

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: April 9, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Stephen James, Chair

Chris Elvert, Vice Chair

Joline Bell Hahn, Commissioner

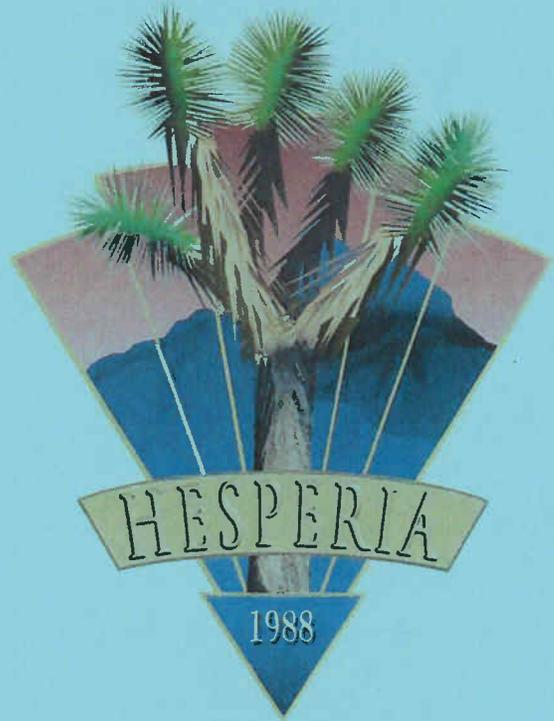
Julie Jensen, Commissioner

William A. Muller, 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.

APRIL 9, 2009

**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 Julie Jensen
 - Commissioner William Muller

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: March 12, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit (CUP-2008-06), to construct a 65-foot high wireless communications facility at an existing water tank site located on the northeast corner of Sultana Street and Coyote Trail (Applicant: Reliant Services AT & T; APN: 3057-011-04) (Staff Person: Paul Rull). 1-1
- 2. Consideration of Conditional Use Permit (CUP-2009-01) to convert an existing single-family residence into a 2,306 square foot medical office building on .5 acres, zoned Neighborhood Commercial located at 14575 Main Street (Applicant: Eric R. Hansen; APNs: 0408-141-14) (Staff Person: Lisette Sanchez-Mendoza). 2-1
- 3. 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). 3-1

- 4. Consideration of General Plan Amendment (GPA09-10150), to revise the allowable residential density within the Planned Mixed Use designation (Applicant: City of Hesperia; APN: Various APNs) (Staff Person: Stan Liudahl). 4-1
- 5. Consideration of Revision to the City's Sign Regulations, concerning Billboards (Applicant: City of Hesperia; City Wide) (Staff Person: Dave Reno, AICP). 5-1

PRINCIPAL PLANNER'S REPORT

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

- E. Annual Report on Status and Implementation of the General Plan 6-1
- F. DRC Comments 7-1
- G. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

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

ADJOURNMENT

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

I, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 2, 2009 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter
Planning Commission Secretary

**PLANNING COMMISSION
REGULAR MEETING**

DRAFT MINUTES

March 12, 2009

The special meeting of the Hesperia Planning Commission was held on Thursday, March 12, 2009 in the City Council Chambers, 9700 Seventh Avenue Hesperia, California. The meeting was called to order at 6:30 p.m. by Chair James.

A. CALL TO ORDER

1. Pledge of Allegiance – Commissioner Russ

2. Invocation - Chair James

3. Roll Call

| | |
|--------------------------------|---------|
| Chair, Stephen James | Present |
| Vice Chair, Chris Elvert | Absent |
| Commissioner Joline Bell Hahn | Present |
| Commissioner Paul Russ | Present |
| (1) Commissioner's Seat Vacant | |

Motion: Commissioner Russ motioned to excuse the absence of Vice Chair Elvert. Commissioner Hahn seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

In Attendance for Staff: Principal Planner, Dave Reno AICP; City Attorney, Eric Dunn; Senior Planner, Stan Liudahl AICP; Senior Planner, Daniel Alcayaga AICP; Administrative Analyst, Rod Yahnke; Recording Secretary, Eva Heter.

* * * * *

B. PUBLIC COMMENTS-

Chair James opened Public Comment: 6:32 p.m.

No comments to consider.

Chair James closed Public Comments: 6:32 p.m.

C. CONSENT CALENDAR

Approval of Minutes: February 26, 2009 Planning Commission Minutes

Motion: Commissioner Russ moved to approve the February 26, 2009, Planning Commission Minutes as presented. Commissioner Hahn seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

* * * * *

D. PUBLIC HEARING ITEMS

1. Consideration of a Conditional Use Permit to co-locate a telecommunication wireless facility on an existing Southern California Edison electric transmission tower located 225 feet south of Farmington Street and 435 feet east of Topaz Avenue (CUP-2008-12; Applicant: Royal Street Communications California, LLC; APN: 405-144-89) (Staff Person: Daniel S. Alcayaga, AICP).

Consideration of a Conditional Use Permit to co-locate a telecommunication wireless facility on an existing Southern California Edison electric transmission tower located 460 feet east of Mariposa Avenue and 490 feet north of Mojave Street (CUP-2008-13; Applicant: Royal Street Communications California, LLC; APN: 405-331-24) (Staff Person: Daniel S. Alcayaga, AICP).

Consideration of a Conditional Use Permit to co-locate a telecommunication wireless facility on an existing Southern California Edison electric transmission tower located 50 feet south of Mesquite Street and 570 feet east of Opal Avenue (CUP-2008-14; Applicant: Royal Street Communications California, LLC; APN: 405-371-54) (Staff Person: Daniel S. Alcayaga, AICP).

Consideration of a Conditional Use Permit to co-locate a telecommunication wireless facility on an existing Southern California Edison electric transmission tower located 1,000 feet east of "I" Avenue and 250 feet south of Redding Street (CUP-2008-15; Applicant: Royal Street Communications California, LLC; APN: 398-131-17) (Staff Person: Daniel S. Alcayaga, AICP).

Senior Planner, Daniel S. Alcayaga AICP gave a brief staff report.

Chair James opened Public Hearing: 6:37 p.m.

Maree Haeger, Applicant Representative reviewed her company specifications within County Lines. She requested approval of the four Conditional Use Permits presented.

Commissioner Hahn stated that she did not have any questions; however, she stated that she was pleased with the co-location of the towers with the Edison Transmission Towers.

Chair James questioned if the additional sites would be co-located as well.

Maree Haeger, Applicant Representative stated that co-location does cut the cost and co-location was the goal; however, not all sites would be co-locatable.

Commissioner Russ questioned the parent company.

Maree Haeger, Applicant Representative stated that Royal Street Communications California, LLC was the parent company and actual FCC Licensed Owner.

Chair James closed Public Hearing: 6:41 p.m.

Motion: Commissioner Russ motioned to adopt Resolution No. PC-2009-13, PC-2009-14, PC-2009-15, and PC-2009-16, as amended approving Conditional Use Permits (CUP-2008-12, CUP-2008-13, CUP-2008-14, and CUP-2008-15). Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Amendment showing the Expiration Date changed to March 24, 2011 on all four resolutions.

Ayes: Commissioner Hahn, Commissioner Russ, Chair James

Noes:

Absent: Vice Chair Elvert

Abstains:

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2. Consideration of Revision to the City's Sign Regulations, concerning Billboards (Applicant: City of Hesperia; City Wide) (Staff Person: Dave Reno, AICP).

Principal Planner, Dave Reno AICP stated that the discussion would be more of a free form discussion. He reviewed the structure of the discussion, stating that property owners had been invited as well as other property owners to speak on the record. He reviewed the number of billboards, giving a brief staff report reviewing billboard issues and options. He reviewed three proposals for billboards within the city and stated that there were a number of individuals in attendance who would speak on the issue; representatives from: Lunnen Development, Tom Lunnen; LAMAR, Todd Porter; Daktronics, Edward Wasserman; and Craftsman Development Company, Gregory Shull. He also reviewed legal issues as well as Amortization and Removal of Existing Billboards. Referencing page 2-14 of the Agenda, Dave reviewed the definitions within the proposal that were new and those that would be stricken from the regulations. He also referenced page 2-15, discussion digital advertising and incorporating a better definition of digital advertising displays according to the current state of technology.

Commissioner Russ stated he felt that if the City decides to not have billboards it was fine; however, there was a comment that there was a goal to advertise public events but not private events. He stated that advertising should be provided for all or not at all. He stated that advertising initiates sales, which creates sales tax revenue; he stated that there was a direct correlation between advertising and getting sales.

Commissioner Hahn stated that she agreed with Commissioner Russ; she stated that allowing for certain purposes were and not for others was something she would not be in favor of.

Principal Planner, Dave Reno AICP stated that it was a question of interpreting the general plan policies. He stated that the primary purpose was to discuss the overall land use intent was for the corridor. He referenced Commissioner Russ' comments on advertising bringing in revenue, stating that the issue could be looked at from that perspective; however, there were many options presented in the report and the meeting was to facilitate discussion to explore more in depth options.

Commissioner Russ stated that maybe the city's objective should include private parties and private businesses. He stated that outside expert advice regarding billboards would possibly be highly beneficial with regards to the generation of revenue within cities. He stated that his company spends the bulk of primary advertising on billboards; name recognition generated through the billboards provided an invaluable source of business.

Chair James stated that he did not get the same feel from the staff report as Commissioner Russ did; he stated that his primary feel from the report was the idea that billboard advertising was to generate business for the city. He stated that he had an overall understanding that the intent was for public advertising as well as the ability for the utilization of the boards for city and safety items.

Principal Planner, Dave Reno AICP stated that the intent was for both public and private use.

Commissioner Hahn stated that she came away with the same feelings as Commissioner Russ.

Principal Planner, Dave Reno AICP stated that the State Law still permits billboards to be contracted between individuals and the City at whatever terms and conditions agreeable between parties; issues for discussion were for billboards to be utilized for public service, messages, emergency events, and revenue. He stated that state law encourages but does not require cities to amend ordinances to enable the issues being addressed before the Commission. He stated that the Council may address issues that are not addressed in the report and add to the recommendation.

Commissioner Russ stated that he likes the idea of digital signs; he also stated that it was a good idea for the City to utilize some of the digital signs.

Principal Planner, Dave Reno AICP stated that there were many issues to be discussed and moving forward, it was understood that the primary purpose of the billboards was for private advertisement.

Chair James stated that many of the concerns of the electronic billboards referred to distractions that were being caused. He stated that the state of California was trying to eliminate distractions created by the billboards.

Principal Planner, Dave Reno AICP referenced Agenda page 2-6; he reviewed alternatives called out in the staff report and the options when permitting new billboards. He also discussed current concerns and expectations with on-site and off-site signage.

Commissioner Hahn questioned the reader boards along the freeway being the same types of signs allowable within the city.

Principal Planner, Dave Reno AICP stated that all signs are limited to the property specifications.

Commissioner Hahn questioned size of the billboards and the proportionate size of the properties as well as content.

Principal Planner, Dave Reno AICP stated that the size of the billboards had not been addressed and that until agreements were made there would be no content control.

Commissioner Hahn questioned if the signs could be utilized for public use, such as Amber Alerts.

Principal Planner, Dave Reno AICP stated that some of the signs could be utilized for public good.

Commissioner Hahn stated that she had also heard that the digital signs were being considered by the state for elimination. She questioned concerns regarding distractions associated with the digital signs.

Principal Planner, Dave Reno AICP stated that due to distraction concerns, there would be specifications such as how often the images on the digital signs change; he reviewed some of the limitations being placed on the digital signs. He also mentioned that he had requested information on the contrast of information placed on a reader board. He clarified that the meeting was not designed for a decision, there were many options to consider and there were individuals who were invited to share their perspectives and concerns in order for the Commission to consider and discuss.

Chair James opened Public Hearing: 6: 11 p.m.

Bruce Haney, LAMAR Representative reviewed the specifications for digital signs; reviewing benefits, emergency alert systems for local, state, and national levels (amber alerts, community, whether, and traffic). He stated that all of LAMAR's billboards were controlled for national level. He stated that LAMAR had no desire to for a proliferation of billboards and that LAMAR was only interested in maintaining and updating the existing structures.

Commissioner Hahn questioned the 10 billboards existing in the area and which would be removed.

Principal Planner, Dave Reno AICP referenced page 2-7, which reviewed the billboards proposed for removal; he stated that the two conversions were shown on page 2-8.

Commissioner Hahn clarified conversions.

Principal Planner, Dave Reno AICP referenced page 2-9, reviewing the billboards in the basic vicinity of Oak Hill Road.

Bruce Haney, LAMAR Representative discussed the relocation of billboards in order to benefit the property owner and the public. The design would be changed to better fit the property and update the structure.

Tom Lunnen, Lunnen Development provided some information for the Commission (See Attachment 1). He referenced page 2-5 of the Agenda, referencing the paragraph beginning, "Billboards do not support land uses along the freeway corridor" He stated that when the City was approached he was told that the billboard was non-compliant and the board would need to be taken down in order to develop the property. He stated that the circumstances were such that the billboard was more valuable than the land; therefore, further development by the company was pursued in Victorville. He proposed that through an agreement with LAMAR and Lunnen Development to relocate and seamlessly upgrade the sign to a digital messaging center; he stated that he had personally met with the Chief of Police, Lance Clark and the Fire Chief, Tim Wessell regarding the digital board to be proposed and the utilization of the board. He discussed the design of the sign that he was proposing for his property. He stated that digital billboards were all over the nation and would be made available to the police department, fire department, and the city; stating that the billboard provided many benefits to the City. He stated that the City's ordinance has a huge effect on the billboards. He reviewed costs of the signs. He requested that item number 3 on Page 2-6 be approved, according to staff recommendation.

Commissioner Russ stated that the one statement within the Staff Report which states, Billboards do not provide sales tax revenue to the city or create local jobs should be restated to include the potential for sales tax, local jobs as a result of the business generation.

Chair James inquired about any statistical data, showing the revenue produced by the use of billboards.

Tom Lunnen, Lunnen Development stated that LAMAR would be able to provide statistical data. He stated that there was ample documentation of billboards, included issues such as traffic; documentation of billboard advertisement for a local business also shows that the sign creates sales potential. He clarified that he was only requesting an upgrade of the existing sign on his property.

Ed Wasserman of Daktronics...stated that Daktronics was a primary manufacturer of electronic billboards. He reviewed the signs that are seen throughout the state and nation. He stated that there were many possibilities of the digital signs. He reviewed the differences of on-premise and off-premise signs that may be seen round the City. He stated that before discussing technology, he wanted to mention that local businesses provide and construct the signs, and the signs are controlled by technicians within the city, which provides jobs in the area. He stated that digital boards provided many different benefits for many different locations, providing public and private advertisement, amber alerts and public functions. He stated that he looked through the staff report and he felt that it was accurate. The City and State were not asking for billboards to be done away with; there were only regulations designed for safety issues. He reviewed the sensors that were within the signs, the differences of light and direction, and some of the language within the staff report. He stated that Daktronics designs the boards and no video would be able to be run through the digital sign.

Chair James closed Public Hearing: 7:37 p.m.

Principal Planner, Dave Reno AICP stated that the item could be forwarded to a future Planning Commission Meeting for additional discussion.

Commissioner Russ stated that he was glad to see this item coming before the Commission in the format presented. He stated that it was clear that the City ought to be able to allow some things and deny others and revision was important. He stated that he would not choose number 3; he stated he would lean more toward number 4 (he preferred the language).

Commissioner Hahn stated that she understood enough about technology and that the LED would take away the outside glare eliminating distraction. She wanted to see the type of lighting that Ed Wasserman mentioned.

Principal Planner, Dave Reno AICP stated that he would be researching the types of boards and that CEQA documents would require concrete information showing the differences in glare; all of the concerns would be included in either an EIR or an Initial Study.

Commissioner Hahn stated that the lighting would surely be part of state standards.

Principal Planner, Dave Reno AICP stated that in terms of the brightness and the dimming factors as appropriate near the freeways, he posed questions regarding brightness that would be addressed; however, it was a different issue than what was being proposed. He stated that the LAMAR proposal mentioned by Tom Lunnen was being postponed only for the issue and discussion to be resolved.

Chair James stated that he would like additional information; he had a high concern for highway safety. He reviewed some of the statistics regarding the I-15. He would like more information on research associated with billboards. He understood the various safety issues associated with the digital signs. He stated that he also understood the dynamics of a billboard generating revenue.

He stated that he would also like to see more on the size and dimensions of the signs being discussed.

Commissioner Russ stated that he did not want zero tolerance where billboards were concerned. He mentioned some of the signs that had been constructed, stating that there was a reasonable size and design for billboards with respect to location.

Motion: Commissioner Russ motioned to keep the public hearing open and forward the item to the April 9, 2009 PC Meeting. Commission Hahn seconded the motion. The motion passed by all commissioners present.

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E. PRINCIPAL PLANNER'S REPORT

DRC COMMENTS:

Principal Planner, Dave Reno AICP reviewed the DRC Agenda comments.

F. PLANNING COMMISSION BUSINESS OR REPORTS:

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G. ADJOURNMENT-

Chair James adjourned the meeting to Thursday, April 9, 2009 at 7:56 p.m.

Approved By:

Stephen S. James, Chair

Attested By:

Eva Heter, Recording Secretary

ATTACHMENT 1
LUNNEN
DEVELOPMENT

Real Estate Development | Investment | Brokerage | Consulting

Planning Commissioner
9700 Seventh Ave
Hesperia, Ca 92345

March 12, 2009

Re: Digital Messaging Center APN 3072-251-04

Dear Planning Commissioner,

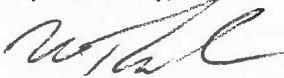
I wanted to provide you with a brief narrative of what it is we are trying to accomplish and **the benefits to the City of Hesperia**. We propose under contract with Lamar Advertising to relocate and seamlessly upgrade from an existing billboard on our property to a Digital Messaging Center.

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 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.

The benefit to the City of Hesperia is this proposal will reduce the number and concentration of billboards in the City. It will also improve the aesthetics along the freeway corridor and it will provide advertising for the City and public events or provide revenue to the City.

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.

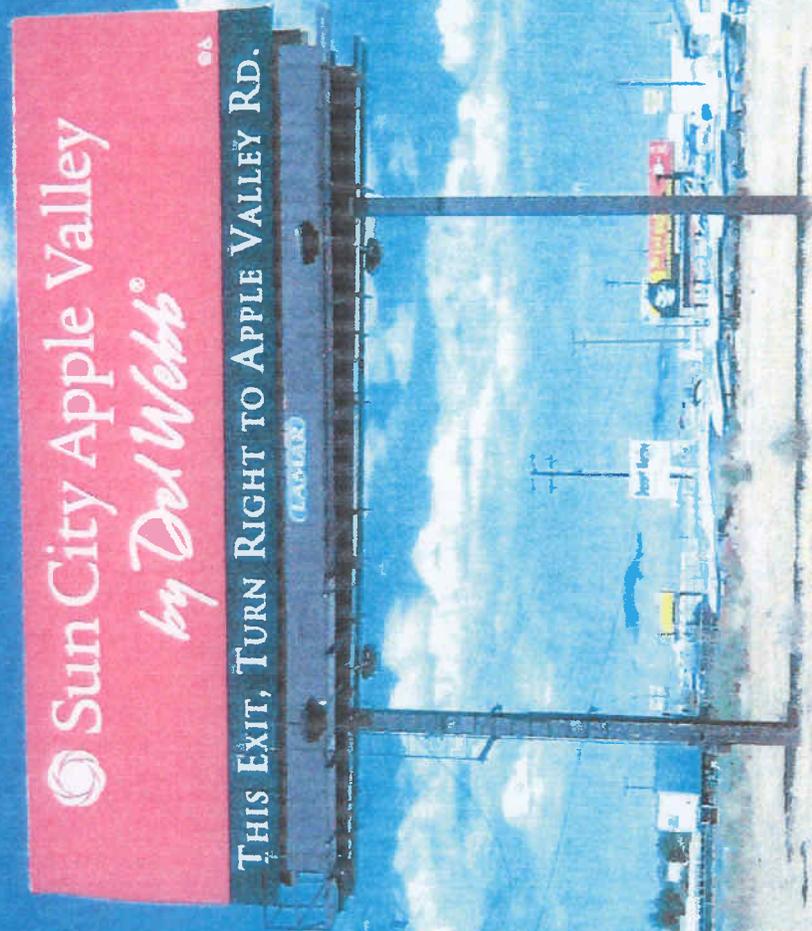
Very Sincerely,



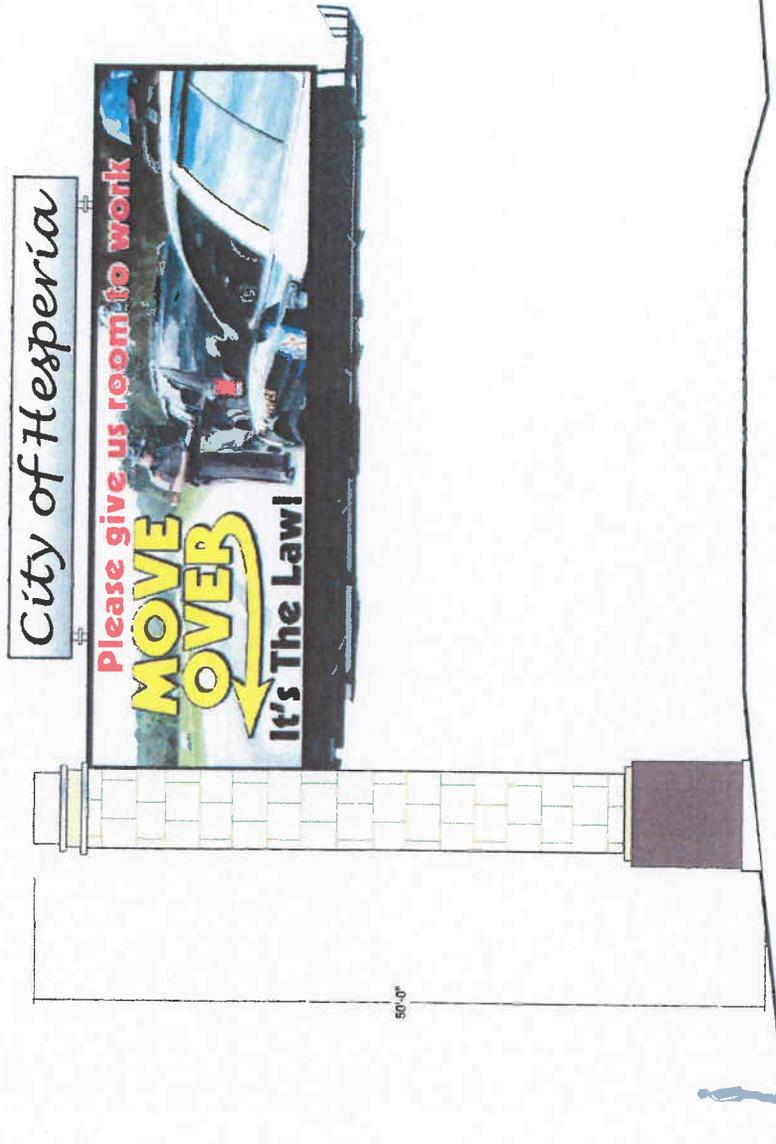
W. Thomas Lunnan



EXISTING SIGN



PROPOSED SIGN



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

RICHARD D. WILES
CHIEF OF POLICE



CITY COUNCIL
ANN MORAN, DISTRICT 1
SUSAN MATHIAS, DISTRICT 2
JAYCE WILSON, DISTRICT 3
MELISSA CAMERON, DISTRICT 4
RACHEL QUINN, DISTRICT 5
COREY HUGHES, DISTRICT 6
STEVE DELOACH, DISTRICT 7
BRIAN ROBERTS, 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.



