engineering Division. (E)
- _____ 34. **Fire Division Access.** The Developer shall provide a key box security system to provide building and site access as well as access to all fire protection systems. (F)

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 | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

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DATE: February 12, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DKA*
BY: *SL* Stan Liudahl, AICP, Senior Planner
SUBJECT: Administrative Appeal APP-2008-01; Appellant: OOS Investments, LLC; APN: 3072-251-04

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-07, denying APP-2008-01.

BACKGROUND

Proposal: An administrative appeal of the denial of a building permit to replace an existing two-sided, 40-foot high, 672 square foot billboard with a two-sided, 47-foot high, 672 square foot digital billboard (Attachments 1 thru 4). As part of the application, the property owner submitted a letter (Attachment 2), which outlines the request. The sign would allow the police and fire agencies to interrupt normal advertising with emergency information and time on the sign would also be made available for public service announcements.

Location: On the east side of Interstate 15, north of Short Street.

Current General, Plan, Zoning and Land Uses: The site is within the Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial District of the Main Street and Freeway Corridor Specific Plan. A recreational vehicle sales and rental facility exists to the north and the property to the west, beyond Interstate 15, contains a mortuary. The properties to the south and east are vacant (Attachment 5).

The City contains 33 existing billboards, 28 along the Freeway Corridor and five downtown in the vicinity of Main Street and the railroad. The billboards along the freeway are generally grouped in three areas; Eight on the east side of the freeway between Bear Valley Road and Eucalyptus Street, four near the Interstate 15/U. S. Highway 395 interchange and nine on both sides of the freeway between Oak Hills Road and the Cajon Pass (Attachment 6).

ISSUES/ANALYSIS

The City's Development Code (Section 16.36.060) currently allows billboards within the Commercial Resort (CR) Zone. However, this zone district was recently superseded by the adoption of the Freeway Corridor and Main Street Specific Plan. The new zoning in the Specific Plan does not permit billboards. Consequently, the existing billboards are considered nonconforming uses. Section 16.36.100 limits billboards to a maximum area of 200 square feet and height of 25 feet. In addition, billboards are to be spaced a minimum of one thousand feet

apart and are not to be located in a historic, agricultural, or neighborhood shopping district, the downtown commercial core, or within 750 feet of any residential district. The Specific Plan does allow some expansion, addition or alteration of non-conforming uses, subject to City approval.

State Law Section 5412 of the Business and Professions Code, encourages cities to enter into agreements with billboard owners to relocate billboards on whatever terms are agreeable to the parties. This section also encourages, but not requires, cities to revise their ordinances to enable such actions. These agreements may allow for replacement/modification of existing billboards with upgraded billboards based upon removal of multiple billboards. In this case, the property owner controls just one billboard.

Land Use: The City's General Plan contains a number of goals and policies that that focus on the establishment of well designed, attractive businesses that generate sales tax and build a local job base. The adopted Main Street and Freeway Corridor Specific Plan also contains goals that include:

Goal UD-5: Encourage good design and high quality development within the Specific Plan area;

Goal ED-1: Encourage Commercial and industrial development in the Specific Plan area to assist with long-term financial stability and ensure fiscal viability for the City.

In developing a recommendation on this request, staff considered several issues in addition to the policies discussed above:

Billboards are not part of a land use expectation; The City's current sign code was adopted in 1993. Billboards have not been permitted in any general commercial or regional commercial zone since that time. Therefore, property owners cannot have had the expectation of establishing new billboards in the City. The 33 existing billboards have always been considered nonconforming uses.

Billboards are distracting to motorists and consumers; Billboards, particularly reader boards, are distracting to consumers and motorists. While Caltrans' regulations limit the brightness and frequency of changeable copy, these signs detract from the natural environment, or from future, on-site development. This does not support the City's land use goals. In addition, the State is considering converting Caltrans' message centers along freeways to reader boards and to permit private advertising during times when public service announcements (traffic conditions, amber alerts) are not shown. These signs, along with the existing billboards, would only contribute to the visual clutter along the City's freeway corridor.

Billboards do not support land uses along the freeway corridor; Billboards do provide income to property owners and may possibly be used to provide public service messages. However, billboards do not provide sales tax revenue to the City or create local jobs. In fact, billboards create a financial disincentive to develop property, as the cost of removal or relocation and the loss of income to the property owner must be included in the financial considerations to develop any new project.