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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.

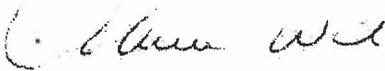
And as Mr. Smith mentioned, the electronic billboards have gone up on city streets, eight of them, and since they've been up over the last several months, we have had no instances that they have contributed to any driver inattention that has resulted in a collision. So I don't believe that that's an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



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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 Sheriff's 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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jim 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



DATE: April 9, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: Paul Rull, Planner *SR*
SUBJECT: Conditional Use Permit CUP-2008-06; Applicant: Reliant Services AT&T;
APN: 3057-011-04

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-12, approving Conditional Use Permit CUP-2008-06.

BACKGROUND

Proposal: A Conditional Use Permit to establish a 65-foot high wireless communications facility at an existing water tank site (Attachment 1).

Location: The property is located on the northeast corner of Sultana Street and Coyote Trail.

Current General Plan, Zoning and Land Uses: The site is within the Planned Mixed Use (PMU) General Plan Land Use designation and is within the Regional Commercial District of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site is presently developed with a City of Hesperia water tank facility. Properties to the north, east and south are vacant, with vacant land and commercial uses to the west.

ISSUES/ANALYSIS

Land Use:

The 65-foot high monopine is proposed to improve signal coverage to current AT&T customers travelling I-15 Freeway and in the western portion of the City. A service plan was submitted to show the existing and proposed communications coverage in the area (Attachment 5). The facility will be located within an 800 square foot area of the City of Hesperia's Water Tank 23 site. The proposed facility will include a 65-foot high monopine, a 230 square foot equipment shelter, and an eight-foot high perimeter block wall. The project area will be separated from the City's water tank facility by a six-foot high chain link fence and will have its own gated access off of Sultana Street. The antennas will be adequately screened by the monopole's bark, leaves and branches, and will be painted to match the color of the facility. There is sufficient room on the monopole for future co-locations of other carriers. A co-location agreement shall be recorded, allowing for at least two additional carriers to utilize the site.

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

Street Improvements: No public street improvements are required.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15303, New Construction or Conversion of Small Structures.

Conclusion: The project is consistent with the City's intent to locate new wireless facilities to existing public facilities, to conceal their appearance through use of monopines and other stealth technologies, and to reduce the number of wireless communications sites through co-location agreements. The project meets the standards of the Development Code and staff recommends approval.

FISCAL IMPACT

Development will be subject to payment of all plan review and inspection fees as adopted by the City.

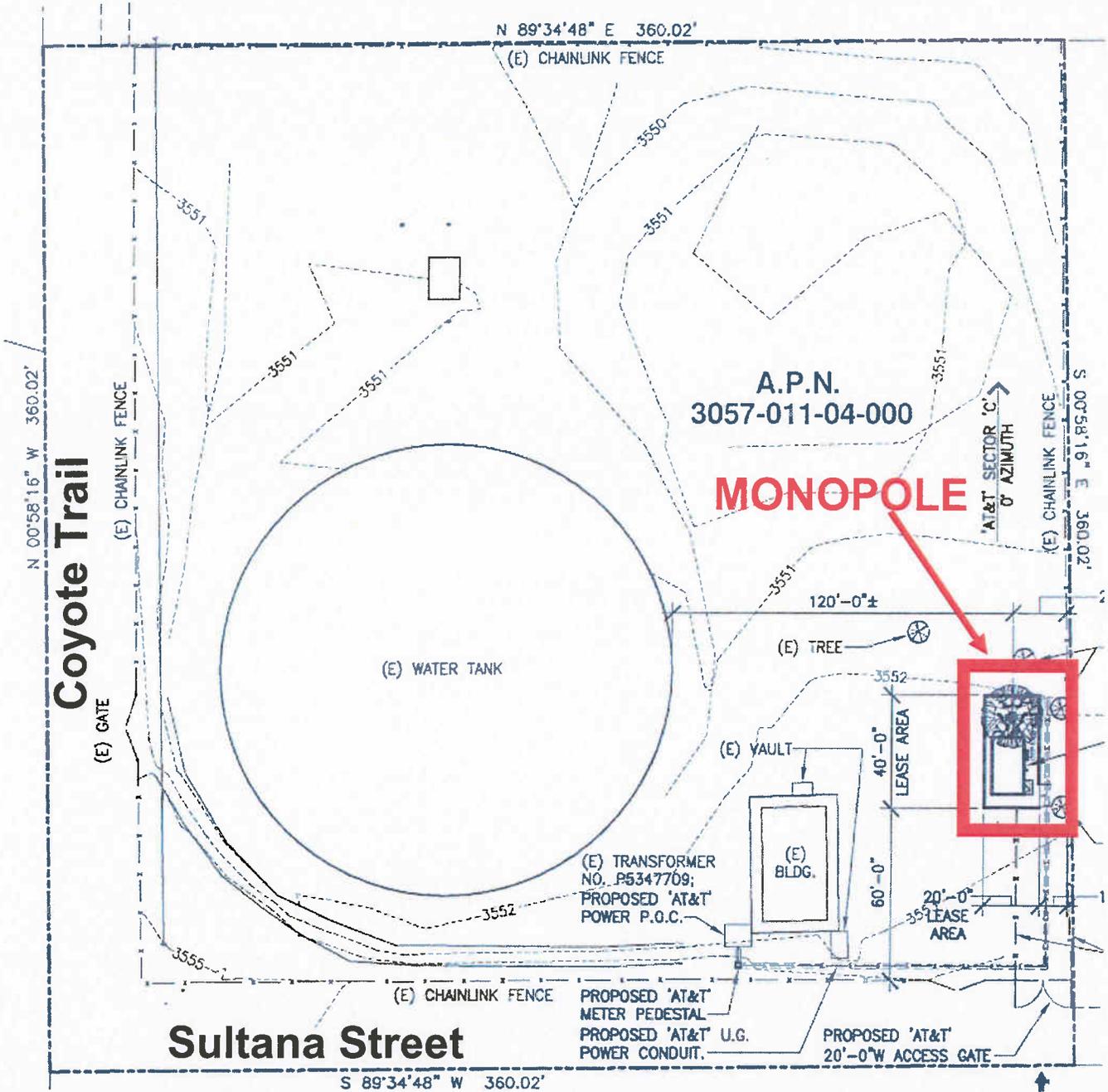
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan land use map
3. Zoning map
4. Aerial photo
5. Service plan
6. North and south elevations
7. East and west elevations
8. Resolution No. PC-2009-12, with list of conditions

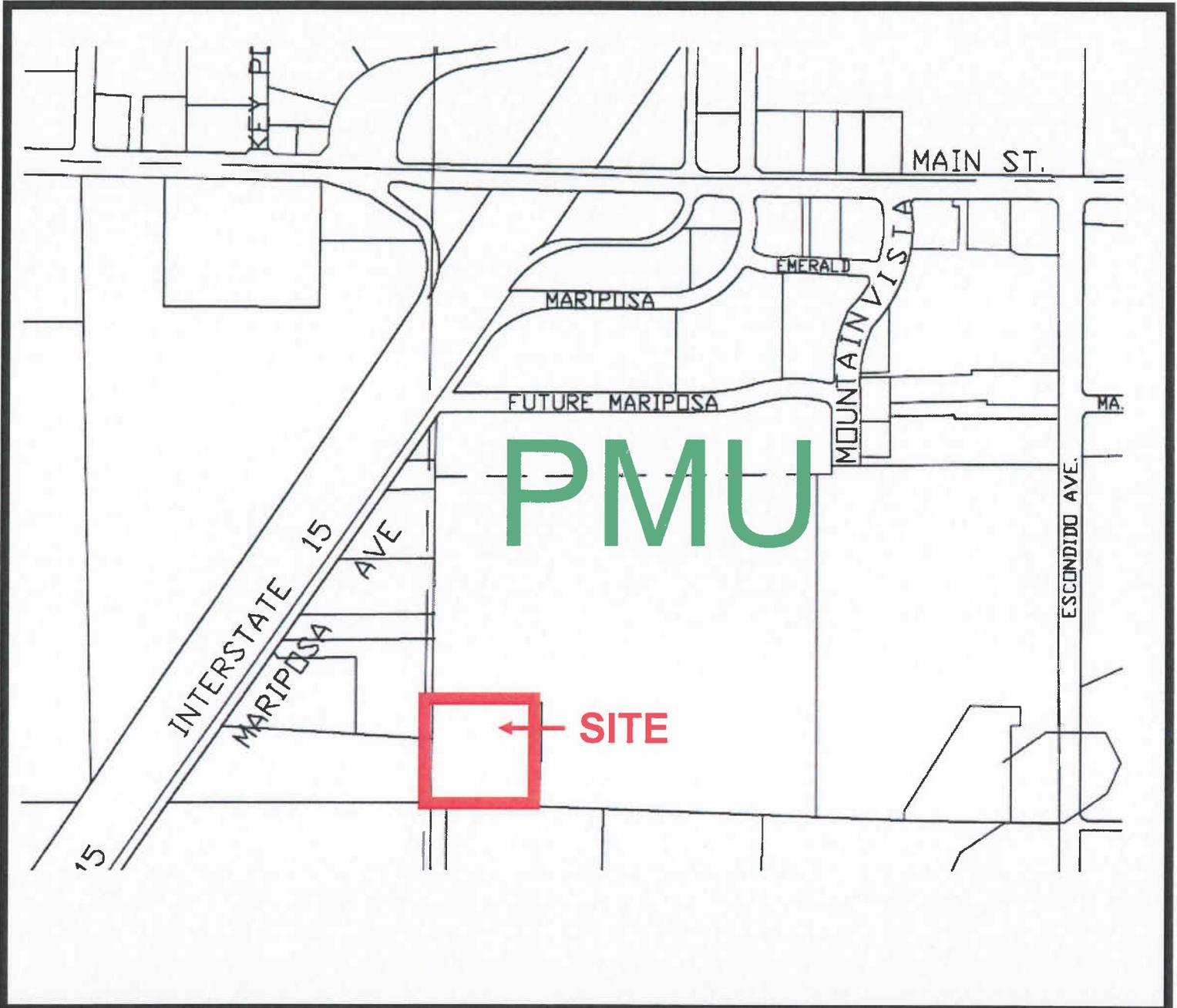
ATTACHMENT 1



| | | | |
|---|--|-----------------------------------|-------------------------------|
| APPLICANT(S):
RELIANT SERVICES AT&T | | FILE NO(S):
CUP 2008-06 | |
| LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL | | | APN(S):
3057-011-04 |
| PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN EXISTING WATER TANK SITE | | | N
↑ |

SITE PLAN

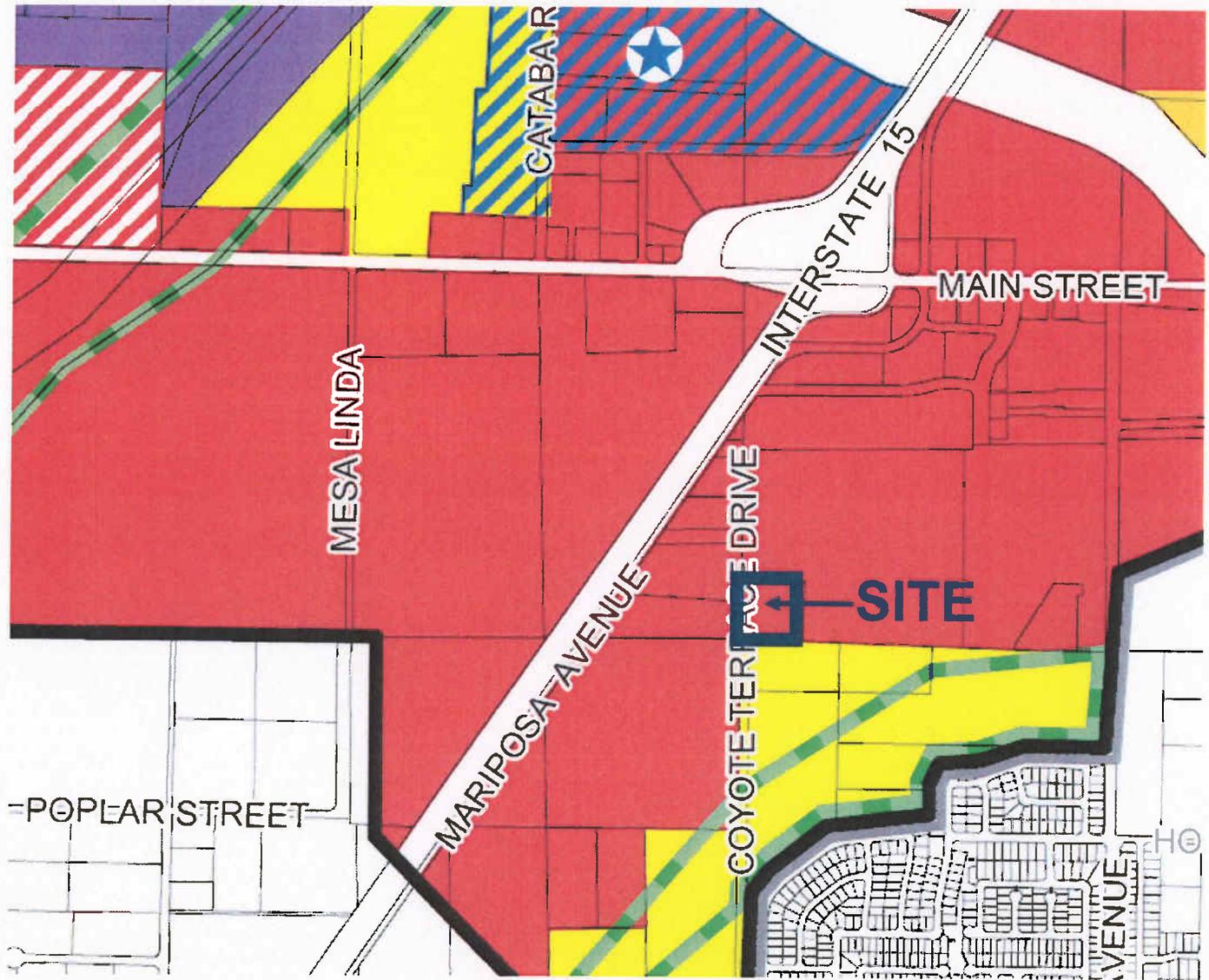
ATTACHMENT 2



| | | |
|---|--|-----------------------------------|
| APPLICANT(S):
RELIANT SERVICES AT&T | | FILE NO(S):
CUP 2008-06 |
| LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL | | APN(S):
3057-011-04 |
| PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN EXISTING WATER TANK SITE | | N
↑ |

GENERAL PLAN LAND USE MAP

ATTACHMENT 3



- City Boundary
- Specific Plan Boundary
- District Boundary
- Regional Commercial*
- Neighborhood Commercial
- Commercial/Industrial Business Park
- Planned Residential Development
- Medium Density Residential (8-15 du/acre)
- Low Density Residential (2-8 du/acre)
- Rural Estate Residential (< 0.5 du/acre)
- Wash Protection Overlay
- Potential Hospital Location

APPLICANT(S):
RELIANT SERVICES AT&T

FILE NO(S):
CUP 2008-06

LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL

APN(S):
3057-011-04

PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN EXISTING WATER TANK SITE



ATTACHMENT 4



APPLICANT(S):
RELIANT SERVICES AT&T

FILE NO(S):
CUP 2008-06

LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL

APN(S):
3057-011-04

PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN EXISTING WATER TANK SITE

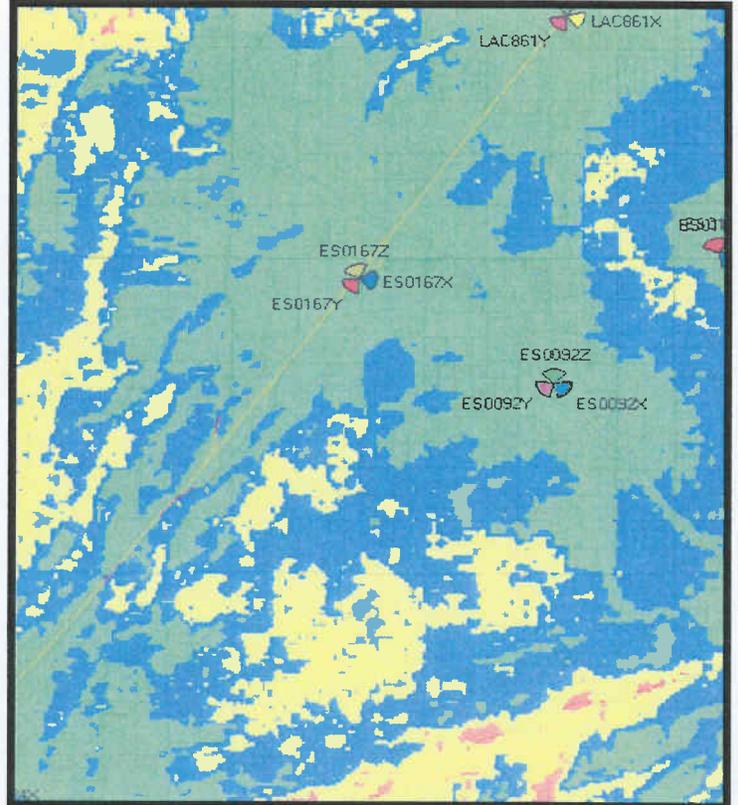
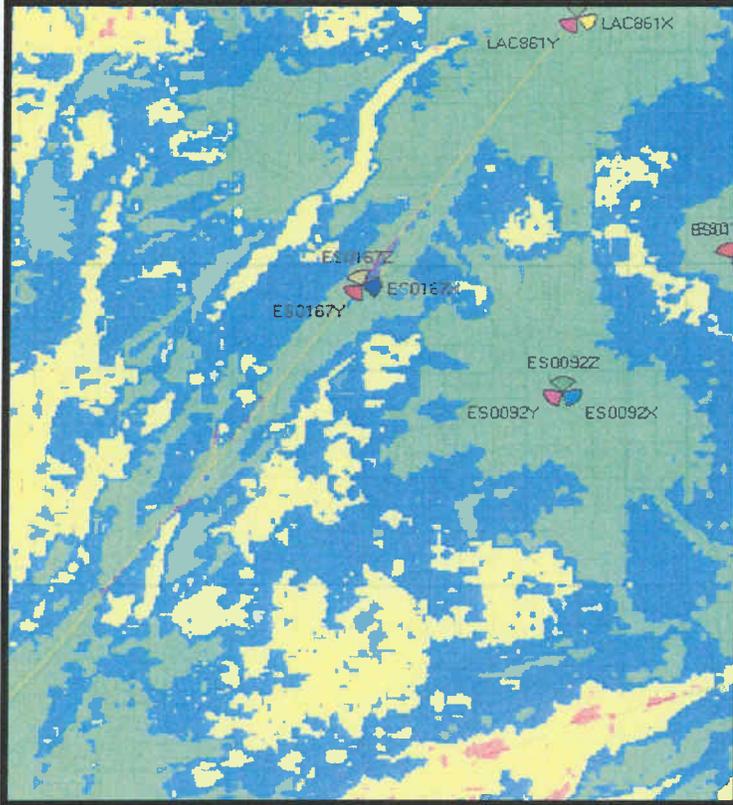