Legal issues concerning billboard regulations were discussed with the City Attorney's office. Their opinion is that cities can regulate physical aspects of signs, including billboards, as long as the regulations support a substantial government interest, and that the regulation goes no further than necessary to accomplish that objective. Further, in at least four instances since

Metromedia v City of San Diego (1992), the federal courts have upheld the Constitutionality of a total ban on billboards. As recently as January 7, 2009, the U.S. 9th Circuit Court of Appeals upheld the City of Los Angeles' citywide billboard ban.

Staff is currently preparing a Development Code Amendment addressing billboards within the entire City. The amendment is tentatively scheduled for review by the Commission in March, 2009. As such, staff recommends that the Planning Commission deny this appeal without prejudice, allowing the appellant to file an application without waiting one year from the date of the denial.

Environmental: Denial of a project is exempt from the requirements of the California Environmental Quality Act.

CONCLUSION

For the reasons discussed above, staff cannot support approval of the proposed billboard replacement.

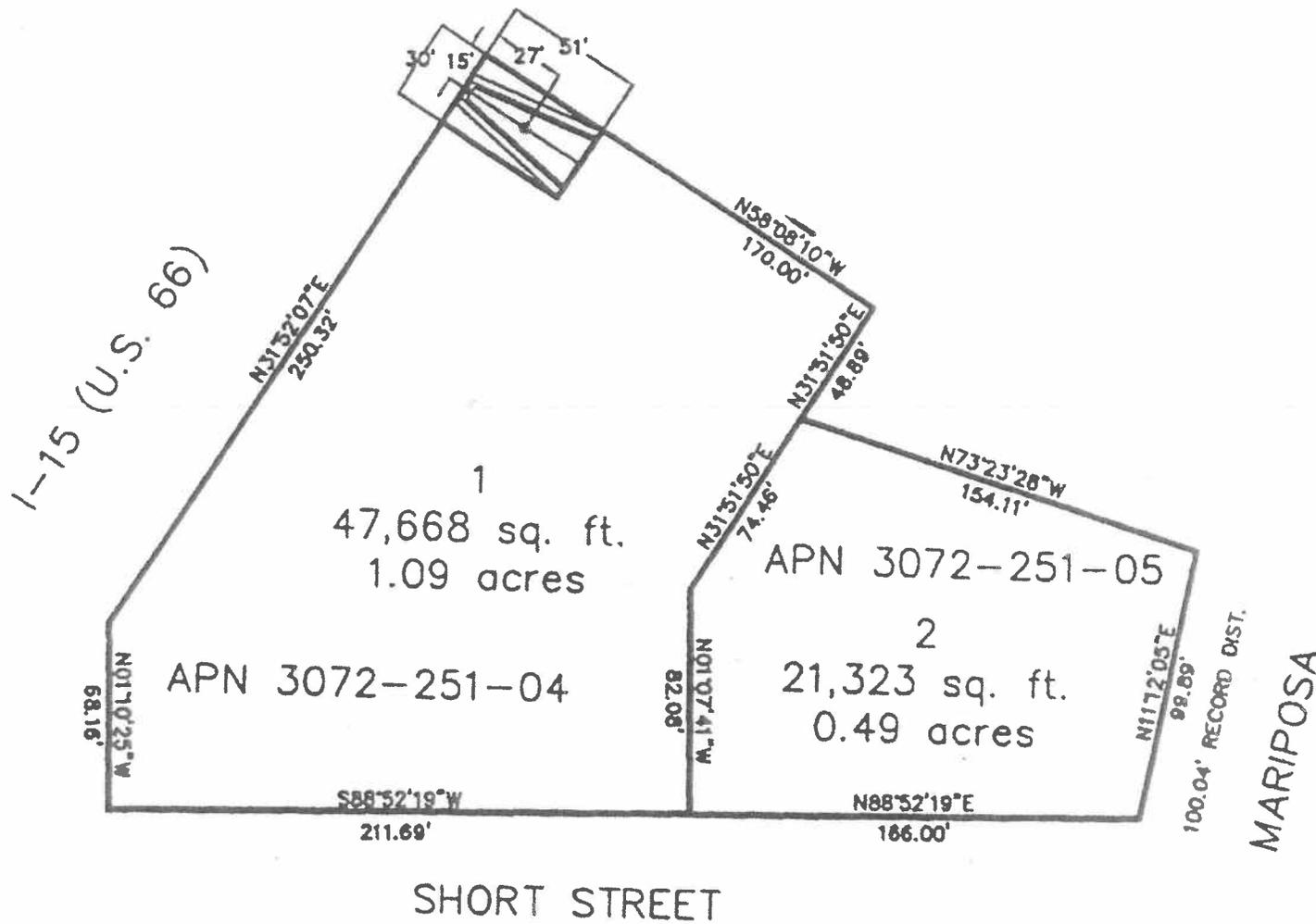
ALTERNATIVES

1. The Planning Commission may deny the appeal without prejudice, inasmuch as the City will be considering a Development Code Amendment addressing billboards in March.
2. The Planning Commission may consider the proposed replacement of the existing billboard through approval of a Conditional Use Permit under the non-conforming use provisions. Staff supports the upgrade of existing billboards only with a relocation agreement with a billboard owner. This alternative would not result in a reduction in the number of billboards in the City, as staff is unaware that the property owner controls more than one billboard. As such, staff does not support this alternative.
3. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. Letter from W. Thomas Lunnen dated October 11, 2008 regarding the digital billboard
3. Proposed billboard plans
4. Photos of the existing billboard
5. Aerial Photo
6. Map of existing billboards within the City
7. Resolution No. PC-2009-07

ATTACHMENT 1



| | |
|--|-----------------------------------|
| APPELLANT(S):
OOS INVESTMENTS, LLC | FILE NO(S):
APP-2008-01 |
| LOCATION:
ON THE EAST SIDE OF INTERSTATE 15, NORTH OF SHORT STREET | APN(S):
3072-251-04 |
| PROPOSAL:
CONSIDERATION OF ADMINSTRATIVE APPEAL APP-2008-01, TO REPLACE AN EXISTING TWO-SIDED, 40-FOOT HIGH, 672 SQUARE FOOT BILLBOARD WITH A TWO-SIDED, 47-FOOT HIGH, 672 SQUARE FOOT DIGITAL BILLBOARD | N
↑ |

SITE PLAN

ATTACHMENT 2
LUNNEN
DEVELOPMENT

Real Estate Development | Investment | Brokerage | Consulting

Mike Podegracz
City Manager
9700 Seventh Ave
Hesperia, Ca 92345

10/11/08

Re: Digital Messaging Center APN 3072-251-04

Dear Mike,

I wanted to provide you with a brief narrative of what it is we are trying to accomplish and the benefits to the City of Hesperia. We propose to have a seamless upgrade from an existing billboard on our property to a Digital Messaging Center. The new sign will be constructed by Osservare Outdoor Sign LLC and they will be investing approximately \$1,000,000 for its construction. It will be constructed with masonry materials and a decorative façade which will include a City of Hesperia logo at the top of the structure.

We have met with several Council Members and explained the City of Hesperia will be able to advertise city information (City events, City Council meetings, public service announcements, etc) on a rotation of the sign which represents approximately \$70,000- \$80,000 per year in free advertising. In addition the City of Hesperia will receive 2.5% of the revenue of the sign. Of the Council Members that we have met with, all would be willing to support the digital messaging board. We have also met with Mark Kirk and Russ Blewett who are both running for City Council and both agreed that this would be a positive thing for the city and would support the idea. In addition we have met with the both the Chief of Police, Lance Clark and the Fire Chief, Tim Russell and explained to them that the sign would have its own wireless IP address which would allow both departments to have direct access to the sign for any emergencies (amber alerts, fire information, emergency information). Chief Clark felt that it would be a valuable tool for the Police Department and Chief Russell expressed that it would be an extremely valuable tool for the Fire Department.

We are providing in the package testimonials from other law enforcement agencies (FBI, local sheriffs and chiefs) about this powerful new technology to help them locate fugitives and to locate missing persons. There are currently over 11,000 digital messaging centers in Los Angeles and Los Angeles County. There are digital messaging centers in San Bernardino County as well as a few along the I-15 corridor. Our proposal to upgrade our existing sign is unique in the benefits that it provides to the City of Hesperia.