AERIAL

ATTACHMENT 5

**Coverage without
CUP-2008-06**

**Coverage with
CUP-2008-06**



APPLICANT(S):
RELIANT SERVICES AT&T

FILE NO(S):
CUP 2008-06

LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL

APN(S):
3057-011-04

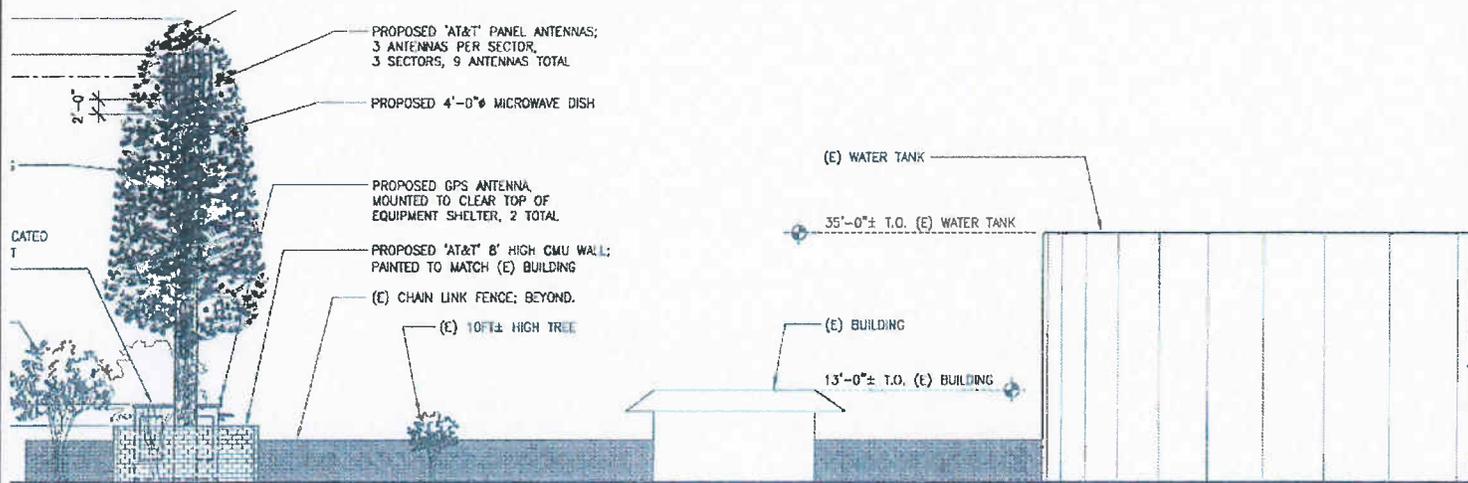
PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN
EXISTING WATER TANK SITE



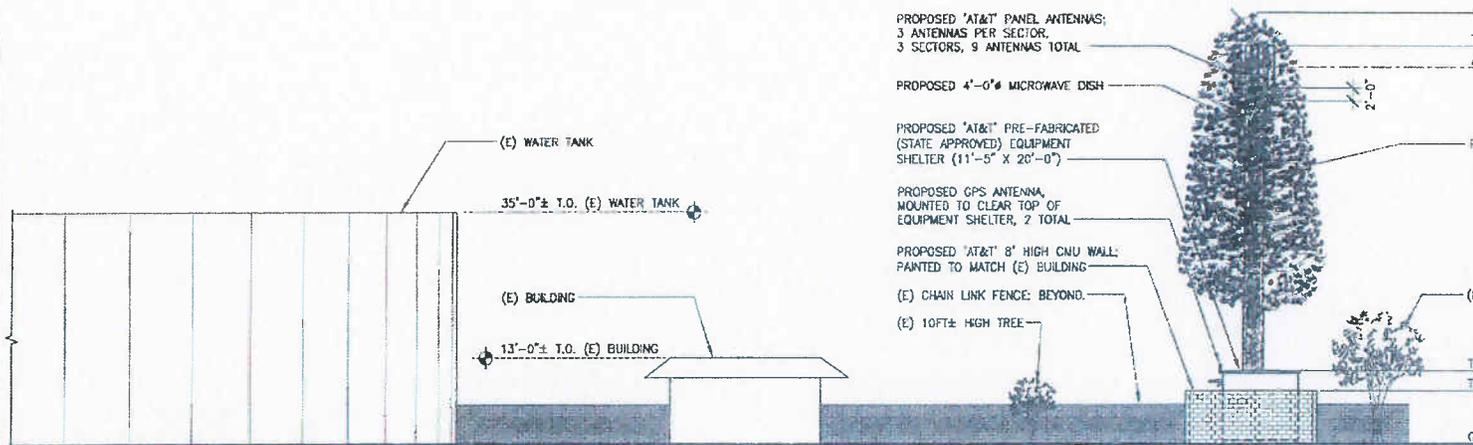
SERVICE PLAN

ATTACHMENT 6

NORTH ELEVATION



SOUTH ELEVATION



APPLICANT(S):
RELIANT SERVICES AT&T

FILE NO(S):
CUP 2008-06

LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL

APN(S):
3057-011-04

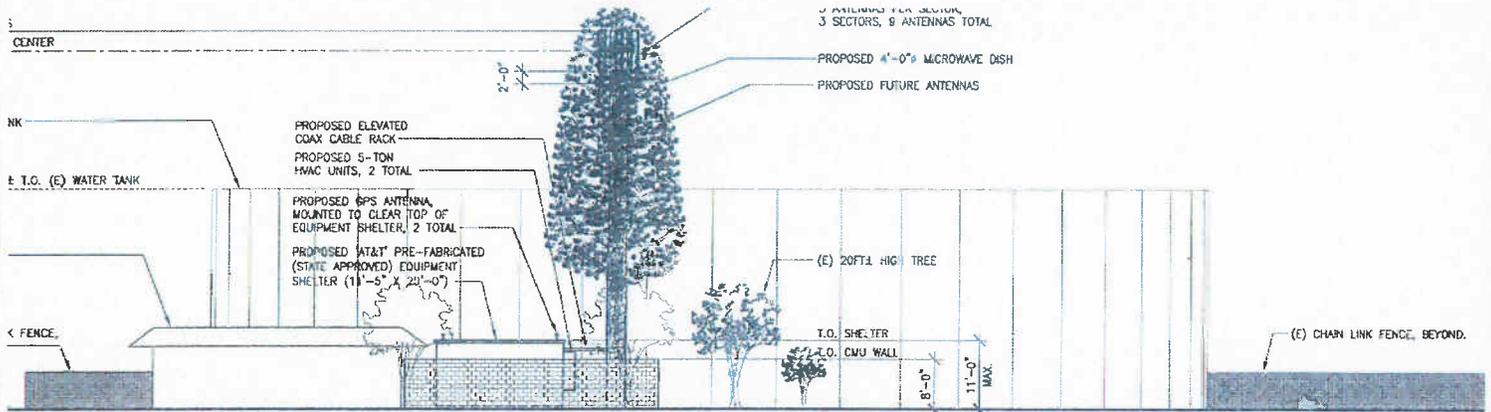
PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN
EXISTING WATER TANK SITE



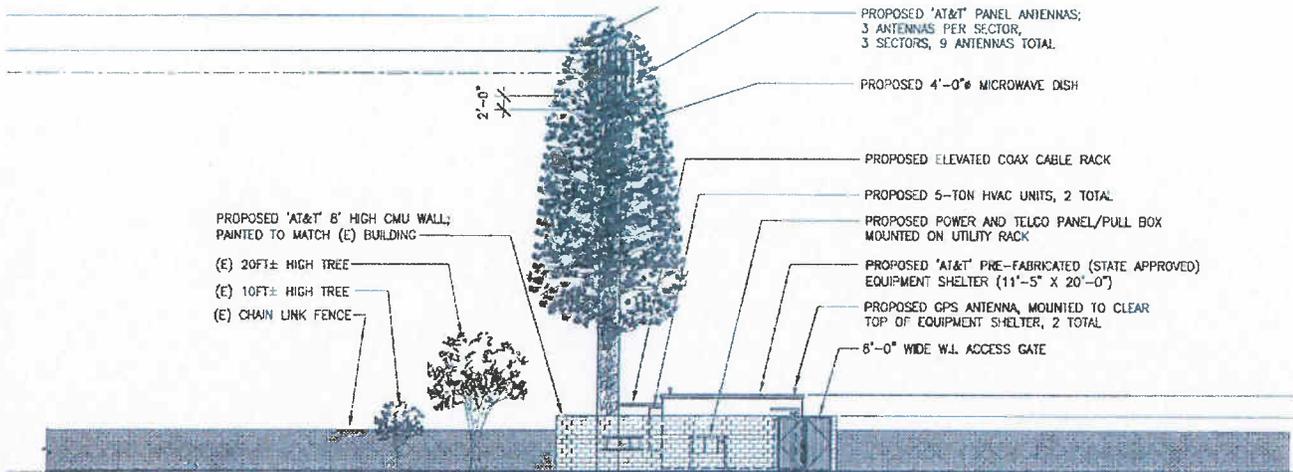
ELEVATIONS

ATTACHMENT 7

EAST ELEVATION



WEST ELEVATION



APPLICANT(S):
RELIANT SERVICES AT&T

FILE NO(S):
CUP 2008-06

LOCATION:
NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL

APN(S):
3057-011-04

PROPOSAL:
TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN EXISTING WATER TANK SITE



ELEVATIONS

ATTACHMENT 8

RESOLUTION NO. PC-2009-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 65-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY AT AN EXISTING WATER TANK SITE LOCATED ON THE NORTHEAST CORNER OF SULTANA STREET AND COYOTE TRAIL (CUP-2008-06)

WHEREAS, Reliant Services AT&T has filed an application requesting approval of Conditional Use Permit CUP-2008-06 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 2.9 gross acres within the Regional Commercial district of the Main Street and Freeway Corridor Specific Plan, located on the northeast corner of Sultana Street and Coyote Trail and consists of Assessor's Parcel Number 3057-011-04; and

WHEREAS, the Application, as contemplated, proposes to construct a wireless communications facility on the Water Tank 23 site; and

WHEREAS, the subject site is presently developed as a water tank site. Properties to the north, east and south are vacant, with vacant land and commercial uses to the west; and

WHEREAS, the subject property, and surrounding properties are currently designated Planned Mixed Use on the City's General Plan Map; and

WHEREAS, the subject property, and properties to the north, east and west are within the Regional Commercial district of the Main Street and Freeway Corridor Specific Plan. The property to the south is within the Low Density Residential district of the Main Street and Freeway Corridor Specific Plan; and

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

WHEREAS, on April 9, 2009, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced April 9, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site is physically suitable for development, because there are no known physical or topographical constraints to development and the site has adequate area to accommodate the proposed wireless communications facility.
- (b) The site is physically suitable for development, because the proposed equipment shelter and monopine are compatible with the current structures on site, and all Development Code regulations required for the permitted uses can be met.
- (c) The design of the wireless communications facility and any related improvements are not likely to cause serious public health problems, because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (d) The proposed wireless communications facility conforms to the regulations of the Development Code and all applicable City Ordinances.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP-2008-06, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 9th day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP-2008-06:

Approval Date: April 9, 2009

Effective Date: April 21, 2009

Expiration Date: April 21, 2011

This list of conditions apply to a Conditional Use Permit to construct a 65-foot high wireless communications facility at an existing water tank site located on the northeast corner of Sultana Street and Coyote Trail. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Reliant Services AT&T; APN: 3057-011-04).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within 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.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

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

Init Date

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Building Construction Plans. Five complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division with the required application fees for review. (B) |
| _____ | _____ | 2. Facility Requirements. The monopole shall be designed in accordance with the photo simulations for the monopine. (P) |
| _____ | _____ | 3. Soils Report. The Developer shall provide soils reports to substantiate the foundation design. (B) |
| _____ | _____ | 4. Specialty Plans. The following additional plans/reports shall be required for businesses with special environmental concerns: (B) |
| | | A. Any battery equipment used in conjunction with the telecommunications facility shall comply with the provisions of Article 64 and 80 of the California Fire Code. (F) |
| _____ | _____ | 5. Co-location Agreement. The applicant shall record a co-location agreement permitting at least two other wireless communications providers to place at least two other communications facilities upon the site. The co-location agreement shall be binding for the life of the facility and shall be subject to review and approval by the City Attorney and Planning Staff prior to recordation. (P) |

- _____ 6. **Bond or Irrevocable Letter of Credit.** The applicant shall submit a bond and/or letter of credit acceptable to the City in an amount to cover the cost of removing the entire wireless communications facility in the event that the communications facility is abandoned. The bond or letter of credit shall be made payable to the City upon demand and shall not expire before the end of the term in which the facility is in use. Neither the bond nor the letter of credit shall be released until the Planning Division verifies the facility's removal. (P).
- _____ 7. **Lease Agreement.** The applicant as well as all future co-locating wireless communications facilities shall obtain a signed lease agreement from the Hesperia Water District or its designee. The terms of the lease agreement shall provide the monthly lease amount approved by the Water District or its designee. The agreement may also include the co-location agreement and access easement requirements. (P)
- _____ 8. **Utilities.** All wireless communications facilities shall be connected to required services independently of the water facility and shall be separately metered. (B, P)
- _____ 9. **Access to the Wireless Communications Facility.** Access to the wireless communications facility shall be provided from Sultana Street as shown on the site plan. The required 20-foot wide access easement shall be recorded in a form approved by the City and shall be effective for the life of the communications facility. (P)
- _____ 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 CERTIFICATE OF OCCUPANCY:

- _____ 11. **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 monopine and all other structures part of the wireless communications facility shall be designed consistent with the approved design. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)

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

- _____ 12. **Abandonment of the Facility.** Should the facility fail to be used as approved for more than 180 consecutive days or should its 31 ½-year effective life expire, the applicant shall cause the removal of the facility, and all related equipment at its sole cost and expense. The facility and related equipment shall be removed no later than 30 days after the facility has been abandoned. Failure to remove the facility in accordance with this condition shall also result in forfeiture of the bond and/or letter of credit posted with the City so that the City will have the funds to cause its removal. The bond shall not be released until the Planning Division verifies the facility's removal. (P)
- _____ 13. **Maintenance of the Facility.** The facility and all related equipment shall be maintained in good condition during the life of the wireless communications facility. Specifically, the bark and branches that comprise the stealth technology shall be maintained consistent with the photo simulations. (P)

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 | 947-1414 |
| (F) | Fire Prevention Division | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |



DATE: April 9, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: *LSM* Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP-2009-01/CUP09-10105; Applicant: Eric R. Hansen;
APN: 0408-141-14

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2009-18, approving CUP-2009-01.

BACKGROUND

Proposal: A Conditional Use Permit to convert an existing single-family residence into a 2,306 square foot medical office on 0.5 acres (Attachment 1).

Location: 14575 Main Street.

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and within the Neighborhood Commercial zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site contains a single-family residence. The property to the north and east are vacant. The property to the south contains a single-family residence, and the property to the west contains an automotive repair shop. (Attachment 4)

ISSUES/ANALYSIS

The project will expand the existing single-family residence and convert it into a 2,306 square foot family practice medical office. Dr. Eric Hansen currently practices in the City, however due to the growth of his practice he has found it necessary to expand. With the availability of non-conforming uses along Main Street, Dr. Hansen's project will convert a dilapidated single-family residence into a commercial building that will feature southwest architecture and promote quality and design along the City's Main Street commercial corridor. In addition, the project will participate in the City's façade improvement program which will assist in funding a portion of the project.

The site is proposed to be accessed by one shared driveway on Main Street. A total of 17 parking spaces will be provided allowing a surplus of five parking spaces. The proposed building architecture meets the City's architectural guidelines, including varying vertical and horizontal building planes and material variation.

Drainage: On-site drainage to the level of a 100 year storm will be retained in an underground retention system.

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

Street Improvements: The project will be required to construct curb, gutter and sidewalks as well as a commercial drive approach on Main Street.

Traffic: No significant traffic impacts will be generated as any traffic generated by this type of use has been considered as part of the City's Main Street and Freeway Corridor Specific Plan Environmental Impact Report and General Plan's Program Environmental Impact Report.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Section 15332, In-Fill Development Projects, since the net area of the project is less than five acres and the site is substantially surrounded by 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

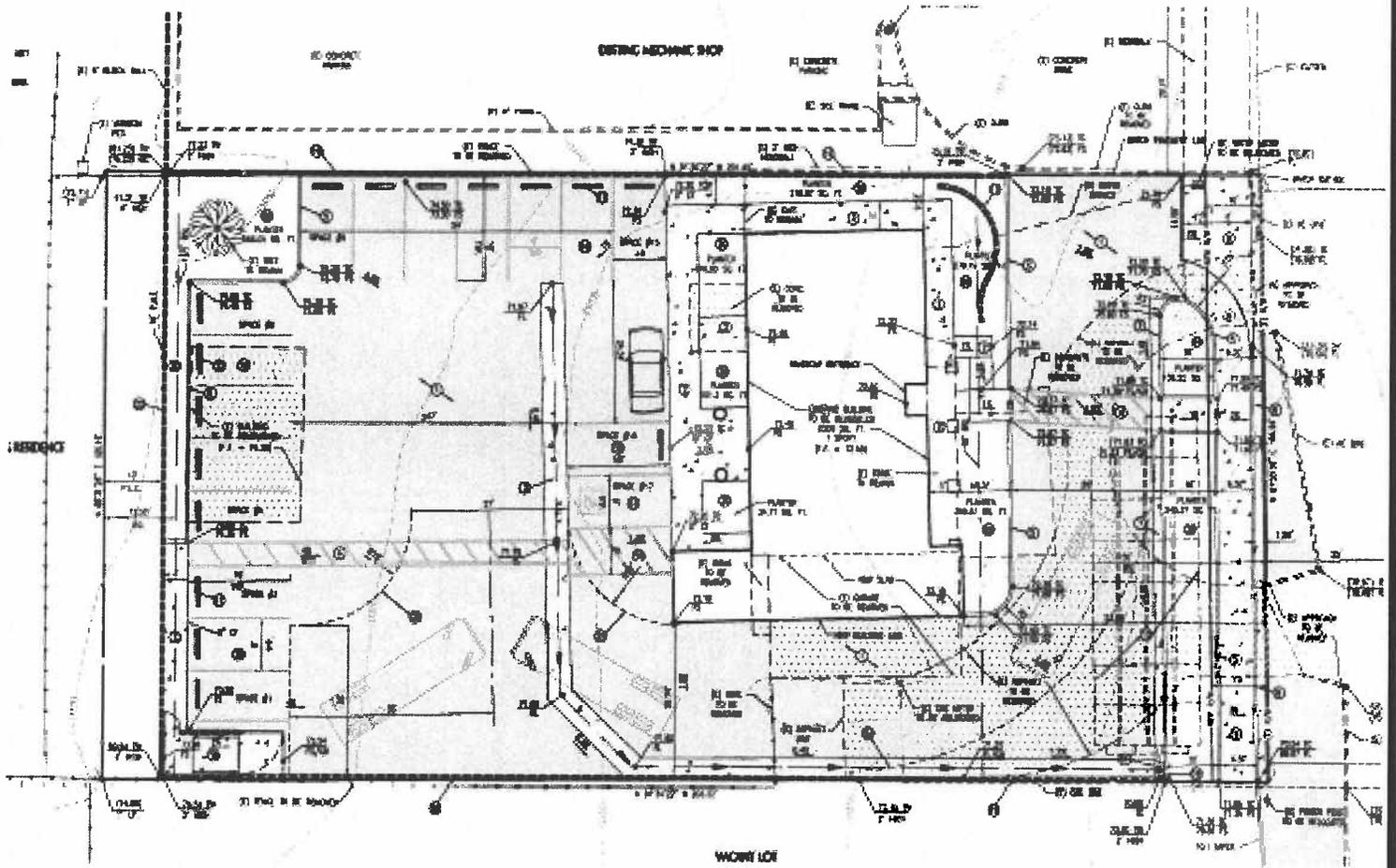
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Architectural Elevations
6. Resolution No. PC-2009-18, with list of conditions

ATTACHMENT 1



APPLICANT(S):
ERIC R. HANSEN

FILE NO(S):
CUP-2009-01/CUP09-10105

LOCATION:
14575 MAIN STREET

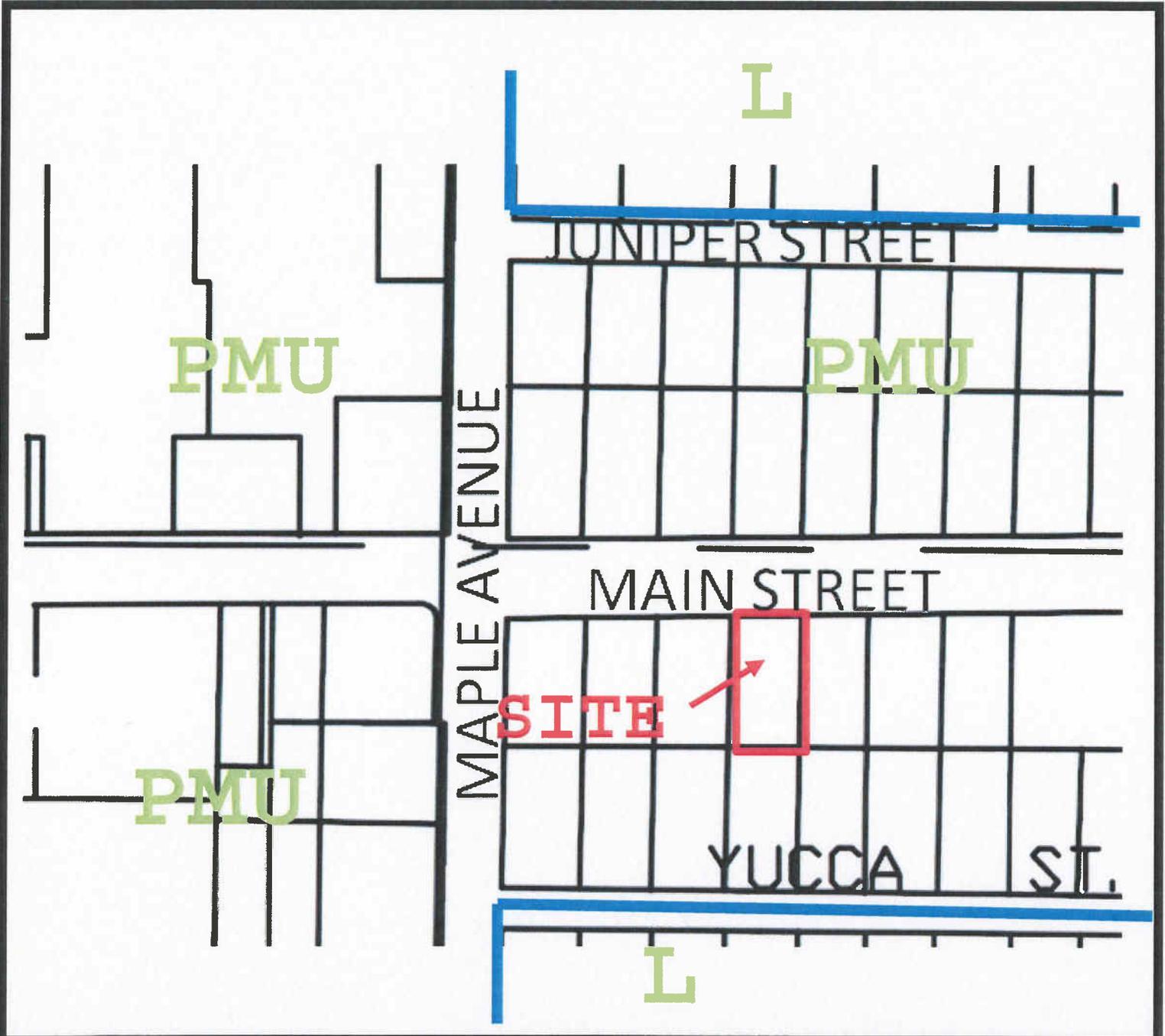
APN(S):
0408-141-14

PROPOSAL:
TO CONVERT AN EXISTING SINGLE-FAMILY RESIDENCE INTO A 2,306 MEDICAL OFFICE ON 0.5 NET ACRES



SITE PLAN

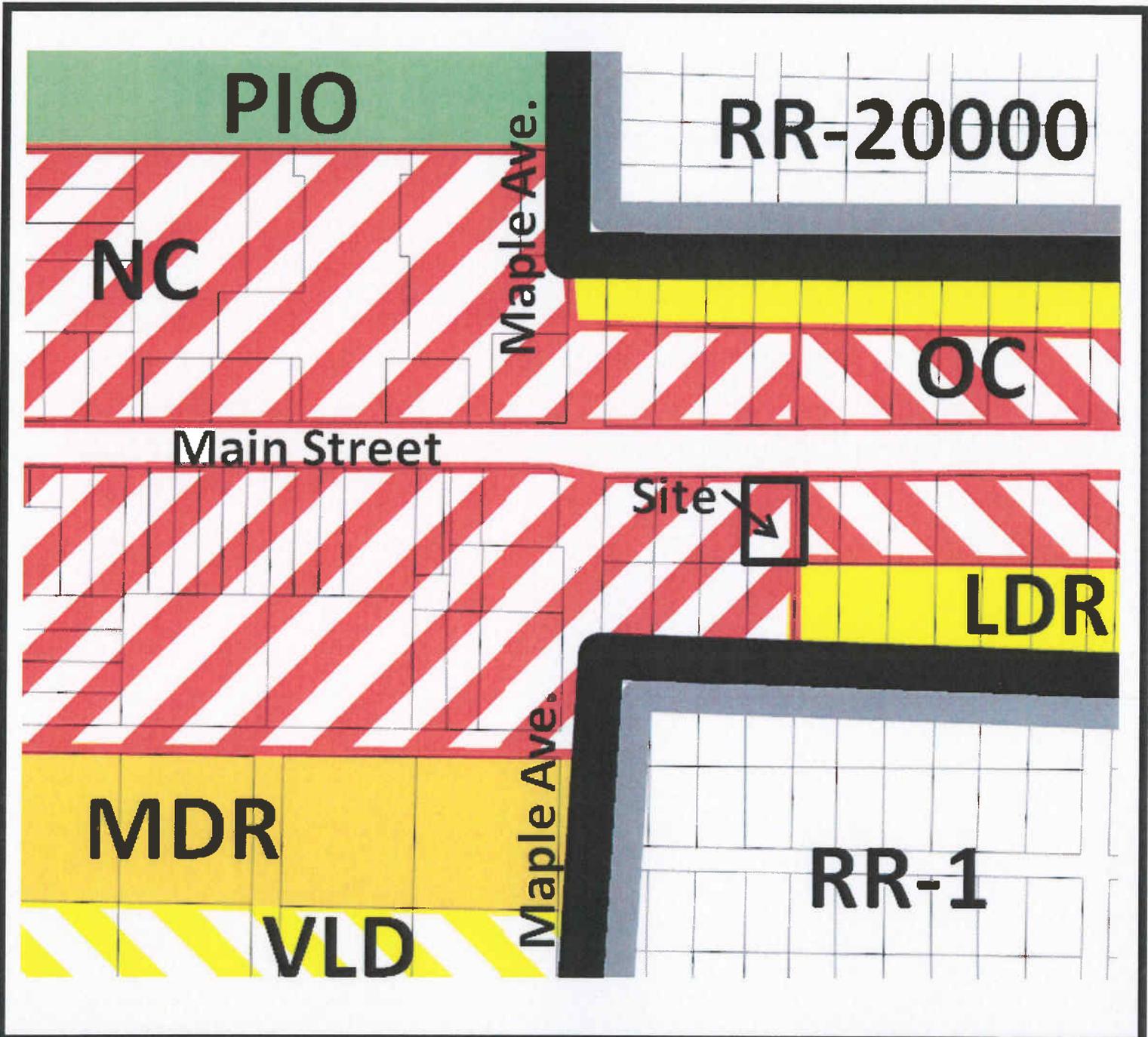
ATTACHMENT 2



| | |
|--|---|
| APPLICANT(S):
ERIC R. HANSEN | FILE NO(S):
CUP-2009-01/CUP09-10105 |
| LOCATION:
14575 MAIN STREET | APN(S):
0408-141-14 |
| PROPOSAL:
TO CONVERT AN EXISITNG SINGLE-FAMILY RESIDENDCE INTO A 2,306 MEDICAL OFFICE ON 0.5 NET ACRES | N
↑ |

GENERAL PLAN

ATTACHMENT 3



| | | | |
|--|--|---|---------------|
| APPLICANT(S):
ERIC R. HANSEN | | FILE NO(S):
CUP-2009-01/CUP09-10105 | |
| LOCATION:
14575 MAIN STREET | | APN(S):
0408-141-14 | |
| PROPOSAL:
TO CONVERT AN EXISITNG SINGLE-FAMILY RESIDENDCE INTO A 2,306 MEDICAL OFFICE ON 0.5 NET ACRES | | | N
↑ |

ATTACHMENT 4



APPLICANT(S):
ERIC R. HANSEN

FILE NO(S):
CUP-2009-01/CUP09-10105

LOCATION:
14575 MAIN STREET

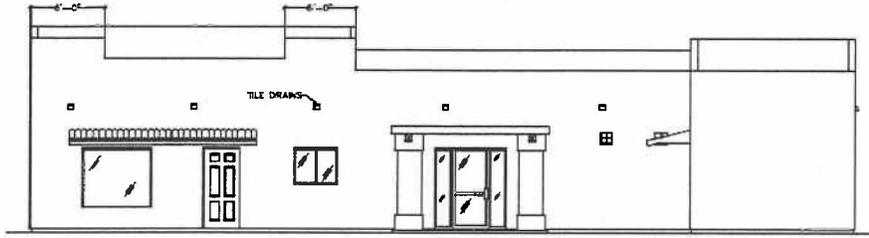
APN(S):
0408-141-14

PROPOSAL:
TO CONVERT AN EXISTING SINGLE-FAMILY RESIDENCE INTO A 2,306 MEDICAL OFFICE ON 0.5 NET ACRES

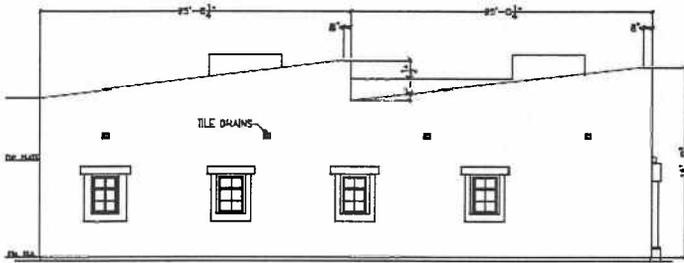


AERIAL

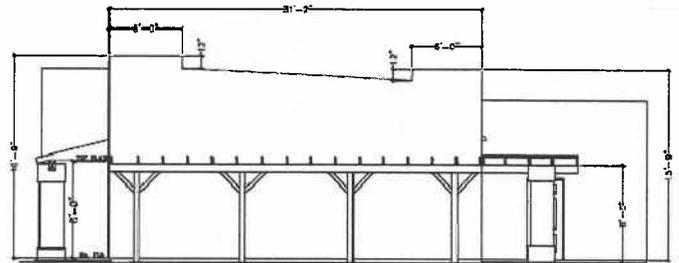
ATTACHMENT 5



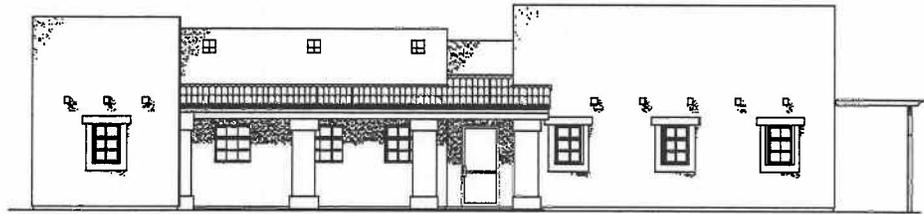
REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION

NEW ELEVATIONS

APPLICANT(S):
ERIC R. HANSEN

FILE NO(S):
CUP-2009-01/CUP09-10105

LOCATION:
14575 MAIN STREET

APN(S):
0408-141-14

PROPOSAL:
TO CONVERT AN EXISTING SINGLE-FAMILY RESIDENCE INTO A 2,306 MEDICAL OFFICE ON 0.5 NET ACRES

ARCHITECTURAL ELEVATIONS

ATTACHMENT 6

RESOLUTION NO. PC-2009-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING SINGLE-FAMILY RESIDENCE INTO A 2,306 SQUARE FOOT MEDICAL OFFICE BUILDING ON 0.5 ACRES, ZONED NEIGHBORHOOD COMMERCIAL LOCATED AT 14575 MAIN STREET (CUP-2009-01).

WHEREAS, Eric R. Hansen has filed an application requesting approval of Conditional Use Permit CUP-2009-01 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an existing single-family residence within the Neighborhood Commercial zone district located at 14575 Main Street and consists of Assessor's Parcel Number 0408-141-14; and

WHEREAS, the Application, as contemplated, proposes to convert an existing single-family residence into a medical office building; and

WHEREAS, the subject site is presently developed as an existing single-family residence. The properties to the north and east are vacant. The property to the south contains a single family residence. The property to the west contains an automotive repair shop; and

WHEREAS, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU) on the City's General Plan Map; and

WHEREAS, the subject property is zoned NC. The properties to the north and west are also zoned NC. The property to the south is zoned Low Density Residential and the property to the east is zoned Office 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 April 9, 2009, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced April 9, 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 on-site and off-site improvements including a 2,306 medical office building, 17 parking spaces, a commercial drive approach, and the required landscape area.
- (b) The proposed use will not have a substantial adverse effect on abutting properties. The project will be required to accommodate a six-foot decorative block wall along the southern property line, adjacent to residential properties in order to reduce any noise and light created by the use.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Main Street and Freeway Corridor Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. Further, the project is consistent with the regulations allowing medical offices in the Neighborhood Commercial zone with the approval of this conditional use permit.
- (d) The site for the proposed use will have adequate access based upon the proposed shared commercial approach along Main Street and proposed improvements are consistent with the City's Circulation Element.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP-2009-01, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 9th day of April 2009.

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP-2009-01/CUP09-10105:

Approval Date: April 9, 2009
Effective Date: April 21, 2009
Expiration Date: April 21, 2011

This list of conditions apply to a Conditional Use Permit to convert an existing single-family residence into a 2,306 square foot medical office on 0.5 acres zoned neighborhood commercial, located 14575 Main Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Eric R. Hansen; APN: 0408-141-14).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within 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.

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

SUBMITTAL OF PUBLIC IMPROVEMENT PLANS SHALL INCLUDE THE FOLLOWING:

- 1. Drainage Study: 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. Title Report: The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
3. Erosion Control: The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E)
4. Plan Check Fees: Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. Improvement Plans and requested studies shall be submitted as a package. (E)
5. Irrevocable Offer Of Dedication: The Developer shall submit an "Offer of Dedication" to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
6. Percolation Test. 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)

_____ 7. **Specialty Plans.** The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Demolition permits shall be obtained from the Building Division prior to demolition of above or below ground structures.

_____ 8. **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 GROUND DISTURBING ACTIVITY:

_____ 9. **Approval of Improvement 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 and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

_____ 10. **Dedication(s):** The Developer shall grant to the City an Irrevocable Offer of Dedication for Main Street. The right-of-way full-width for Main Street shall be (120) feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. (E)

_____ 11. **Grading Plan:** The Developer shall design a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building "footprints" and proposed development of the

retention basins, as a minimum. 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), top of footing (tf), and the finish grade (fg) elevations. (E)

- _____ 12. **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)
- _____ 13. **Street Improvement Plan:** The Developer shall design street improvements in accordance with City standards and as indicated below. (E)
- _____ 14. **Main St:** Saw-cut (2-foot min.) and match-up asphalt pavement on Main St across the project frontage, based on City's 120-foot Major Arterial Roadway Standard. The curb face is to be located at 52' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:
- A. 8" Curb and Gutter per City standards.
 - B. Sidewalk (width = 6 feet) per City standards.
 - C. Roadway drainage device(s).
 - D. Commercial driveway approach per City standards.
 - E. Pavement transitions per City Standards.
 - F. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
 - G. Cross sections every 50-feet per City standards.
 - H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
 - I. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
 - J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

- _____ 15. **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)
- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
 - B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic connections shall be made from the existing 12" ACP water line in Main Street per City Standards.
 - C. 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 10" PVC sewer main in Main Street per City standards.
 - D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required. **The Wastewater Questionnaire is only required if the project is required to connect to sewer.**
- _____ 16. **Pre-construction Survey.** A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)
- _____ 17. **Protected Plants.** Three copies of a protected plant plan shall be submitted to the Planning Division showing the present location and proposed treatment of species in the Dalea and Spinosa (smoketree); Agavaceae (century plants, nolinias, and yuccas, including Joshua Trees); Prosopis (mesquites); Larrea (Creosote rings ten feet or greater in diameter); and all plants protected by the State Desert Native Plants Act, which shall be handled in accordance with the provisions of the Development Code and State law. The grading plan shall be consistent with the approved protected plant plan. Ground disturbing activities shall not commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)
- _____ 18. **Driveway Easement.** An access easement shall be recorded which allows for the perpetual use of the driveway for the benefit of the adjacent property. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)
- _____ 19. **Design for Required Improvements.** Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)
- A. The trash enclosure shall be relocated to provide adequate sanitation access. The location of the trash enclosure shall be subject to approval by Planning staff;

- B. A four-foot wide handicapped accessible route of travel shall be provided from the proposed lodge and recreation hall to the outdoor recreational facilities as approved by Planning staff;
- _____ 20. **Fire Prevention.** Please contact the San Bernardino County Fire Department prior to any commencement of construction. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. (F)
- _____ 21. **Turnaround.** An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. (F)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE:

- _____ 22. **Construction Waste.** The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
- _____ 23. **Landscape Plans.** The Developer shall submit four sets of landscape and irrigation plans to the Building Division with the required application fees. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
- _____ 24. **Solid Masonry Wall/Fencing.** The Developer shall submit four sets of masonry wall plans to the Building Division with the required application fees for all proposed walls. A approved six foot decorative block wall shall be provided 10 feet north of the southern property line. (P)
- _____ 25. **AQMD Approval.** The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
- _____ 26. **Light and Landscape District Annexation.** Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY:

- _____ 27. **As-Built Plans:** The Developer shall provide as-built plans. (E)
- _____ 28. **Public Improvements:** All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
- _____ 29. **Development Fees.** The Developer shall pay required development fees as follows:
- A. Development Impact Fees (B)
 - B. Utility Fees (P)
- _____ 30. **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)
- _____ 31. **On-Site Improvements.** All on-site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit "A." Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)
- _____ 32. **Fire Extinguishers.** Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. (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 | 947-1414 |
| (F) | Fire Prevention Division | 947-1012 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

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City of Hesperia
STAFF REPORT



DATE: April 9, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: (SL) Stan Liudahl, AICP, Senior Planner
SUBJECT: Administrative Appeal APP-2008-01; Appellant: Lunnen Development; APN:
3072-251-04

The appellant requests that this item be continued to the Commission's May 14, 2009 meeting (Attachment). The appellant is now contracting with Lamar Advertising instead of OOS Investments, LLC and needs additional time to prepare for the hearing. Consequently, it is requested that this item be continued per the appellant's request.

LUNNEN

DEVELOPMENT

Real Estate Development | Investment | Brokerage | Consulting

Dave Reno – AICP, Principal Planner
Stan Ludaih – AICP, Senior Planner
The City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Re: Administrative Appeal APP-2008-01; Applicant: OOS INVESTMENTS (APN; 3072-251-04)

Gentleman,

As the owners of the above referenced property please let this act as our request to seamlessly replace OOS Investments with Lamar Advertising. The Appellant will be Lunnen Development and Lamar Advertising. Lunnen Development and Lamar are currently under contract regarding the existing billboard.

So the City staff can conclude their work with the Planning Commission in regards to revising the city's billboard regulations we request that this matter be postponed until the May Planning Commission meeting.

Very Sincerely,



W. Thomas Lunnen



DATE: April 9, 2009

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner *DR*

BY: *SV* Stan Liudahl, AICP, Senior Planner

SUBJECT: General Plan Amendment GPA09-10150; Applicant: City of Hesperia;

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-19, recommending that the City Council approve GPA09-10150.

BACKGROUND

A General Plan Amendment to increase the allowable residential density within the Planned Mixed Use (PMU) designation, consistent with Specific Plan and Planned Development approvals. The General Plan Land Use Element currently restricts residential density for properties within this designation to four dwelling units per gross acre. Land in the Planned Mixed Use designation is usually developed through a Specific Plan or a Planned Development, which contains a variety of residential densities, as well as areas for commercial, industrial, and institutional development (Attachment 1).

The City currently has five approved Specific Plans for properties within its limits and/or sphere of influence. They are the Oak Hills Community, the Main Street and Freeway Corridor, Rancho Las Flores, Summit Valley Ranch, and Bella Mesa Specific Plans. Four of the five Specific Plans allow for densities in portions of the project over four dwelling units per acre, but the overall residential density was below the Planned Mixed Use limitation. The City has also approved a number of single-family residential developments constructed within the four dwelling unit per acre density limitation of the current Planned Mixed Use (PMU) designation.

ISSUES/ANALYSIS

The PMU designation was primarily intended for development with a Specific Plan. The reason for processing this General Plan Amendment is to provide the flexibility of allowing increased density consistent with the regulations of a Specific Plan or Planned Development. The four dwelling unit per acre limitation was maintained to allow for development of smaller properties where it would be impractical to prepare a Specific Plan document providing a mix of commercial, residential, light industrial and/or institutional uses.

The General Plan Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15061, Review for Exemption. This General Plan Amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Any Specific Plan or Planned Development application which would authorize development exceeding four dwelling units per gross acre will be subject to separate environmental review, resulting in adoption of a Negative Declaration or Environmental Impact Report.

Conclusion: The General Plan Amendment conforms to the policies of the City's General Plan, will specifically permit flexibility in Specific Plans and Planned Developments, and promotes the goals of the Main Street and Freeway Corridor Specific Plan.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Pages L-13 and L-14 of the Hesperia General Plan
2. Resolution No. PC-2009-19, with Exhibit "A"

High Residential (8.0 du/ac - 15.0 du/ac)

The High (H) residential designation is intended for residential uses at maximum gross densities ranging from 8 to 15 units per acre. Housing types may include townhouses, condominiums, duplexes, triplexes, apartments or manufactured housing developments. Permitted structure types will be as specified in the underlying zone district. The High designation is appropriate within those areas having existing or planned residential uses at 8 to 15 units per acre, which are or will be served by adequate infrastructure and services needed to support this level of development. Maximum permitted density will be determined through the development review process, based upon environmental and infrastructural conditions. Equestrian and large animal uses are not intended within this district.