Very Sincerely,



W. Thomas Lunnen



 Sun City Apple Valley

by Ded Webb®

THIS EXIT, TURN RIGHT TO APPLE VALLEY RD.

(LANAR)

City of Hesperia



50'-0"

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

RICHARD D. WILES
CHIEF OF POLICE



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOPANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUEN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

OFFICE OF THE CHIEF OF POLICE

December 3, 2007

Mr. John Campbell
Director, Right of Way Division
Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2488

Dear Mr. Campbell:

As Chief of Police I support electronic displays on billboards. I commend TX DOT's recent decision to consider allowing the use of such displays in Texas. Our local experience with these displays has clearly demonstrated the safe and effective use of this technology. In addition, I have included my comments before TX DOT on Wednesday November 28 for your review.

Good Morning, Richard Wiles, Chief of Police of El Paso.

Texas - - and I don't know if anybody noticed, but Mr. Smith and I are actually color coordinated. I just caught that.

Anyway, I'd like to read into the record a letter from the Honorable Mayor of El Paso, John Cook, and then say just a couple of words.

"The City of El Paso looked into the issue of billboards several years ago. As a result, we had a comprehensive rewrite of the ordinance regarding off-premise signage. Subsequently, we examined the potential for improving the image billboards had in our community, and amended the ordinance to allow for electronic billboards.

We have found that they are not only accepted by the community, but are more attractive than other technologies. As Mayor of the sixth largest city in Texas, I would certainly encourage other cities to consider modernizing their off-premise sign ordinances.



911 N. RAYBON • EL PASO, TX 79903 • (915) 564-7000 • WWW.EPPD.ORG

As a result of our experience, the City of El Paso supports TxDOT's efforts to allow us to expand our program to those highways under state jurisdiction."

That's from Mayor Cook. In regards to the Police Department's stance on this issue, there's two major issues that I see. One is the issue of safety. Certainly traffic crashes and the injuries and fatalities that are related to those are of great concern to me as a law enforcement professional. And I would not want to have something on the roadway that would distract the drivers.

But I have to tell you that in my conversations with the deputy chief in charge of our traffic units, certainly over the last five years that we've done research, we have found no instances of traffic collisions being caused as a result of inattentiveness for billboards.

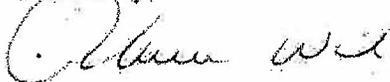
And as Mr. Smith mentioned, the electronic billboards have gone up on city streets, eight of them, and since they've been up over the last several months, we have had no instances that they have contributed to any driver inattention that has resulted in a collision. So I don't believe that that's an issue. Certainly not within the City of El Paso.

And the second issue is in regards to the support that these billboards can give to law enforcement in times of crisis. As you're well aware, when an Amber Alert occurs, TxDOT flashes information on their electronic message boards, but it's all -- there's no photos, it's all writing.

And the problem with that is, the information does not catch the attention of the traveling motorist many times and it's not -- and because human beings are visual animals, it is not as -- it doesn't give us the same impact as if we can put up a photo of the missing a child, of a vehicle involved, of the subject that's involved.

So we think these billboards will be a great asset to any community, certainly in El Paso, by providing our community with information related to crises such Amber Alerts or other emergencies that could occur within the city. Thank you very much.

Yours truly,



Richard D. Wiles
Chief of Police



911 N. RAYNOR • EL PASO, TX 79903 • (915) 564-7000 • WWW.EPPD.ORG

Pennsylvania Mayor Endorses Digital Billboards as Good for the Community

Mayor Ed Pawlowski of Allentown, Pennsylvania, enthusiastically supported "OOS" a St. Louis based company of the installation of a digital billboard in downtown Allentown because he saw it as a way to revitalize the inner city and promote safety. "Due to the ability to rapidly change and deliver information," Mayor Pawlowski wrote in a letter explaining his support for digital billboards, "electronic message boards have assisted local law enforcement with AMBER Alerts, emergency information about public safety and traffic information."

"Osservare Outdoor has allowed our agency the complimentary use of their billboards to display photos and names of violent criminals, missing persons, or to solicit secret witness information. It is not only important in the event of a fleeing felon, but when we have abducted children or missing Alzheimer patients, time is crucial for success. The resource could be a lifeline for some of our most vulnerable citizens.

This is an exciting partnership that will allow us to move fast and efficiently if we need to sweep for information. The use of these billboards are a growing trend in law enforcement, ranging from the FBI to local Sheriffs and Chiefs, with impressive results. The posting on the boards contribute to an environment where the criminal feels pressure that they have no where to go."

Michael Haley.

SACRAMENTO, Calif. (KABC) -- Governor Schwarzenegger wants to use message boards, usually used for Amber Alerts and other emergencies, as billboards. He says by selling ads, the state could raise cash. California drivers know them as the Amber Alert or traffic delay message boards.

They are often blank.

CalTrans is toying with the idea, proposed by Clear Channel Outdoor, of selling advertising space on the state's nearly 700 roadside billboards.

Story continues belowAdvertisement

"I think when you look at the state of California's transportation system and the need for repairs and rehabilitation to that system, we've got to figure out different ways to provide resources to accomplish that rehabilitation," said CalTrans Director Will Kempton.

High fuel prices are forcing Californians to drive less, so the state isn't collecting as much gas tax to fund road projects.

CalTrans estimates ad space could bring in tens of millions of dollars a year.

The lawmaker who wrote the bill creating the Amber Alert System says it's a great opportunity to upgrade the boards without taxpayer money.

The money could lead to upgrades like color-coded traffic alerts and the actual pictures of the child and car involved in an abduction.

"It's a much better way to engage the public in regards to those Amber Alert signs, helping them know what they are looking for," said State Senator George Runner (R-Lancaster).

California would need a federal waiver for what will be a new use of freeway signs.

- Get more L.A. breaking news, weather, traffic and sports
- Have a news tip? Send your tips, video, or pictures

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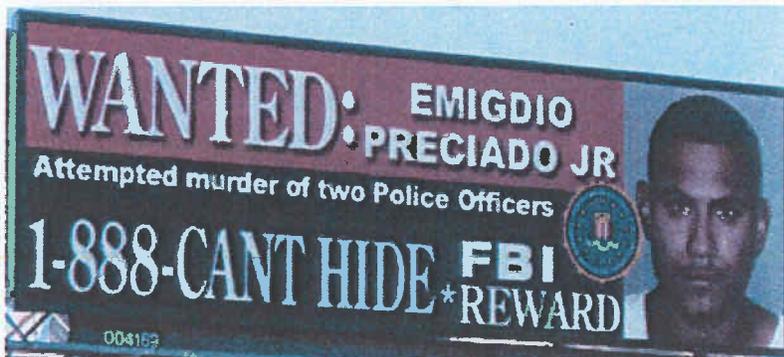
jimm lunnan <jameslunnan@gmail.com>

(no subject)

1 message

Neumann, James <jimn@oosinv.com>
 To: jim lunnan <jameslunnan@gmail.com>

Mon, Aug 25, 2008 at 5:25 AM



Billboards and the Fight Against Crime

Digital billboards have become a significant part of efforts to fight crime around the country. Donated boards are used by local police departments as well as the FBI to put pictures of wanted suspects and fugitives in front of the mass audience digital billboards reach.

Based on the success of a pilot project in Philadelphia, the FBI has expanded its use of digital billboards coast to coast. FBI officials say the program has lead to the direct apprehension of wanted suspects, while boosting morale and public safety.

Local law enforcement officials have also been quick to take advantage of this powerful new technology, to help find fugitives and locate missing persons.

As digital inventory increases, so will the law enforcement and emergency preparedness applications. Already, some states are entering into agreements with outdoor advertising companies to display severe weather warnings, and plans

are underway in other localities to do even more. Digital billboards are becoming a vital part of efforts to make communities safer.