→ Planned Mixed Use

The Planned Mixed Use (PMU) designation is used for selected areas which merit special planning attention and approaches which go beyond General Plan policies at the City-wide scale. Typical cases include: 1) areas in which regulatory Specific Plans are already adopted (Rancho Las Flores); and 2) areas in which there is significant and appropriate pressure for intensification of use, such as along the Interstate freeway corridor. The preferred means for implementing the PMU designation is generally through a regulatory Specific Plan, adopted by ordinance as zoning. This preference for a Specific Plan is based upon its ability to: 1) include a detailed implementation program, including facility phasing and funding; 2) carefully prescribe balancing of development and open space within a planning area in an economically feasible manner; 3) provide special regulations that are responsive to unique local conditions; and 4) allow flexibility necessary for long range planned community projects.

→ The PMU designation is intended to facilitate master planning of residential communities which contain supportive commercial, office, or light industrial uses, in order to provide employment and shopping opportunities for residents. Gross density within residential portions of the PMU designation shall not exceed four (4) dwelling units per acre; however, units may be clustered through density transfers in order to permit innovative site planning techniques.

8/17/00

Planned residential communities within the PMU designation shall include provisions for public and private open space and community facilities as determined through the development review process. A minimum of five (5) acres per thousand population shall be provided in active, maintained recreational areas as approved by the Hesperia Recreation and Park District; natural or passive open space, exclusive of private yard areas, shall be provided as approved by the reviewing authority. All commercial or industrial uses within the PMU designation shall be adequately buffered and separated from existing or planned residential uses, both within and outside of the planned community.

Special Development

The Special Development (SD) designation is used for selected areas which merit special planning attention and approaches which go beyond General Plan policies at the City-wide scale. The SD designation is placed upon areas within Summit Valley and Oak Hills which, due to lack of infrastructure and public services, topography, environmental sensitivity, and development constraints, require comprehensive planning prior to development. As with the Planned Mixed Use designation, the preferred means for implementing the SD designation is generally through a regulatory Specific Plan, adopted by ordinance as zoning. This preference for a Specific Plan is based upon its ability to: 1) include a detailed implementation program, including facility phasing and funding; 2) carefully prescribe balancing of development and open space within a planning area in an economically feasible manner; 3) provide special regulations that are responsive to unique local conditions; and 4) allow flexibility necessary for long range planned community projects.

Other than single family dwellings on existing lots, gross density within residential portions of the SD designation shall not exceed one (1) dwelling unit per acre. However, upon preparation, review and adoption of a comprehensive Specific Plan, a higher density may be established based upon environmental, topographic, and infrastructural capacity of the land as defined by supporting documentation. With approval of such Specific Plan, a General Plan Amendment shall be approved to amend the land use designation to Planned Mixed Use.

8/17/00

ATTACHMENT 2

RESOLUTION NO. PC-2009-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT REVISING THE ALLOWABLE RESIDENTIAL DENSITY WITHIN THE PLANNED MIXED USE DESIGNATION (GPA09-10150)

WHEREAS, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

WHEREAS, the City of Hesperia is requesting a revision to the General Plan Land Use Element known as General Plan Amendment GPA09-10150 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to all properties within the Planned Mixed Use (PMU) General Plan Land Use designation; and

WHEREAS, the Application, as contemplated, proposes to revise the allowable residential density within the Planned Mixed Use (PMU) designation of the General Plan Land Use Element; and

WHEREAS, the amendment is categorically exempt from the requirements of the California Environmental Quality Act by Section 15061, Review for Exemption; and

WHEREAS, on April 9, 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 April 9, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- a) The proposed General Plan Amendment enhances the suitability of the land uses permitted within the Planned Mixed Use (PMU) Land Use designation, allowing for greater flexibility in land use patterns, which is also consistent with General Plan Land Use and Housing Element goals.

- b) The proposed General Plan Amendment is consistent with the goals, policies, and standards of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- c) The proposed General Plan Amendment is consistent with existing and proposed Specific Plans, which will allow residential uses capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.
- d) The proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically Land Use Goal L.G. 6 that promotes policies that will provide for a mix of residential, commercial, and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining desired levels of services and adequate infrastructure facilities.
- e) The proposed project is consistent with and promotes the goals and policies of the General Plan, specifically Land Use Policy L. P. 1. b (3) and Housing Goal H. G. 18.

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

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of General Plan Amendment GPA09-10150, amending the General Plan Land Use Element of the City of Hesperia as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 9th day of April 2009

Stephen S. James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

Exhibit "A"

GPA09-10150

The second paragraph under the Planned Mixed Use heading shall read as follows:

The PMU designation is intended to facilitate master planning of residential communities which contain supportive commercial, office, or light industrial uses, in order to provide employment and shopping opportunities for residents. Gross density of residential development for any project within the PMU designation not implemented by a Specific Plan or Planned Development shall not exceed four dwelling units per gross acre. Units may be clustered through density transfers in order to permit innovative site planning techniques. The residential densities of projects implemented by a Specific Plan or Planned Development shall be defined by the overlying Plan and shall not be subject to the four dwelling unit per gross acre density limitation.

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DATE: March 12, 2009
TO: Planning Commission
FROM: *TKH* Thomas K. Harp, Deputy Director, Development Services, C/D
BY: *D* Dave Reno, AICP, Principal Planner
SUBJECT: Billboard Issues and Options

RECOMMENDED ACTION

That the Planning Commission provide direction regarding revising the City's regulations regarding Billboards, and return to the Commission with an ordinance at a subsequent meeting.

BACKGROUND

This staff report covers the existing billboards in the City, billboard replacement or relocation, development proposals involving existing billboards and legal issues concerning billboards.

Existing Billboards and City Regulations:

The City currently has 33 billboards, 28 along the Freeway Corridor and five more 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, four near the Interstate-15/Highway 395 interchange and nine on both sides of the freeway between Oak Hill Road and the top of the Cajon Pass.

The City's Development Code (Section 16.36.100) currently allows billboards no larger than 200 SF in area and 25 feet in height. Billboards are also restricted to the Commercial Resort (CR) Zone. However, this zone was removed from the City's Zoning Map by the adoption of the Freeway Corridor and Main Street Specific Plan. The new zoning in the Specific Plan does not permit billboards. At this time, all the existing billboards are considered nonconforming uses. The Specific Plan does allow some expansion, addition or alteration of non-conforming uses, subject to City approval.

Billboard Replacement or Relocation:

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 does not require, cities to revise their ordinances to enable such actions. The issue at hand is how the City should respond to inquiries regarding relocation. Lamar Advertising has proposed an agreement to upgrade, relocate and modify 10 billboards. Six of their billboards are generally located on both sides of the freeway near Oak Hill Road. Two are on the east side of the freeway, south of Bear Valley Road and two are along Main Street, near 5th and "G" Avenues.

Of the 10 billboards, three are proposed to be removed and two will be converted to digital displays. Five will be relocated on the same parcels and remain as conventional billboards. These five billboards are generally in the vicinity of Oak Hill Road. (Attachments 1, 2 & 3)

In addition, Lamar proposes to allow the City to place public service messages on the relocated billboards up to 4 times per year, for two weeks at a time. These messages are for the City or non-profit entities and cannot benefit any private company. The City may also place messages at other times when space is not leased for regular advertising. The draft agreement does not state whether the City shall pay for these public service announcements. Finally, Lamar has requested that the City revise its sign code to designate any relocated billboard as a permitted use.

One additional proposal involves reader boards advertising sponsors associated with sport or entertainment venues. AB 2339, which became effective in September 2008 exempts from the Outdoor Advertising Act, certain displays that are located on professional sports venues of 5,000 seats or more. The displays may advertise products services or good available at the arena, based on an agreement between the vendor and property owner that is valid for at least one year. The developer of the property where the Ice Castles facility and Bowling Center is proposed has requested that the City revise its ordinance to permit a similar sign in conjunction with that development. This would permit the sponsors of the facility to advertise their products, in addition to goods sold or offered on the premises. Although negotiations have not began, there is the possibility of the City placing Amber Alerts and other public service messages on the display, as well as receiving revenue as part of an agreement. The city would have to add a provision to the Code to define such a facility. Staff would tailor a definition that would accommodate sports venues expected in the City, as opposed to what state law allows.

Development Proposals Involving Existing Billboards:

As mentioned above, the City has 33 billboards that are all on commercial property. The issue is how the City should respond to development proposals on property with billboards. Since new billboards are not permitted under the current code, new land use approvals cannot include billboards as part of a site plan or subdivision.

Lunnen Development has proposed to relocate a billboard in conjunction with a new commercial or office development on a parcel located east of the freeway, north of Eucalyptus Street. The Development Review Committee declined the request, stating that any new development approved could not include a use not permitted by the zoning. As mentioned above, neither the old General Commercial (C-2) zone nor the zoning in the Main Street and Freeway Corridor Specific Plan permit billboards. Lunnen then requested a building permit to relocate the billboard elsewhere on the property. The City denied issuing the permit, and Lunnen has appealed this decision to the Planning Commission, which continued this hearing to April 9, 2009.

ISSUES/ANALYSIS

The City's General Plan governs development in the City and provides guidance for decisions on land use issues. The Land Use Element includes three goals that address commercial and industrial development:

- L.G.8. *Provide for a visually pleasing environment through adoption of design standards which will enhance the natural desert environment, conserve natural resources, and minimize visual clutter and blight.*
- L.G.10. *Adopt zoning and land use policies, which will ensure maximum utilization of existing facilities and infrastructure within the City and Sphere of Influence.*

In addition, the Land Use Element includes the following policy:

- L.P.2 *Promote balanced, efficient commercial development that is functional, safe attractive and convenient to users, and which will strengthen the local economy.*

Finally, the adopted Main Street and Freeway Corridor Specific Plan contains goals that include:

Goal LU-1b: Provide for continuing growth within the Specific Plan area with land uses and intensities designated to meet the needs of anticipated growth and to achieve the communities objectives;

Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting high quality character and commercial vitality;

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.

While billboards do generate revenue for property owners, and provide advertising for a variety of products, services and issues, the City's land use goals and policies focus on the establishment of well designed, attractive businesses that generate sales tax and build a local job base.

Should the City consider the permitting the addition, remodeling or relocating of billboards, the City may require an agreement to place Amber alerts and public service messages (Attachment 4). The City may also negotiate compensation based on the revenue that billboards generate or negotiate the construction of City – owned signs along the freeway at the interchanges.

The draft ordinance (attachment 6) includes a provision for a billboard owner to remove other billboards at a ratio of 3 sign faces to 1. These new sign regulations would address spacing (1,000 feet), changeable copy (no moving images and any copy cannot change more than every 6 seconds) and the brightness of the reader boards (they must be dimmed at night). The City of Barstow Planning Commission recently approved similar regulations concerning billboards and reader boards. These regulations are consistent with the recommendations from the Outdoor Advertising Association of America. (Attachment 5)

Legal Issues:

According to the City Attorney's office, billboard advertising is a form of commercial speech protected by the First Amendment of the federal Constitution. In *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Commission*, the United States Supreme Court set forth a four-part test for

determining the validity of restrictions on commercial speech. "The First Amendment protects commercial speech only if (1) that speech concerns lawful activity and is not misleading. **A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial government interest, (3) directly advances that interest, and (4) reaches no further than necessary to accomplish the given objective.**"

As applied specifically to road signs, the Supreme Court has stated, "[w]hile signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities' police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. **It is common ground that governments may regulate the physical characteristics of signs – just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise.**" *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994).

The leading case in the field of municipal billboard regulation is the 1982 case, *Metromedia v. City of San Diego*, which resulted in a split ruling. The Court upheld the City of San Diego's complete ban on offsite commercial billboards, but invalidated other parts of the City's ordinance. The *Metromedia* ruling makes clear that a City should make careful findings to support any billboard restrictions. Regulation of noncommercial messages will be held to a higher level of scrutiny than commercial messages.

In at least four instances since *Metromedia*, 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. If the City desires to prohibit billboards citywide, the City Attorney should be directed to review the City's existing code and the facts present to see if Hesperia can make the findings necessary to support such a ban.

Amortization and Removal of Existing Billboards:

According to the City Attorney's office, it is legally possible for the City to require the removal of nonconforming billboards. (*City of Salinas v. Ryan Outdoor Adver.* (1987) 189 Cal.App.3d 416). In general, to accomplish this, the City would adopt an ordinance prohibiting certain types of billboards, then establish an amortization period after which the illegal billboards must be removed.

The reasonableness of the amortization period depends on the interplay of many factors, including the depreciated value of the structures to be removed, their remaining useful life, and the harm to the public if they are left standing. Another factor may also be the billboard's proximity to a highway since the California Outdoor Advertising Act contains provisions for compensation for removal of certain billboards as required by the federal Highway Beautification Act.

The City may need to create different amortization periods depending on the facts and circumstances of each case to ensure the regulation does not amount to a "taking" for which the property owner would need to be compensated.

In some cases, it may be possible to require removal within five years. However, if the amortization period does not allow the property owner a fair return on their investment, a longer amortization period (or payment of compensation) could be required.

If the City wishes to consider an amortization period for removal of some or all of the City's nonconforming billboards, staff should be directed to investigate the reasonable amortization period for different categories of billboards and report back to the Council.

CONCLUSION

There are several issues to consider regarding billboards:

Billboards are not part of a land use expectation; The City's current sign regulations were 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 been considered nonconforming uses since 1993.

Billboards are distracting to motorists and consumers; Billboards, particularly reader boards, are distracting to consumers and motorists. While the City can adopt regulations that 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. For your information, Assembly Bill AB109 has been introduced to prohibit new digital advertising displays until January of 2012. No action date on this bill has been scheduled at this time.

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.

Billboard agreements should be consistent with City objectives; Should the City determine that new or relocated billboards or digital displays be subject to an agreement, these agreements with billboard owners should achieve the following;

- Reduce the number and concentration of billboards in the City
- Provide advertising for City and public events
- Improve aesthetics along the freeway corridor
- Increase safety by reducing distractions for drivers
- Provide for revenue to the City from billboard owners

ALTERNATIVES:

The City has considerable latitude to pursue a variety of options. The first four alternatives represent different philosophies towards billboards and the last two should be considered to clean up the Development Code with respect to the defunct CR zone and to consider limited

signs associated with sports facilities. Attachment 6 contains draft code language associated with these alternatives:

1. The City may revise its sign regulations to maintain the existing prohibition of new billboards. This alternative includes pursuing amortization of existing billboards. The cost and schedule of this would have to be determined on a case by case basis. This would include revising the Development Code to eliminate the defunct Commercial Resort zone.
2. The City may revise the code to maintain the existing prohibition of new billboards but not pursue amortization of any existing billboards.
3. The City may revise the sign regulations to maintain the existing prohibition of new billboards but permit sign relocations and reconstruction to digital displays on the existing billboards in the City. The intent of this alternative is to maintain, but not increase the overall number of billboards in the City.
4. The City may revise the sign regulations to permit new billboards subject to agreements with property owners and billboard companies. This may include provisions to require removal of some billboards and upgrades to any that remain or are relocated. This option may require additional environmental review, as new billboards and reader boards may present new impacts in the form of light, glare and visual clutter.
5. The City needs to revise the Development Code to eliminate the Commercial Resort (CR) zone. This alternative would be consistent with the Main Street and Freeway Corridor Specific Plan, which removed the CR zone upon its adoption in October 2008.
6. The City may revise the sign regulations permitting reader boards to allow advertising of sponsors for specific uses, such as sports facilities.
7. Provide alternative direction to staff.

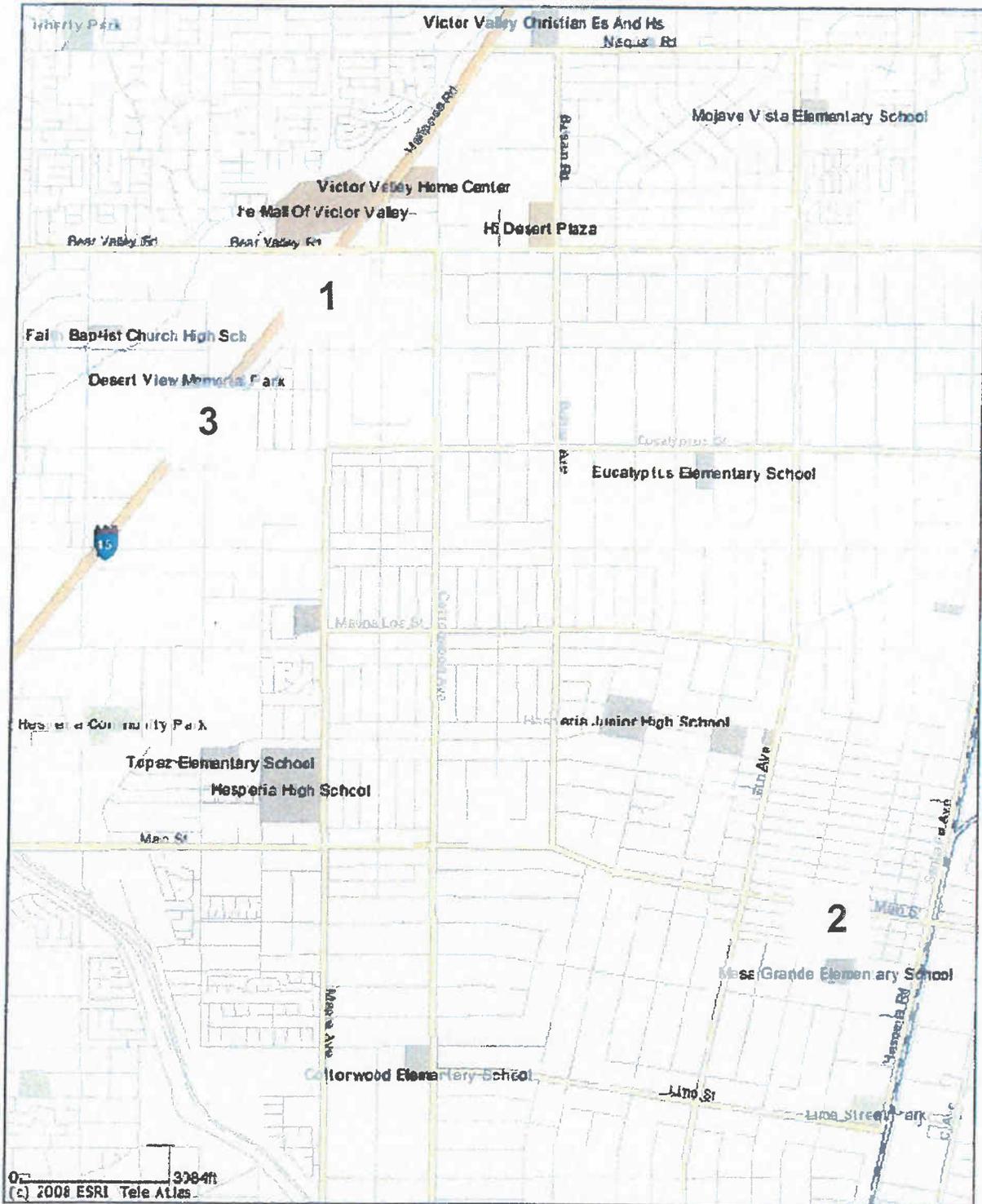
ATTACHMENTS:

1. Billboards proposed to be removed by Lamar Advertising
2. Billboards to be converted to reader boards by Lamar Advertising
3. Billboards proposed to be rebuilt/relocated by Lamar Advertising
4. Draft Billboard or Digital Advertising Display Agreement
5. Brightness recommendations from the Outdoor Advertising Association of America
6. Resolution PC-2009-17, with draft Billboard Regulations