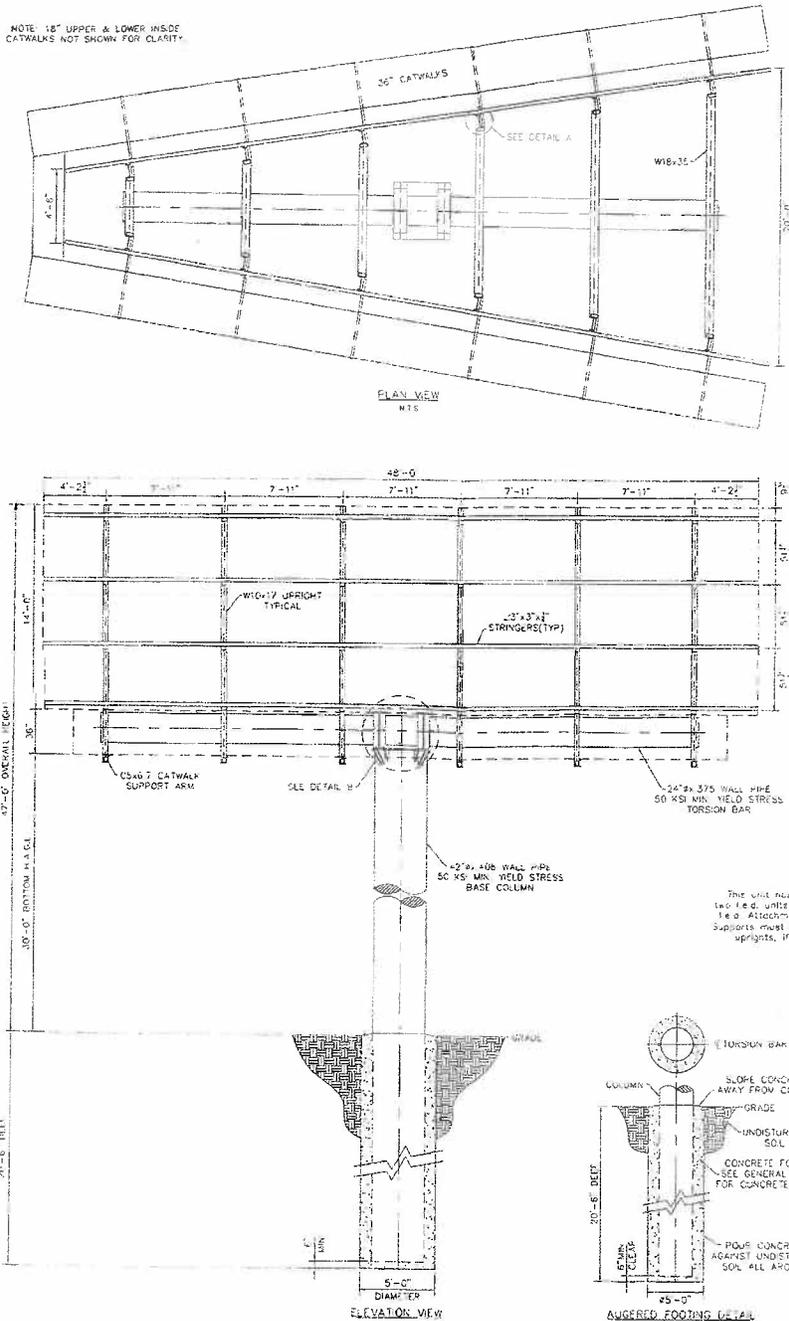
Jim Neumann
President

747 Spirit of St. Louis Blvd.
Chesterfield, MO 63005

T-636-530-1717 F-636-530-1770 C-630-292-3347
jimn@oosinv.com www.osservareoutdoorsign.com



ATTACHMENT 3



APPELLANT(S):
OOS INVESTMENTS, LLC

FILE NO(S):
APP-2008-01

LOCATION:
ON THE EAST SIDE OF INTERSTATE 15, NORTH OF SHORT STREET

APN(S):
3072-251-04

PROPOSAL:
CONSIDERATION OF ADMINISTRATIVE APPEAL APP-2008-01, TO REPLACE AN EXISTING TWO-SIDED, 40-FOOT HIGH, 672 SQUARE FOOT BILLBOARD WITH A TWO-SIDED, 47-FOOT HIGH, 672 SQUARE FOOT DIGITAL BILLBOARD