ATTACHMENT 1



BILLBOARDS PROPOSED TO BE REMOVED

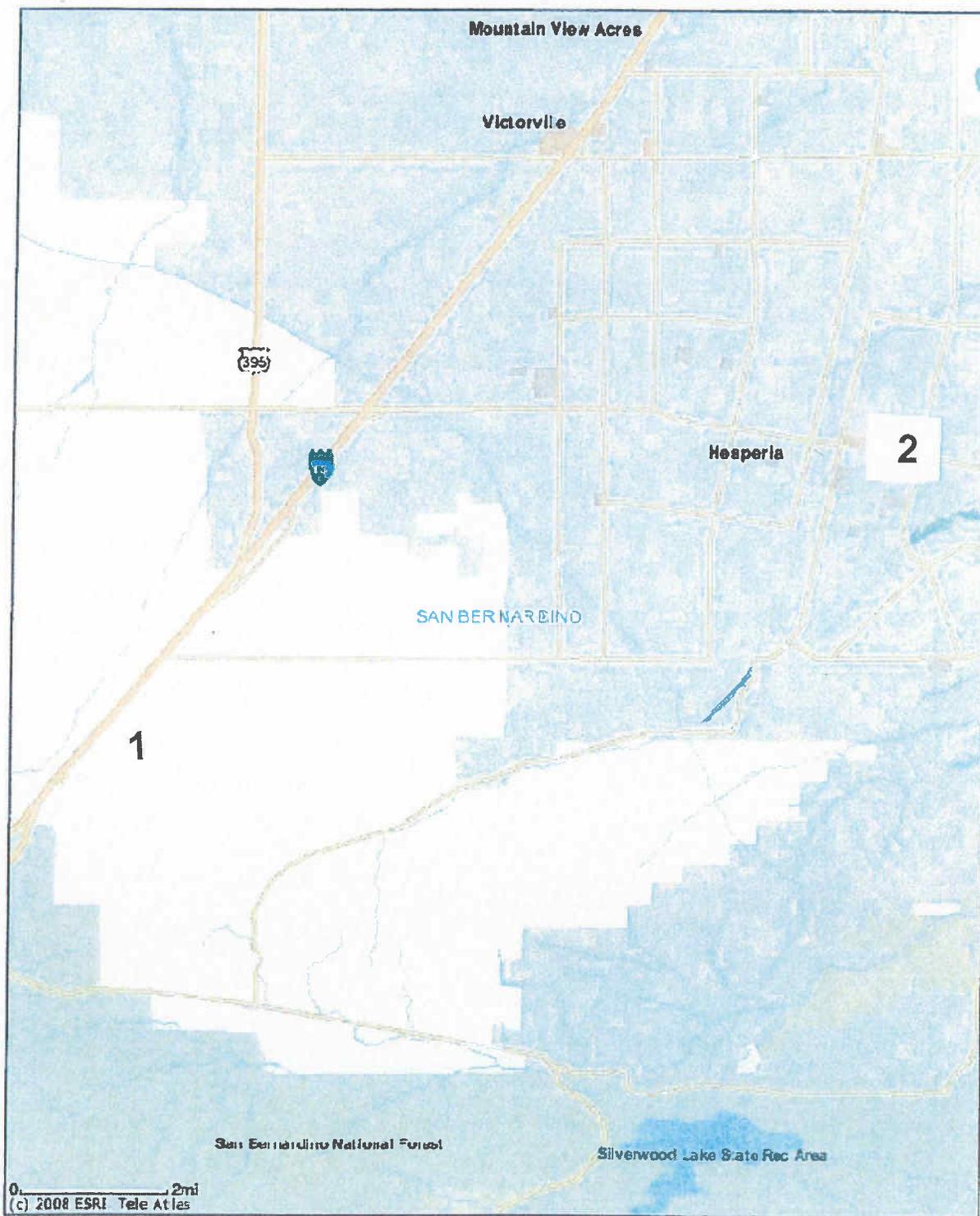


1. Mariposa & Maple
2. Main & Second Avenue
3. Mariposa & Eucalyptus

ATTACHMENT 2



BILLBOARDS TO BE CONVERTED TO DIGITAL DISPLAYS

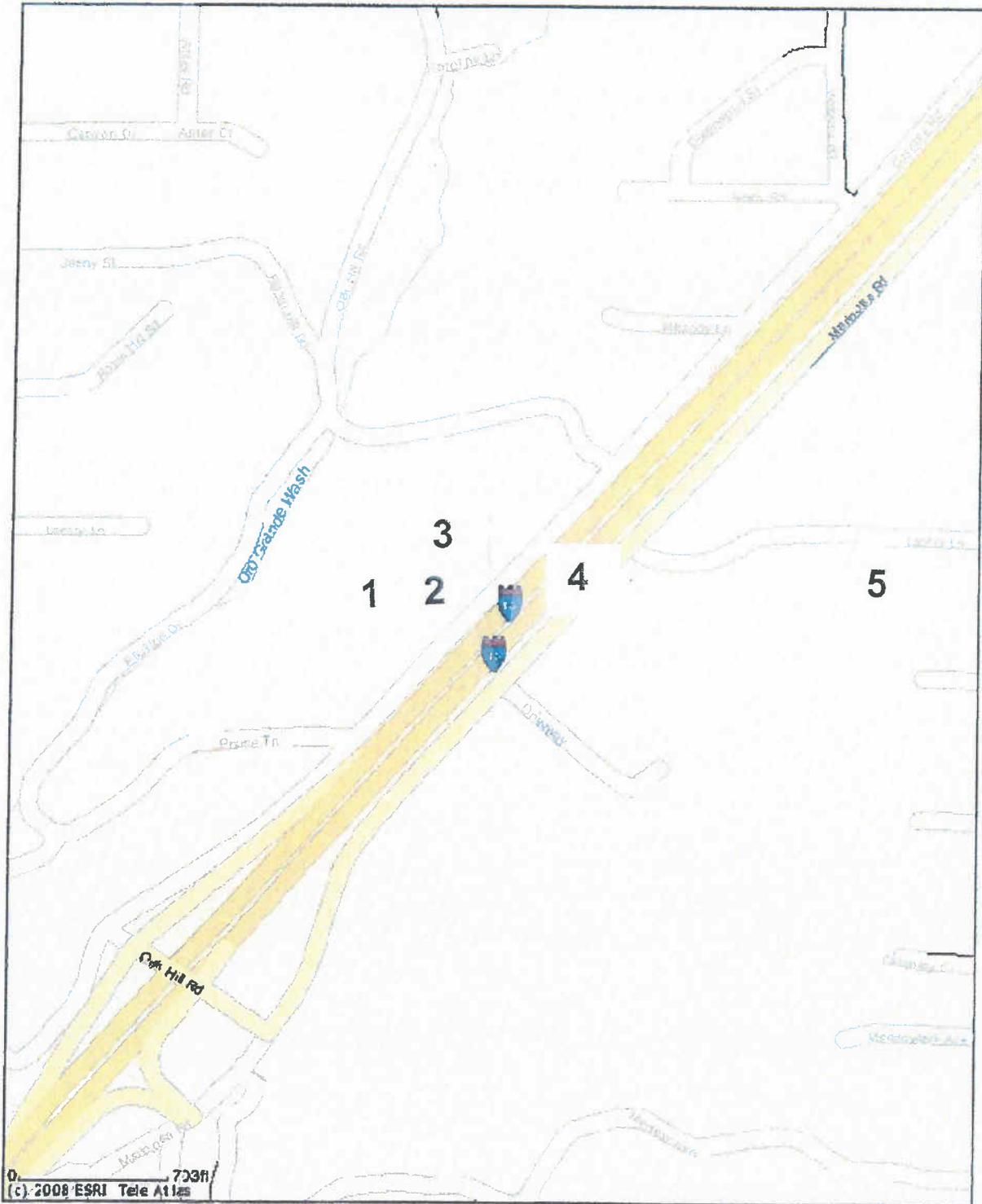


1. Mariposa, south of Rancho
2. Main & Third Avenue

ATTACHMENT 3



BILLBOARDS TO REMAIN IN PLACE OR BE RELOCATED



FIVE BILLBOARDS LOCATED ALONG THE FREEWAY NEAR OAK HILL ROAD

ATTACHMENT 4

Date:

Mike Podegracz, City Manager
City of Hesperia
9700 Seventh Avenue
Hesperia, Ca 92345

_____ agrees with the City of Hesperia to allow the City of Hesperia to utilize one slot (one slot defined as 1/5 of the daily advertising throughout the day of the electronic billboard) on the digital structure (Permit # _____), generally located _____, for a period of up to six months per calendar year, in perpetuity, unless amended as mutually agreed upon by both parties. Should any advertising time remain available (i.e., unused), said time shall be set-aside for future use within that same calendar year and shall not be accrued. The City of Hesperia must give _____ two weeks notice before advertisement will be put on display.

In addition to the above advertisement, _____ further agrees to post Amber Alerts and any emergency that is on a national, state or local level that is deemed pertinent by the City of Hesperia to the freeway travelers (Amber Alerts shall always be deemed pertinent to the freeway travelers). For the purpose of this agreement, freeway travelers shall also include the local population due to their daily commutes to or from the City. Said emergency notification shall not count as part of the allotted advertising time for the City but shall be considered a benefit to the community and freeway travelers.

This agreement is valid only after both _____ and The City of Hesperia sign and date.

DATE

Mike Podegracz, City Manager
City of Hesperia

DATE

ATTACHMENT 5

Digital Billboards Brightness Recommendations and Measurement Techniques

The Outdoor Advertising Association of America (OAAA) has commissioned Dr. Ian Lewin, a principal at Lighting Sciences, Inc., Scottsdale, AZ, to recommend criteria for brightness levels on digital billboards. The standards are designed to minimize the risk of glare or unreasonable driver distraction. Highlights from the lighting research follow:

- The recommended criteria follows the lighting standards established by the Illuminating Engineering Society of North America (IESNA)
- Recommended regulatory criteria:
 - **Lighting levels will not increase by more than 0.3 foot candles (over ambient levels) as measured using a foot candle meter at a pre-set distance**
 - **Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria follows:**

| | |
|--------------------------|-------------|
| Posters | 150' |
| 10'6x36 Bulletins | 200' |
| 14x48 Bulletins | 250' |
| 20x60 Bulletins | 350' |

- **Each display must have a light sensing device that will adjust the brightness as ambient light conditions change**

Background to support the regulations:

- The measurement distances were selected based on the average minimum viewing of any digital billboard.
- Enforcement: Standards can be easily enforced as follows:
 1. At least 30 minutes past sunset, use a foot-candle meter to record the ambient light reading for the area. This is done while the digital billboard is off or displaying all black copy.
 2. The reading should be taken with the meter aim directly at the digital sign at the appropriate pre-set distance.
 3. Turn on the digital display to full white copy and take another reading.
 4. If the difference between the readings is 0.3 foot-candles or less, the brightness is properly adjusted.
- These lighting standards will drop the night time brightness of the sign to approximately 4% to 15% of its capable output. The light output spread is due to the variation in the ambient lighting level of each location.
- The daytime brightness will operate near maximum output (7,500 nits), which is required to overcome full sunlight.

ATTACHMENT 6

RESOLUTION NO. PC-2009-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 2009-02 REVISING THE CITY'S SIGN REGULATIONS CONCERNING BILLBOARDS

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

WHEREAS, Chapter 16.36 of the Hesperia Development Code currently establishes regulations for signs, including billboards;

WHEREAS, The City's sign regulations were established for the purposes of encouraging the positive economic development of the city, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, promoting a positive community appearance as part of a concerted city wide effort to protect and enhance the aesthetics of the city for the enjoyment of all citizens.;

WHEREAS, The public is possessed with the important right of safe and unobstructed travel over the public right-of-way, therefore, the regulations are designed to prevent their overconcentration, improvement placement, and excessive height, bulk, number and area. It is recognized that, unlike on-premises identification signs, which are in actuality a part of a business, billboards are a separate and distinct use of the public thoroughfare. With a view to this distinction, billboards are regulated differently from on-premises signs;

WHEREAS, The substantial possibility exists of a proliferation of billboards and digital advertising displays in the City over extended periods of time with the attendant traffic safety, visual clutter and loss of meaning of the message conveyed by said signs, in the absence of any regulation of such signs;

WHEREAS, A compelling need therefore exists for a reasonable system of regulation of billboards in order to protect the rights and advance the concerns stated in this ordinance;

WHEREAS, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as it is certain that Development Code revisions pertaining to the establishment of regulations regarding billboards can have no significant adverse effects on the environment;

WHEREAS, On March 12, 2009, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the establishment of regulations regarding billboards, and concluded said hearing in that date.

WHEREAS, All legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

Section 1. All of the facts set forth in the Recitals, Part A of this Resolution, are true, correct and are adopted as findings.

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Resolution is consistent with the goals and objectives of the adopted General Plan.

Section 3. The proposed Development Code revisions are exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as it is certain that Code revisions pertaining to the establishment of regulations regarding billboards can have no significant adverse effects on the environment.

Section 4. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby recommends adoption of that Ordinance attached hereto and entitled as follows:

ORDINANCE NO. 2009-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HESPERIA, CALIFORNIA, AMENDING CHAPTER 16.36
REGULATING BILLBOARDS**

5. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 12th day of March 2009.

Steven James, Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

EXHIBIT "A"

Article X, Commercial Resort (CR) Zone District, (Sections 16.16. 385 through 455) of Chapter 16.16, are hereby repealed.

Sections 16.36.020 and 16.36.100 are amended to read as follows. Text in *Italics* indicate that it is new. Text in ~~strikeout~~ is to be deleted.

16.36.020 Definitions

Words and terms used in this chapter are defined as follows:

"Animated sign" means any sign that uses movement of the physical parts or extensions of the sign to depict action or create a special effect. These do not include reader boards, barber poles or similar signs where the sign structure itself is not in motion.

"Banner" means any sign of lightweight fabric of similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Billboard or outdoor advertising structure" means a sign which has a flat surface sign space upon which advertising may be posted, painted, or affixed, and which is designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists. Billboards may utilize Digital Advertising Displays as part or all of their surface area.

"Bulletin board sign" means any sign located in a multi-tenant complex that lists businesses and addresses located therein.

"Changeable copy sign" means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and a changeable copy sign for purposes of this chapter.

"Club or organization sign" means any sign that exhibits an event or regularly scheduled meeting of a group, club, civic organization or similar use at the site.

"Commercial message" means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

"Construction or contractor sign" means a temporary sign, which states the names of the individuals and/or firms connected with the construction of a project. Such signs may include the

name of the project, the address of the business and the emergency telephone number.

“Copy” means any words, letters, numbers, figures, designs, logos or other symbolic representations incorporated into a sign.

“Digital Advertising Display” means an advertising display of still, scrolling or moving images including video or animation, that may be changed remotely through electronic means and utilizes a series of grid lights, including cathode ray, light-emitting diode (LED) , plasma screen, liquid crystal display (LCD) fiber optic or other electronic media or technology. A Digital Advertising Display may also be known as “Reader board”.

“Directional sign” means a sign which contains words such as “entrance,” “enter,” “exit,” “in,” “out” or other similar words or a sign containing arrows or characters indicating traffic direction and used either in conjunction with such words or separately.

“Flag” means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

“Future tenant identification sign” means a temporary sign which identifies a future use of a site or building.

“Grand opening” means a promotional activity used by newly established businesses, within thirty (30) days after occupancy, to inform the public of their location and contribution to the community. “Grand opening” does not mean an annual or occasional promotion of retail sales by a business.

“Height” shall be the vertical distance from the highest point of the sign to the highest point within five feet horizontally from the base of the sign.

“Inflatable sign” means any sign capable of being inflated with air or gas.

“Institutional use” means facilities which provide a service to the general public, including schools, churches, post offices, fire stations, hospitals, civic centers, and publicly owned land.

“Lot” means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the zoning regulations.

“Marquee” means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

“Marquee sign” means any sign attached to, in any manner, or made a part of a marquee.

“Monument sign” means a freestanding sign generally supported by a solid base and less than ten feet in height. The base of a monument sign may include a hollow or opening as part of its design, so long as this area does not exceed more than twenty (20) percent of the sign’s face.

“Nonconforming sign” means any sign that does not conform to the requirements of this chapter.

“Off-site sign” means a sign in accordance with this chapter which directs traffic to a business within the city but not located on the same site as the sign.

“Off-site subdivision sign” means a sign in accordance with this chapter which directs traffic to a subdivision within the city.

“Open house sign” means a temporary off-site directional sign advertising the sale or lease of residential, commercial or industrial property, and the identification of the firm handling such sale, lease or rent.

“Pennant” means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

“Person” means any individual, association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

“Political sign” means a sign erected prior to an election to advertise or identify a candidate, campaign issue, election proposition, or other related matters.

“Portable sign” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business, and parked both adjacent to and in the parking provided for said business.

“Principal building” means the building in which is conducted the principal use on the site on which it is located. Sites with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Prior Code. Following incorporation, the City adopted, by reference (Ordinance No. 1 and readopted by Ordinance No. 17), the San Bernardino County Code, including the San Bernardino County Development Code. The Development Code contained the sign regulations applicable to the City prior to the adoption of this chapter. As used in this chapter, the provisions of the San Bernardino County Development Code pertaining to signs are referred to as the

“prior code.”

“Projecting sign” means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

“Reader board sign” means a sign utilizing a field of small lights or other devices to create the effect of letters, numbers or symbols on the sign face.

“Real estate sign” means a temporary sign advertising the sale or lease of the property upon which it is located, and the identification of the firm handling such sale, lease or rent.

“Regional uses” means uses, which have access from major highways or arterials, and area of a size and configuration to facilitate development of businesses attracting consumers from a regional market area. Such uses could include retail malls, auto malls, movie theaters, recreation or other similar uses as approved by the director.

“Relocation Agreement” means an agreement entered into between the City or Redevelopment agency and a billboard or property owner to relocate or replace an existing billboard to another property or to reconstruct it on the same property. Reconstruction may also include converting a Billboard to a Digital Advertising Display.

“Residential sign” means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service as such location conforms with all requirements of the municipal code and general plan.

“Revolving sign” means a sign which all or a portion of which may rotate either on an intermittent or constant basis.

“Roof sign” means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Roof Sign, Integral. “Integral roof sign” means a sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

“Secondary wall signs” are accessory to the business sign but advertises goods, products or services offered at the site.

“Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a

person or entity, or to communicate information of any kind to the public.

“Sign area” means the smallest geometric shape that will encompass the limits of the writing or other display. The structure or backdrop shall not be included in the computation. Multifaced signs shall compute all faces if they can be viewed from any one point at the same time. Channel letters shall be measured in the same fashion.

“Site sign plan” means a plan showing the height, size, type, location and architecture of all signs on a particular property or development. Signs in addition to those in Sections 16.36.040, 16.36.060 and 16.36.070 may be permitted when found to be benefiting the purpose of this chapter.

“Sports Facility” means any facility expressly designed for the conduct of sports or recreation activities, owned by the state, county, city or other public or private entity in which sports or sanctioned recreation activities are conducted which has a total square footage greater than 50,000 square feet or, or has a fixed designed seating capacity greater than 5,000 seats.

“Street” means the public right-of-way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, streets, terraces, trails or other thoroughfare.

“Street frontage (building)” means the length of the building facing, or within forty-five (45) degrees of facing, the public right-of-way of thirty (30) feet in width or more.

“Street frontage (site)” means the length of the site that abuts dedicated public streets with thirty (30) feet or more of public right-of-way.

“Temporary sign” means any sign that is used only temporarily and is not permanently mounted.

“Tethered balloon” means a balloon inflated with air or gas, which is fastened or restrained so that it can range only within a set radius.

“Wall sign” means any sign attached parallel to, but within twelve (12) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

“Window sign” means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. (Ord. 296 § 4 (Exh. A (part)), 2000)

16.36.100 Billboards

For the purposes of regulating excess signage, encouraging the positive economic development of the city, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, promoting a positive community appearance as part of a concerted city wide effort to protect and enhance the aesthetics of the city for the enjoyment of all citizens. The regulations are designed to prevent their overconcentration, improvement placement, and excessive height, bulk, number and area. It is recognized that, unlike on-premises identification signs, which are in actuality a part of a business, billboards are a separate and distinct use of the public thoroughfare. With a view to this distinction, billboards are regulated differently from on-premises signs. It is intended that billboards be located away from residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas. *Billboards or digital advertising displays may only be constructed, relocated, or upgraded consistent with the following criteria:*

1. All billboards are subject to *Site Plan Review*. ~~approval as provided in this title and shall be allowed within the CR (commercial-resort) zone district.~~ Except for ordinary maintenance, poster panel replacements, copy changes, or repair not involving structural, material or electrical changes, no billboard, or part thereof, shall be erected, altered, constructed, changed, converted, reerected, additionally illuminated, reduced in size, enlarged or moved unless the entire billboard and structure are brought into conformity with this title.
2. No billboard may exceed *six hundred seventy two (672)* ~~two hundred (200)~~ square feet. The sign area is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines that fully encloses all extremities of the sign, excluding supports, the base or apron unless such copy, message, announcement or decoration appears on the base or apron. The allowable sign area of signs with equal size and shape for both double-faced (back-to-back) and V-type signs is measured by computing the area of only one side of the sign. Both sides of a double-faced or V-type sign shall be of equal size. The sign area of signs with three or more sides (multiple-side signs) containing copy message, decoration or announcement visible from a street, highway or expressway is measured as the sum of the area of any two adjacent sides. *The digital advertising display areas of the sign shall be calculated as part of the permitted sign area.*
3. *Any Billboards or Digital Advertising Displays shall be subject to the approval of a Relocation Agreement and a digital agreement with the owner to facilitate public service announcements, Amber Alerts and other community service announcements.*
4. *Digital Advertising Displays may be approved as part of a Sports Facility as defined herein, subject to approval of a digital agreement with the owner to facilitate public service announcements and Amber Alerts.*
5. *Non-conforming billboards owned by the same advertising company within the City boundaries shall be removed prior to completion of the new sign or upgrade to Digital Advertising Displays at a ratio of 6 sign faces to 1.*
6. No billboard or part thereof, including base or apron, supports, supporting structures and trim, may exceed twenty-five (25) feet in height.