PROPOSED BILLBOARD PLANS

ATTACHMENT 4



APPELLANT(S):
OOS INVESTMENTS, LLC

FILE NO(S):
APP-2008-01

LOCATION:
ON THE EAST SIDE OF INTERSTATE 15, NORTH OF SHORT STREET

APN(S):
3072-251-04

PROPOSAL:
CONSIDERATION OF ADMINISTRATIVE APPEAL APP-2008-01, TO REPLACE AN EXISTING TWO-SIDED, 40-FOOT HIGH, 672 SQUARE FOOT BILLBOARD WITH A TWO-SIDED, 47-FOOT HIGH, 672 SQUARE FOOT DIGITAL BILLBOARD



PHOTOS OF THE EXISTING BILLBOARD

ATTACHMENT 5



APPELLANT(S):
OOS INVESTMENTS, LLC

FILE NO(S):
APP-2008-01

LOCATION:
ON THE EAST SIDE OF INTERSTATE 15, NORTH OF SHORT STREET

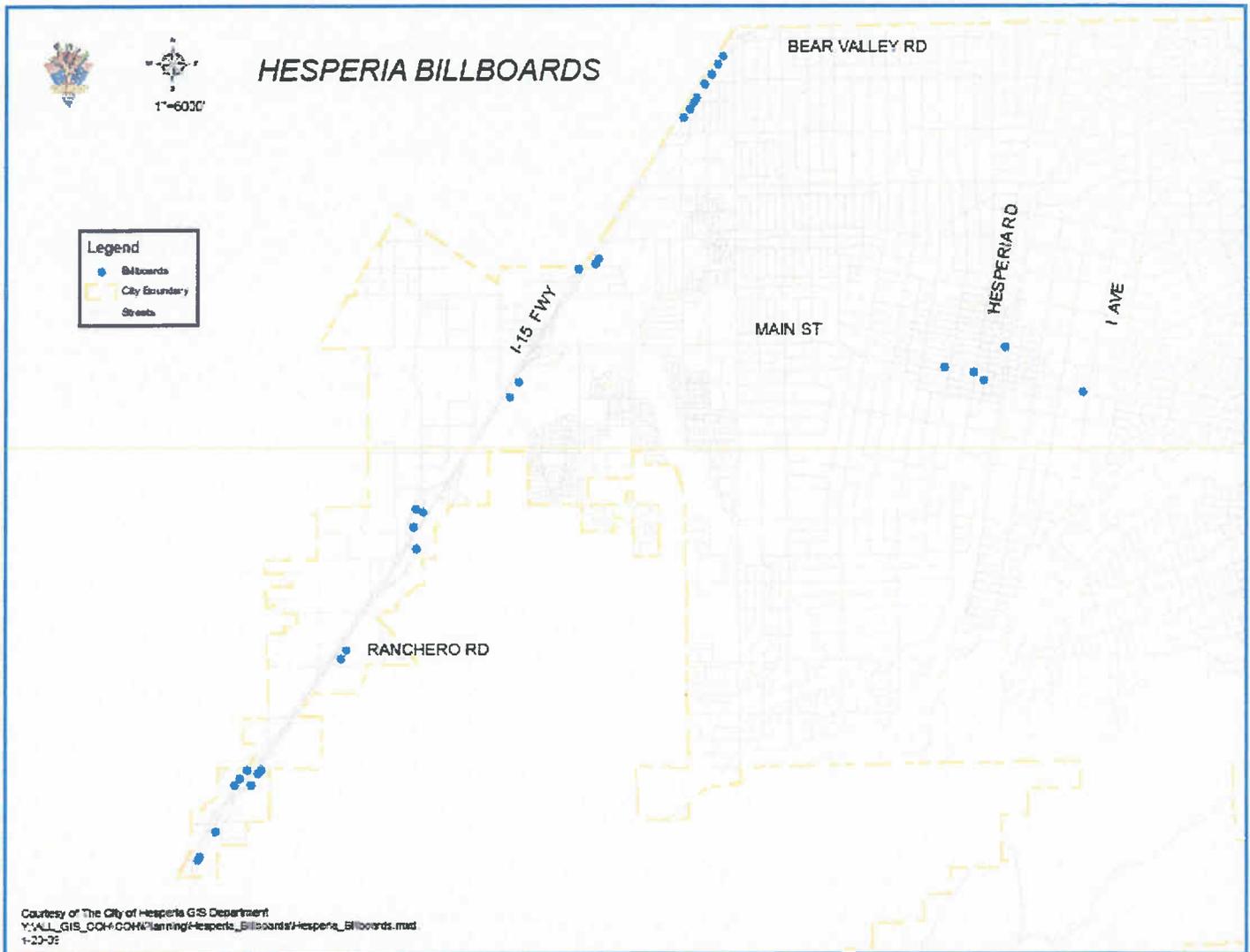
APN(S):
3072-251-04

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CONSIDERATION OF ADMINISTRATIVE APPEAL APP-2008-01, TO REPLACE AN EXISTING TWO-SIDED, 40-FOOT HIGH, 672 SQUARE FOOT BILLBOARD WITH A TWO-SIDED, 47-FOOT HIGH, 672 SQUARE FOOT DIGITAL BILLBOARD



AERIAL PHOTO

ATTACHMENT 6



APPELLANT(S):
OOS INVESTMENTS, LLC

FILE NO(S):
APP-2008-01

LOCATION:
ON THE EAST SIDE OF INTERSTATE 15, NORTH OF SHORT STREET

APN(S):
3072-251-04

PROPOSAL:
CONSIDERATION OF ADMINISTRATIVE APPEAL APP-2008-01, TO REPLACE AN EXISTING TWO-SIDED, 40-FOOT HIGH, 672 SQUARE FOOT BILLBOARD WITH A TWO-SIDED, 47-FOOT HIGH, 672 SQUARE FOOT DIGITAL BILLBOARD



MAP OF EXISTING BILLBOARDS WITHIN THE CITY

ATTACHMENT 7

RESOLUTION NO. PC-2009-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING AN ADMINISTRATIVE APPEAL TO REPLACE AN EXISTING TWO-SIDED, 40-FOOT HIGH, 672 SQUARE FOOT BILLBOARD WITH A TWO-SIDED, 47-FOOT HIGH, 672 SQUARE FOOT DIGITAL BILLBOARD LOCATED ON THE EAST SIDE OF INTERSTATE 15, NORTH OF SHORT STREET (APP-2008-01)

WHEREAS, OOS Investments, LLC has filed an application requesting approval of Administrative Appeal APP-2008-01 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an existing billboard on 1.5 gross acres located on the east side of Interstate 15, north of Short Street and consists of Assessor's Parcel Number 3072-251-04; and

WHEREAS, the Application, as contemplated, proposes to replace an existing two-sided, 40-foot high, 672 square foot billboard with a two-sided, 47-foot high, 672 square foot digital billboard on the subject property; and