7. All signs shall comply with the appropriate detailed provisions of the State Building Codes and the National Electric Code.
8. Billboards shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code; provided, that in no case shall a billboard be erected closer than ten feet horizontally or vertically from an conductor or public utility guy wire.
9. No part of a billboard may be located within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the right-of-way intersection.
10. No part of any billboard shall be located less than one thousand (1,000) feet from any part of another billboard, measured in all directions.
11. Billboards shall not be permitted in any historic district or agricultural district.
12. Billboards shall not be permitted in any neighborhood shopping districts or in the downtown commercial core.
13. Billboards shall not be permitted on any designated scenic street, road, drive, parkway or highway.
14. Billboards shall not be permitted within seven hundred fifty (750) feet of any residential district, historic district, park, school, church, hospital, retirement home, cemetery, convention center, or government building.
15. Billboards shall not be permitted on or over the roofs of buildings.
16. Billboards shall not be permitted at any bridge crossing or situated to impair any scenic vistas.
17. Billboards shall not be permitted to be stacked over or placed next to any other billboard.
18. No sign shall depict or simulate any motion or video (i.e., video clips, flashing, etc.). *Any slide (image) shall be displayed for a minimum of 6 seconds and transitions between slides shall not exceed 1 second.*
19. *Each sign shall include a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3 foot candles (over ambient levels) as measured at a preset distance as established by the Lewin Report as prepared for the Outdoor Advertising Association of America (OAAA).*
20. *Generators shall not be used to power billboards and must be connected to the power grid, unless a sustainable power source is used (such as solar or wind).*

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DATE: April 9, 2009
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner

SUBJECT: ANNUAL REPORT ON STATUS AND IMPLEMENTATION OF THE GENERAL PLAN

RECOMMENDED ACTION

Staff recommends that the Planning Commission review this annual report, and forward it to the City Council with the intent to direct staff to transmit copies to the Governor's Office of Planning and Research, and the Department of Housing and Community Development as required by law.

BACKGROUND

State law requires the Planning Department and Planning Commission to provide an annual report to the City Council on the status of the General Plan and progress in its implementation. Specifically, Government Code Section 65400 states in part,

"After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development...the status of the plan and its implementation...the progress in meeting its share of regional housing needs...and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing..."

The report also includes forms required by the Department of Housing and Community Development to report progress towards completion of the goals in the Housing Element. As noted, this report will be transmitted to the Office of Planning and Research, and the Department of Housing and Community Development. This annual report will cover the 2008 calendar year.

ISSUES/ANALYSIS

Staff has prepared the attached document to serve three purposes. First, this report serves as the Annual Report on the status of the General Plan and progress towards implementation in accordance with Government Code Section 65400; second, this report is the Implementation

Plan for the City's General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

FISCAL IMPACT

None

ALTERNATIVE(S)

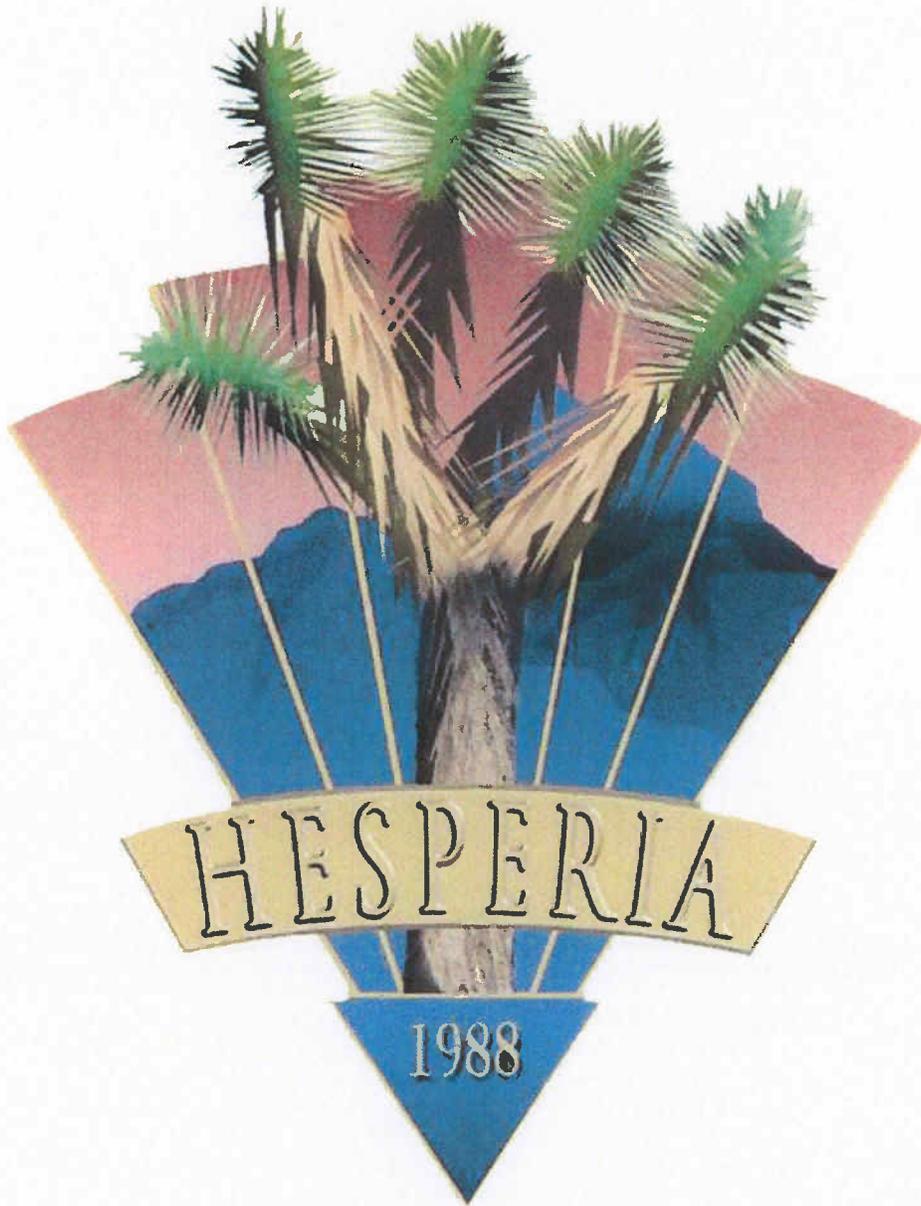
1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Hesperia General Plan Annual Report - 2008

HESPERIA GENERAL PLAN ANNUAL REPORT

2008



ANNUAL REPORT ON THE STATUS OF THE GENERAL PLAN

INTRODUCTION

Government Code Section 65400(b) requires each City and County with an adopted General Plan to provide an annual report to the legislative body on: 1) The status of the plan and progress of its implementation, including the progress in meeting its share of regional housing needs, and; 2) Local efforts to remove governmental constraints to the maintenance, improvement and development of housing. This annual report is a working document that provides information on the specific direction of the City of Hesperia and it is a tool to alert the City of potential revisions that may be required in the future.

This document serves three purposes for the City of Hesperia. First, this report serves as the required annual report for the 2008 calendar year. Second, this report is the Implementation Plan for the General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

The City's corporate limits are approximately 75 square miles in area, and the designated Sphere of Influence is an additional 36± square miles. The City was originally incorporated with 50 square miles and has since completed 13 annexations. The most significant were for Rancho Las Flores (1992) and the Freeway Corridor (2004). When incorporated in 1988, the City had approximately 50,000 residents. The State Department of Finance estimates that the City has over 87,000 residents in 2008.

HESPERIA GENERAL PLAN ELEMENTS

State law requires that a general plan contain seven mandatory elements. The Hesperia General Plan has the required seven elements, and includes maps illustrating the Land Use Plan and Circulation Plan of the City. These seven elements, with a brief discussion of each, are as follows:

The **Land Use Element** is the central element of the General Plan. This element guides the physical development of the City and its appearance, establishing land use designations on all territory within the City limits as well as the City's Sphere of Influence. The Land Use Plan shows the distribution and extent of residential, commercial, industrial, public and open space uses. Residential uses are classified by density ranges. Areas requiring comprehensive planning or special protection are also designated. The text contains the City's land use goals and policies on which the map designations are based. The Land Use Element is the most frequently amended element, as many development projects require an amendment as part of their approval. The most significant amendment to the Land Use Plan was the Main Street and Freeway Corridor Specific Plan, adopted in September 2008.

The **Circulation Element** contains information on streets and highways, trails and facilities for rail, airport and transit, which will meet the projected needs of the community. The Circulation Element contains a map showing the distribution and designation of streets and highways, and existing rail facilities within the community. Another map shows the City's bike and equestrian trail system. The text contains goals and policies on which the road designations are based along with specific actions for implementing the City's circulation objectives.

The **Safety Element** establishes standards and plans for protection from a variety of hazards including fire, earthquake hazards, and flooding, and includes discussion of emergency services. This element also examines ground failure, dam inundation, disaster preparedness, airport safety and handling of hazardous materials. The goals and policies identify these hazards and include actions to minimize potential risks to the public.

The **Open Space Element** addresses recreational areas, as well as other locations and factors relative to open space. The Open Space Element details policies and measures for the preservation of open space, developed recreational park land, streetscapes, scenic corridors and recreational trails. These trails include bicycle and equestrian trails. The element also acknowledges the City proximity to the Pacific Crest Trail and the opportunity to connect to the State trail system. Finally the element address the community's needs and outlines the existing facilities operated by the Hesperia Recreation and Park District.

The **Conservation Element** addresses the identification, conservation, development and use of natural resources including groundwater, soils, wildlife and mineral resources. This Element of the General Plan contains background information, policies and implementation programs relating to resource conservation within the planning area. The Element also addresses paleontological and cultural resources, air quality issues, agricultural lands as well as visual and aesthetic resources.

The **Noise Element** includes a comprehensive program to control noise in te planning process. The Noise Element identifies noise sensitive land uses and noise sources and defines areas of noise impact for the purpose of developing programs to protect residents from excessive noise intrusion.

The **Housing Element** contains provisions for housing development to all economic segments of the community. The Housing Element identifies the existing and projected housing needs of the community and establishes goals, policies, objectives, and programs for the preservation, improvement, and development of housing. It lists the numerical objectives assigned to the City through the Regional Housing Needs Assessment process conducted by SCAG and SANBAG. Of the seven mandatory elements, the Housing Element is the only one that requires review by the State for confirming compliance with State housing laws.

ACTIONS COMPLETED, ONGOING OR INITIATED IN 2008

The following activities have been completed, initiated, implemented or processed by the City of Hesperia in 2008, which relate to General Plan goals and/or mitigation measures. These activities are categorized by the General Plan element they relate to and assist in implementation. Many of the policies, actions and mitigation measures contained within the General Plan are on-going in nature and are not listed below.

The City has completed the Main Street and Freeway Corridor Specific Plan. This plan covers about 10,000 acres and the City's two most important thoroughfares. This plan was adopted in September 2008. Extensive public outreach occurred during 11 public meetings to solicit input on this Specific Plan from residents, local businesses and property owners.

Staff is also working on the General Plan Update. This is the first comprehensive update since the original General Plan was adopted in 1991. The update will cover the entire City and all seven elements of the General Plan. Of particular importance is the goal to convert the plan to a one-map system where all land uses will be designated on the General Plan map, eliminating the zoning map and any remaining inconsistencies. This will enable the public to easily determine the appropriate land uses for any parcel in the City and sphere of influence.

Additional actions taken by the City that address implementation of General Plan goals are discussed below:

Land Use Element:

L.G.2 Develop policies which will ensure that future development is compatible with existing uses and the desert environment, and that it will meet general social and economic needs.

L.G.3 Adopt land use strategies which will facilitate development of a self-contained community, with a full range of residential densities and housing types, commercial, educational, institutional, and recreational services, and job opportunities.

L.G.4 Accommodate population growth and associated land use development within the City of Hesperia, within the limits of the natural environment and the capacity of its infrastructure.

L.G.6 Provide for a mix of residential, commercial and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining desired levels of services and adequate infrastructure facilities.

L.G.7 Develop a fiscally sound and balanced land use mix and distribution, recognizing long-term commitments to both rural and urban lifestyles, to managed growth, and to a balance of jobs and housing.

The General Plan update will serve to address changes in the City's size, population and character that have taken place in the last 18 years. New laws, as well as other state

and federal mandates will also be addressed in the update, including, but not limited to regional government (SCAG and SANBAG) green house gas reduction targets, housing goals and transportation funding.

The City completed and adopted the Main Street and Freeway Corridor Specific Plan on September 16, 2008. This plan addresses land use and design standards, as well as motorized, bicycle and pedestrian circulation in a 10,000 acre area encompassing the City's two most important thoroughfares. The plan includes new zone districts, which take advantage of the City's existing and planned land use patterns to create a vibrant and attractive downtown area. The plan also anticipates regional commercial, auto sales and industrial uses to establish sales tax producing businesses and locally based jobs along the freeway corridor.

The Hesperia Gateway Shopping Center, featuring a Target Supercenter, opened in October 2008. This center is consistent with the land use goal to establish regional commercial uses along the freeway. The design and architecture meets the requirements of the Specific plan to create a visually interesting and attractive place to shop or dine. This project is the latest in a series of regional uses that have been established in this area, including four hotels.

The City has established a Development Impact Fee, which is assessed on all new development. A portion of this fee is allocated to streets, drainage, fire, police and public services.

L.G.8 Provide for a visually pleasing environment through adoption of design standards which will enhance the natural desert environment, conserve natural resources, and minimize visual clutter and blight.

The City has adopted architectural and design standards in the Development Code as well as the Main Street and Freeway Corridor Specific Plan. The City reviews all new development for compliance with these standards. This assures compatibility with adjacent uses and high quality architecture.

The City has acquired 30 acres in the vicinity of the Civic Plaza. In 2006, the City completed the Hesperia Branch Library and the City Hall buildings. In 2008, the Civic Plaza Park was completed in time for the City's 20th anniversary celebration. In addition, a police station and County Government Center are planned for property adjacent to City Hall and the park. All of these buildings exhibit common architecture, which will unify the Civic Plaza around the park.

The City has commenced the Downtown Revitalization Program. This consists of installing new curb, gutter, sidewalks and front yard fencing in a one-square mile area immediately east of the Civic Plaza. Water lines will be replaced and new sewer lines will also be installed. Street trees will be added to complete the thematic improvements in harmony with the City's plans for the Civic Plaza. The intent is to increase the property values in this area to encourage construction or remodeling of the existing homes and apartments in this area, many of which are in dilapidated or sub-standard condition.

The City adopted a new landscaping ordinance in 2007. This ordinance applies new standards and requires use of drip irrigation, drought tolerant plants and trees, mandates plumbing for the future use of recycled water, and limits the use of turf in most projects.

Circulation Element:

C.G.1 Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs, which will meet current and future development requirements within the planning area.

As part of the Main Street and Freeway Corridor Specific plan, the City identified new land use districts that better suited the locations along two major corridors. A traffic model was created to address impacts over a 20-year period. This model will be further refined during the General Plan Update.

Capital improvement projects underway in 2008 which implement the Transportation goals are as follows:

- Rancho Road Underpass - Environmental documents approved property acquisition in progress, construction planned late 2009 through 2010.
- Rancho Road Interchange - Preliminary design completed, environmental document submitted to Caltrans for review. Construction is planned for 2011 to 2012.
- Rancho Corridor – widening of the road to 4 lanes between the Underpass and the interchange. This will be planned and completed in conjunction with the County, as three miles of the six-mile length of this project is within their jurisdiction.
- Downtown Revitalization Project - The first two of nine streets (Spruce Street and Smoke Tree Street) are undergoing sewer line installation and waterline replacement. This will be completed in March. Afterward, the existing pavement will be ground and repaved and will include curb, gutter and sidewalks. Landscaping and front yard fencing is also included. This will be completed in summer 2009. The City is planning to complete these improvements on two streets per year. Other streets will have additional features such as landscaped median islands (Third Avenue) and an exercise circuit (Hercules Street).
- The City completed 11 projects in the 2008-09 Fiscal Year. These included Rock Springs Road, the Mojave Corporation Yard expansion, the H-01 drainage facility and the Main Street sewer extension.

C.G.4 Organize land uses within the City to provide for efficient use of the existing and planned transportation systems.

The City adopted the Main Street and Freeway Corridor Specific Plan, which became effective on October 16, 2008. This plan addresses land uses along the City's important thoroughfares. Land uses are located to take maximum advantage of planned transportation facilities. For example, auto sales uses are planned along the freeway, adjacent to the Rancho Road freeway interchange. This will provide exposure for the

auto dealerships and convenient access from the freeway. In addition, this interchange will facilitate commuter access from Ranchero Road, which extends east to the southern portion of the City.

The Specific Plan also specifies areas of higher residential density in the Freeway corridor as well as along the western portion of Main Street. This will place more housing in commuter-friendly locations near the freeway.

The City has also planned for housing and office uses to be located within the Civic Plaza area, so that the employees and residents may access commercial uses along Main Street and Eighth Avenue.

C.G.7 Provide for a balance of different types of transportation facilities.

The City had adopted the Bike Path and Equestrian Trail Plan. This includes class 1, 2 and 3 trails for bikes as well as equestrian trails these are located within power line transmission corridors as well as in open space areas. In addition, the Main Street and Freeway Corridor Specific Plan includes the Urban Design Framework. This plan established two new east-west corridors to link the City's system of parks and open space areas.

The City received a \$2,000,000 grant from the federal government to design and build the Hesperia Lead Track Project. This will enable businesses requiring rail access to receive and ship goods by rail from the City's industrial area. This project will serve over 200 acres and will reduce the need for truck traffic to cross the City.

Safety Element:

S.P.1 Protect the community from Injury, loss of life and property damage due the flood Hazard and storm water runoff

The City has completed improvements on the southern portion of the H-01 drainage course from Main Street to Third Avenue. This will alleviate flooding on Main Street and other streets during heavy rainstorm events.

S.P. 3 Protect the community from injury, loss of life and property due to urban and wild land fire hazards.

The City has funded the reconstruction of Fire Station 301. A 12,000 SF facility will replace the existing 3,700 SF station on 11th Avenue. In addition, the City has broken ground on Fire Station 305 on the west side of the freeway. This 18,000 SF station will protect the West side of Hesperia as well as the commercial and industrial areas along the freeway corridor. The County partially funded the station and County Fire units will serve Hesperia's sphere area.

S.P. 4 Promote public safety in the event of a natural or man-made disaster.

The City has completed a disaster preparedness plan for the City. In addition, the City participated in the Shakeout Earthquake Scenario on November 13, 2008. The City

activated its Emergency Operations Center at City Hall and mobilized its management staff as well as other City staff to determine how prepared the City is to handle a major emergency. The City also sent two Building & Safety staff to the State Office of Emergency Services Evaluator and Coordinator training programs in September 2008.

Open Space Element:

OS.G.1 Achieve a high quality, diverse park system which enhances and builds upon unique community values.

OS.G.2 Provide adequate park acreage and recreation facilities to serve the needs of present and future residents of the City.

The City has worked with Hesperia Recreation and Park District to develop and expand the park system in the City. As part of new residential development on the west side of the city, three parks have been developed, totaling 16 acres. In addition, a paseo system was established to link these parks with Hesperia Community Park, located west of Datura Avenue.

In 2008, the City opened Civic Plaza Park adjacent to City Hall and the Hesperia Branch Library. The City celebrated its 20th anniversary on June 28, 2008.

OS.G.4 Develop riding, hiking and bicycle trails which link open space areas and connect with regional trails systems.

In 2002, the City adopted the Bike Path and Equestrian Trail Plan. This plan established a city-wide system of paths and trails. The plan includes class 1, 2 and 3 bike trails as well as equestrian trails in power line easements and open space areas, such as the Mojave River. The Mojave River Trail connects to the Pacific Crest Trail in Summit Valley.

During the General Plan Update process, the City Council has held discussions with the public and staff regarding establishment of Open Space areas. The City has identified preservation areas where the combination of natural vegetation, access and topography create kinds that would be preserved in a natural state, and developed with picnic or park facilities. Other areas would be set aside to provide trails to provide connectivity between the preservation areas or existing parks.

Conservation Element:

CN.G.2 Adopt and implement conservation strategies throughout all aspects of the planning and development process.

The City adopted a new landscape ordinance in 2007. This requires use of an approved plant list as well as restrictions on the use of turf and spray irrigation.

The City's General Plan identifies washes, open spaces and culturally sensitive areas within the City and Sphere of Influence. As part of the review of any development project, the City applies mitigations for drainage facilities, preservation of protected

plants and hillsides as well as surveys for cultural and archaeological resources as recommended by the County Museum.

CN.G.5 Promote development which is sensitive to the environment and which minimizes adverse impacts to water supply, soils, cultural resources, air and water quality and biological resources.

The City requires that new development, as well as public projects, irrigate their landscaping with provisions to convert to the use of reclaimed water when it becomes available. The City, in conjunction with the regional wastewater authority, is building sub-regional treatment plants that will supply treated water for this purpose. The City also requires best management practices for new construction including watering of graded areas and dirt access ways, SWPPP measures and surveys for cultural or biological resources, as applicable to each project.

Noise Element:

N.G.1 Provide for the reduction of noise where the noise environment is unacceptable.

The City requires walls or other noise attenuation measures as part of construction of any building within the noise contours of any highway, as well as the railroad. This provides for the interior noise levels in homes and businesses to meet the City's standards.

N.G.2 Provide sufficient information concerning the community noise levels so that noise can be objectively considered in all land use planning decisions.

The City's General Plan contains an inventory of noise contours for all noise sources, including highways and railroads. The City also has established notification areas as part of the adopted Airport Land Use Plan. Referral Area "C" permits land owners to be aware of the proximity of the airport and its impacts. Projects within this area must provide avagation easements are part of the approval process.

N.G.3 Protect and maintain those areas having acceptable noise environments.

The City's Noise Ordinance sets limits on noise from stationary sources and construction activity. These limits are consistent with the data and the compatibility matrix within the Noise Element. The City requires that outdoor activities associated with a development project must be curtailed after normal work hours to protect adjacent residential uses. The City also limits the hours and days that construction activity may occur.