WHEREAS, the 1.5 gross acre site is currently vacant, with the exception of the billboard. A recreational vehicle sales and rental facility exists to the north and the property to the west, beyond Interstate 15 contains a cemetery. The properties to the south and east are vacant; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) General on the City's Land Use map. The properties to the north, south, and east are also designated Planned Mixed Use (PMU). The properties to the west across Interstate 15 are within the City of Victorville; and

WHEREAS, the subject property is within the Regional Commercial district of the Main Street and Freeway Corridor Specific Plan. The properties to the north, south, and east are within the same district. The properties to the west across Interstate 15 are within the City of Victorville; and

WHEREAS, denial of a project is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on February 12, 2009, 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 February 12, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed project is inconsistent with and contrary to the goals and policies of the General Plan.
- (b) The proposed project does not conform to the regulations of the Development Code and all applicable City Ordinances.

Section 3. The Planning Commission hereby finds that although there will be no significant environmental impacts resulting from the project, it recommends denial.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Administrative Appeal APP-2008-01.

Section 5. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 12th day of February 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

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, JANUARY 21, 2009

A. PROPOSALS:

1. AT & T (CUP-2008-06)

Proposal: To establish an 80-foot high wireless monopole facility on 800 square feet.

Location: East side of Mariposa Road, approximately 1500 feet south of Main Street at an existing Hesperia Water Tank 23 site.

Planner: Paul Rull

Action: Forwarded to Planning Commission

2. City of Hesperia (PFR-2008-07)

Proposal: To construct a 2 story 66,778 square foot government office building on 4.8 acres.

Location: Northwest corner of Seventh Avenue and Smoke Tree Street.

Planner: Lisette Sanchez-Mendoza

Action: Forwarded to Planning Commission

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