Housing Element:

The City's original Housing Element was adopted along with the remainder of the General Plan in May 1991. In 2002 the Housing Element was updated as required under state law, based on the schedule for the SCAG region. This update addressed the City's housing needs for the RHNA reporting period ending in 2005.

The City is currently working on a comprehensive General Plan Update, including the Housing Element. The new Housing Element will address the current RHNA reporting period, which is from January 1, 2006 to June 30, 2014.

The following tables contain the necessary information to report progress in meeting the City's housing goals, as well as the State's mandates for compliance with the State Department of Housing and community Development requirements:

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Hesperia
Reporting Period 1-Jan-08 - 31-Dec-08

Table A

Annual Building Activity Report
Very Low-, Low-, and Moderate-Income Units and Mixed-Income Multifamily Projects

| 1 | 2 | 3 | 4 | | | 5 | 6 | | 7 | 8 |
|--|---------------|-------------------------------|------------------------------------|------------|-----------------|-----------------------|--|--|-------------------------|------------------|
| | | | Affordability by Household Incomes | | | | Assistance Programs for Each Development | Deed Restricted Units | | |
| Project Identifier (may be APN No., project name or address) | Unit Category | Tenure
R=Renter
O=Owner | Very Low-Income | Low-Income | Moderate-Income | Above Moderate-Income | | | Total Units per Project | See Instructions |
| Village at Hesperia
I 9901 Ninth Avenue | MFR | R | 14 | 53 | | | 68 | 1)RDA/LMIHF
2) HOME
3) Tax Credits
4) Tax-Exempt Multi-Family Revenue Bonds | 67 | 0 |
| Village at Hesperia
III 9901 Ninth Avenue | MFR | R | 17 | 4 | | | 21 | 1) Tax Credits | 21 | 0 |

| | | | | | | | | | | |
|---|-----|---|----|-----|--|--|-----|-----|-----|---|
| Sunrise Terrace I
16599 Muscatel
Street | MFR | R | 22 | 87 | | | | 110 | 109 | 0 |
| Sunrise Terrace II
8632 C Avenue | MFR | R | 16 | 55 | | | 72 | 71 | 0 | |
| (9) Total of Above Moderate from Table A2 | | | | | | | | | | |
| (10) Total by income units (Field 5) Table A | | | | | | | | | | |
| | | | 69 | 199 | | | 191 | 462 | | |

Table A2

Annual Building Activity Report Summary for Above Moderate-Income Units
(not including those units reported on Table A)

| | Single Family | 2 - 4 Units | 5+ Units | Second Unit | Mobile Homes | Total |
|---|---------------|-------------|----------|-------------|--------------|-------|
| No. of Units Permitted for Above Moderate | 187 | 2 | | 2 | 0 | 191 |

Table C
Program Implementation Status

| Program Description
(By Housing Element Program Names) | Name of Program | Objective | Deadline in H.E. | Status of Program Implementation
The City of Hesperia has continued to implement the goals and objectives of the H.E. The following data represents implementation for the 07-08 fiscal year |
|--|--|--|------------------|--|
| DEVELOP AND IMPLEMENT HOUSING PROGRAMS TO ASSIST PERSONS OR FAMILIES OF LOW AND MODERATE INCOMES WITH FIRST-TIME HOMEBUYER PROGRAMS. | Housing Programs Progress Report – Government Code Section 65583.
Describe progress of all programs including progress in removing regulatory barriers as identified in the Housing Element | Assist thirty-seven (37) low and moderate-income first-time homebuyers by the year 2005.

Implement federal HOME funds (via State HCD) as awarded, and annually apply for additional funding for homeowner assistance programs through the year 2005.

Promote programs that will increase the level of home ownership in Hesperia reducing the number of foreclosed, vacant and HUD owned homes by a minimum of 10% by the year 2004. | 2004 & 2005 | During fiscal year 2007-2008 the City had a HOME-funded Down Payment Assistance Program (DAP) that offered a 30-year zero percent interest loan with payments deferred for the first fifteen years, and monthly payments to begin in year sixteen through thirty in even monthly installments. During this time the City was in the process of transitioning from the HOME-funded DAP to an Agency-funded DAP (HCRA-DAP). During this fiscal year the City did not fund any DAP loans.

The City continued to support the County of San Bernardino through a Cooperative Agreement that manages a Single-family Mortgage Bond Proceed Program that assists homeowners in the City of Hesperia, as well as homeowners county-wide. |
| PROVIDE RENTAL ASSISTANCE THROUGH RENTAL SUBSIDIES TO REDUCE THE COST OF HOUSING FOR VERY LOW AND LOW-INCOME FAMILIES. | Provide Section 8 rental assistance through the County of San Bernardino Housing Authority to one hundred-fifty (150) very-low and low-income people by the year 2005. | | 2005 | The County of San Bernardino Housing Authority contracts with the City to administer the Section 8 Certificate and Voucher Programs.

The San Bernardino County Housing Authority (SBCHA) administers the Section 8 Housing Assistance Payment Program for the City and maintains several small, scattered public housing units. The primary objective of SBCHA is to provide affordable housing for extremely low income families within San Bernardino County. The Section 8 Housing Assistance Payment Program provides rental subsidies to low income (50 percent of the County MFI) households that spend more than 50 percent of their gross income on housing costs. The Program pays the difference between the excess of 30 percent of the recipient's monthly income and the federally approved Fair Market Rents (FMRs). Section 8 rental assistance is typically issued as vouchers. The |

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| | | |
|---|-------------|--|
| <p>voucher system allows the voucher holder to choose housing that rents at levels higher than the FMRs but up to the SBCHA-established payment standard. The voucher holders must make up the difference between the FMR and the actual rents. The intent of the voucher system is to provide greater mobility and location choices for the recipients. However, the escalating rents have made vouchers a not-so-attractive offer to most landlords. It has become increasingly difficult for many voucher holders to find places where the vouchers may be accepted.</p> <p>According to SBCHA, 219 Section 8 recipients were residing in Hesperia as of June 2005. Of these, 81 were disabled households and 35 were elderly. Among all recipients, the majority were African American (40 percent), followed by White households (36 percent) and Hispanic (29 percent). Approximately one percent were Asian.</p> <p>In comparison to the overall ethnic makeup of the City, Hispanic households are slightly underrepresented among Section 8 recipients and African American residents are over-represented. This may indicate that additional outreach and education are necessary to increase participation among Hispanic residents.</p> <p>As of June 2007, over 13,500 applicants were on the Countywide Section 8 waiting list. The average waiting period ranges from three to five years, depending on the waiting list preference. For the distribution of Section 8 assistance, the Housing Authority has one preference: veterans and veteran families. During the 2007-2008 program year, 219 participants received Section 8 rental assistance expending approximately \$1,286,000.</p> <p>Redevelopment Agency – The City's Redevelopment Agency provided assistance with its Low to Moderate Income Housing Set-Aside funds. The City anticipates providing low interest and/or deferred loan programs that will provide a future revenue source and allow the reuse of funds. For fiscal year 2007-2008, the City reserved a total of \$180,000 in Redevelopment Set-Aside funds for housing program administration that will provide affordable housing.</p> | <p>2005</p> | <p>For a limited time, provide financial support for a 65 member volunteer group to promote neighborhood pride and improve the appearance of areas within designated enhancement areas. (Adopt-a-block)</p> <p>Provide 2,050 code enforcement hours to two hundred (200) households within the designated low-income enhancement areas to eliminate slum and blight by the year 2005.</p> <p>Provide twenty-five (25) rehabilitation loans to assist low and moderate-income</p> |
| <p>PROVIDE CODE ENFORCEMENT TO ASSIST IN ELIMINATING SLUM AND BLIGHT IN LOW AND MODERATE-INCOME AREAS.</p> | | |
| <p>The Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Approximately 54 Households benefited.</p> <p>Graffiti Removal Program provided services for the elimination of blight at 688 Public property locations in the CDBG target areas. Neighborhood Police Services has proven to be successful in reducing illegal activities in creating a suitable living environment for the residents in CDBG eligible areas. Approximately 14,131 calls were made for assistance including 911 follow-up, disturbing the peace, shots fired, rape, incest, and murder.</p> | | <p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$15,000 for low-</p> |

HESPERIA GENERAL PLAN
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| | | | |
|--|---|----------------|--|
| <p>STOCK THROUGH REHABILITATION WITH SPECIAL ATTENTION TO LEAD PAINT EDUCATION, INSPECTION, TESTING AND ABATEMENT AS NECESSARY.</p> | <p>households by the year 2005.
Provide sixty-five (65) rehabilitation loans for rental housing units by the year 2005.
Provide Code Enforcement assistance to twenty-five (25) low-income households by the year 2005.
Provide a Graffiti abatement program to eradicate graffiti in targeted areas.
Provide Lead-Based Paint Education/Outreach Efforts to one hundred-twenty (120) low and moderate-income households by the year 2005.
Provide lead-based paint testing as needed by the year 2005.</p> | <p>2005</p> | <p>income homeowners for housing repairs including electrical, plumbing, and roofing. CDBG-HRLP assisted three households during 2007.
In addition to the CDBG-HRLP, the City has a HOME-funded HRLP. During this fiscal year, the City was in the middle of transitioning from a HOME-funded HRLP to the HCRA-funded HRLP.
Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Approximately 54 Households benefited.
Graffiti Removal Program provided services for the elimination of blight at 688 Public property locations in the CDBG target areas. The Development Services Department (Economic Development and the Community Development) oversees the City's efforts to evaluate and reduce lead-based paint hazards. The City provided all contractors completing work in the City, and all households that are using the City's housing loan and grant programs written information on lead based paint hazards. Lead-based paint is rare but if found, the City monitored its removal, cleanup, and disposal.</p> |
| <p>PROVIDE FAIR HOUSING SUPPORT AND SERVICES.</p> | <p>Provide fair housing education and outreach services to assist five hundred (500) residents by the year 2005.
Provide ten (10) outreach meetings to assist renters with fair housing problems by the year 2005.</p> | <p>2005</p> | <p>The Inland Fair Housing and Mediation Board provided fair housing services, including, landlord/tenant mediation, and discrimination complaint counseling. IFHMB also provided fair housing education and outreach services to residents of Hesperia. The Inland Fair Housing and Mediation Board handled 318 landlord/tenant complaints, including 228 low-income persons and 80 low to moderate-income persons.</p> |
| <p>PROVIDE FOR THE PRESERVATION AND REHABILITATION OF EXISTING SINGLE AND MULTI-FAMILY UNITS.</p> | <p>Provide rehabilitation assistance to property owners and residents to preserve existing single-family and multi-family units.</p> | <p>Ongoing</p> | <p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$15,000 for low-income homeowners for housing repairs including electrical, plumbing, and roofing. CDBG-HRLP assisted three households during 2007.
In addition to the CDBG-HRLP, the City has a HOME-funded HRLP. During this fiscal year, the City was in the middle of transitioning from a HOME-funded HRLP to the HCRA-funded HRLP.</p> |
| <p>PROVIDE SERVICES AND/OR HOUSING ASSISTANCE FOR HOMELESS PERSONS OR PERSONS AT-RISK OF BECOMING HOMELESS.</p> | <p>Provide homeless assistance services, emergency shelter, transitional shelter, and supportive housing for fifty (50) homeless persons, and persons at-risk of becoming homeless by the year 2005.</p> | <p>2005</p> | <p>During this program year, the City utilized CDBG funds that provided homeless assistance services, emergency shelter, transitional shelter, and supportive housing for homeless persons, and persons at-risk of becoming homeless.
High Desert Homeless Services provided 24-hour residential shelter and services such as baby food, formula, clothing, diapers, laundry facilities, education, job readiness training, and independent living skills.
High Desert Domestic Violence program provided outreach services and counseling, legal advocacy, crisis hotline, and</p> |

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| <p>SUPPORT THE FRAIL ELDERLY THROUGH OUTREACH SERVICES AND SUPPORT TO IMPROVE THEIR WELL-BEING AND ENABLE THEM TO MAINTAIN THEIR INDEPENDENCE.</p> | <p>Provide services to one hundred twenty (120) elderly by the year 2005.

Expand case management programs by offering volunteer peer counseling services, daily activities, and support groups, counseling and seminars for adult children of aged parents by the year 2004.</p> | <p>2004 & 2005</p> | <p>referrals for victims of domestic violence. Victor Valley Domestic Violence: A Better Way provided outreach services and counseling concerning crisis intervention for victims of domestic violence.

Moses House Ministries provided housing and family services to pregnant teens, single mothers and children including mentoring, life skills education and social skill training and baby supplies.</p> |
| <p>ENSURE THAT AGING CITIZENS HAVE QUALITY HUMAN SERVICES AND A SAFE AND DECENT LIVING ENVIRONMENT.</p> | <p>Provide two hundred (200) elderly with social services, education, and recreation activities to promote a spirit of dignity and limitless potential for and enriched life for seniors by the year 2005.</p> | <p>2005</p> | <p>There is a High need for services and housing for low-income elderly persons due to increasing longevity, and to the high cost of long-term care for the elderly. The City continued to support meal and other nutrition services to elderly and frail elderly persons so that they can live independently and safely in their homes, and provide nutrition services in dining rooms where seniors can socialize.

For program year 2007-2008, Meals on Wheels provided meals to homebound seniors.

There is a High need for services and housing for low-income elderly persons due to increasing longevity, and to the high cost of long-term care for the elderly. The City continued to support meal and other nutrition services to elderly and frail elderly persons so that they can live independently and safely in their homes, and provide nutrition services in dining rooms where seniors can socialize.

For program year 2007-2008, Meals on Wheels provided meals to homebound seniors.</p> |
| <p>ENSURE AND ENHANCE THE SAFETY AND ACCESSIBILITY FOR PERSONS WITH DISABILITIES.</p> | <p>Provide support and service to sixty (60) disabled persons by the year 2005.

Complete eight (8) accessibility projects for the benefit of low and moderate households by the year 2005.

Provide twelve (12) services in the rehabilitation, conversion, or accessibility modifications to public facilities, single-family units, and parks for persons with disabilities and/or HIV/AIDS by the year 2005.</p> | <p>2005</p> | <p>In 2008, three new affordable housing projects opened providing the City with an additional 271 units; 89 of those restricted units are for seniors. All three projects have units that are ADA compliant and provide accessibility to persons with disabilities.

The Hesperia Community Redevelopment Agency financially assisted in the construction of the Village at Hesperia I, a 100% affordable senior apartment complex. Phase I consists of 68 units. The same developer built the Village of Hesperia Phase III adjacent to the site providing an additional 21 affordable senior units.

In 2008, three new affordable housing projects opened providing the City with an additional 271 units; 89 of those restricted units are for seniors. All three projects have units that are ADA compliant and provide accessibility to persons with disabilities.</p> |
| <p>ENSURE THE CITY'S LAND USE CONTROLS, BUILDING STANDARDS AND PERMIT PROCESSING DO NOT POSE A CONSTRAINT TO THE</p> | <p>Analyze and determine whether the City's zoning, building standards and/or permit processing procedures constrain housing for persons with disabilities, consistent</p> | <p>Ongoing</p> | <p>The City enforces applicable California Title 24 disabled access regulations on all new development. This includes the public right-of-way as well as on-site and within the building. Plan check on these plans or improvements is conducted in conjunction with</p> |

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| <p>DEVELOPMENT, IMPROVEMENT OR MAINTENANCE OF HOUSING FOR PERSONS WITH DISABILITIES.</p> | <p>with Senate Bill 520 (Chesbro), 2001. If the analysis demonstrates constraints to the development, improvement or maintenance of housing for persons with disabilities, the City will make the necessary changes to its zoning ordinance, building standards, and permit processing procedures to mitigate or otherwise remove identified constraints by November 2003.</p> | <p>the remainder of the building and public improvement plans and does not pose a constraint. Accommodations are also made for the retrofit of existing buildings to permit their use in special circumstances.</p> |
| <p>PROVIDE PUBLIC SERVICE ACTIVITIES FOR LOW AND MODERATE-INCOME PERSONS, AND PERSONS WITH SPECIAL NEEDS.</p> | <p>Provide public services for two hundred (200) handicapped individuals and the homeless by the year 2005.</p> | <p>2005</p> <p>The City assisted persons with special needs including, sign language interpretation, pregnancy education, and literacy services.
High Desert Domestic Violence program provided outreach services and counseling, legal advocacy, crisis hotline and intervention, and referrals for victims of domestic violence.
Victor Valley Domestic Violence, Inc./A Better Way assisted domestic violence victims and their children by providing shelter, intervention, prevention, education, and community awareness.
High Desert Mental Health Services (Vista Guidance Center) provided individual and group counseling to low-income children, adults, and families.</p> |
| <p>PROVIDE SUPPORT SERVICES TO LOW AND MODERATE INCOME YOUTH AND YOUTH AT-RISK.</p> | <p>Provide two hundred (200) youth with counseling/gang prevention, after school programs, and childcare by the year 2005.</p> | <p>2005</p> <p>The City assisted youth with counseling and gang prevention services, after school programs, and childcare. The following activities address those needs for program year 2007-2008.
Moses House Ministries provided housing and family services to pregnant teens, single mothers and children including mentoring, life skills education and social skill training and baby supplies.</p> |
| <p>IMPROVE PUBLIC FACILITIES TO MEET THE COMMUNITY NEEDS FOR RECREATION, EDUCATION, AND SAFETY BY IMPROVING PUBLIC FACILITIES FOR THE SPECIAL NEEDS POPULATION.</p> | <p>Improve two (2) public facilities to senior recreation centers, youth centers, neighborhood facilities, childcare centers, park and recreational and library facilities by the year 2004.</p> | <p>2004</p> <p>During fiscal year 2007-2008 the City embarked on the construction of a downtown park, adjacent to City Hall, City Library and two affordable senior apartment complexes. The City hosted a grand opening event for the park on June 28, 2008.
CDBG funding provided for the purchase of replacement fire suppression equipment for use at the fire station located in the CDBG target area.</p> |
| <p>PROVIDE INFRASTRUCTURE IMPROVEMENTS TO BENEFIT LOW AND MODERATE-INCOME RESIDENTS WITH IMPROVED, SAFER AND MORE ACCESSIBLE NEIGHBORHOODS.</p> | <p>Implement the Antelope Valley Wash Flood control system project by the year 2004.
Implement seven (7) infrastructure projects to include the repair or installation of; roads, signage, signalization, curb, gutter,</p> | <p>2004 & 2005</p> <p>The City's original township (one square mile) had fallen on challenging times and suffered from significant disinvestment, high crime rates, gang activity and graffiti, failing infrastructure, and abnormally high number of vacant homes. The increasing cost of law enforcement in this area resulted in the City dedicating one full time officer to implement community-based policing. This aggressive stance resulted in a significant drop in crime rates</p> |

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| | and sidewalks, drain, flood, and sewage projects, and alley improvements in CDBG target areas by the year 2005. | | which started a trend towards neighborhood recovery. The City and Agency realized that direct investment in the Township Area was necessary if revitalization efforts were to be successful. As a result, in fiscal year 2007-2008 the City and Agency embarked upon an effort to assess the physical infrastructure problems in the area. In addition the residents were engaged through public outreach. Special financing programs were established to help homeowners and landlords improve their properties. The first phase is the complete transformation of two (2) streets to include new water and sewer lines, curb, gutter, sidewalk, landscaping, street lighting, fencing, etc. The cost for Phase I (two streets) is \$4M. This area is classified as a Community Development Block Grant (CDBG) Target Area because of the preponderance of low income residents. However, the successful transformation of the Township will encourage the residents to take pride in their homes, increase investment, and seek self-actualization through obtaining gainful employment in positions created by new Enterprise Zone businesses. |
| PROVIDE FOR A FULL TIME GRANT WRITER POSITION TO ENABLE THE CITY TO PURSUE SUPPLEMENTAL FUNDING FOR HOUSING RELATED PROGRAMS. | Establish a position within the City staff by the year 2003. | 2003 | The City does not have a full-time grant writer but does have a Senior Management Analyst in the Economic Development Department that is committed to the financing and production of affordable housing in the City. The position manages the HOME new construction grants for affordable housing and pursues additional financing sources for affordable projects, in addition to underwriting for the Agency. |
| ESTABLISH MIXED USE ZONING AND DEVELOPMENT STANDARDS TO ENHANCE THE AVAILABILITY OF SITES AND FACILITATE THE LOCATION OF AFFORDABLE AND SPECIAL NEEDS HOUSING NEAR COMMERCIAL AND CIVIC SERVICES. | In the City's Development Code, adopt mixed-use standards for allowing new development to include attached and detached units adjacent to or within commercial or institutional uses by the year 2003. | 2003 | The City amended the Development Code to permit second dwelling units as permitted uses in residential zones, subject to issuance of a building permit. The units need only meet the criteria set forth in the Code and no public notice is required. The City also adopted the Main Street and Freeway Corridor Specific Plan. This plan incorporates design standards and establishes mixed use and higher density residential zoning in commuter-friendly locations along the City's two principal thoroughfares. The plan also places higher density residential in proximity to the City new Civic Plaza and pedestrian commercial zoning along Main Street to create a walkable downtown area. |
| MAXIMIZE USE OF AVAILABLE RESOURCES TO ASSIST IN PROVISION OF NEW AFFORDABLE HOUSING UNITS BY UTILIZING LOCAL, COUNTY, STATE AND FEDERAL ASSISTANCE PROGRAMS. | Provide financial and non-financial housing development incentives, seek financing for needed on and off site improvement through assessment districts or Community Facilities Districts, assist private developers who propose construction of low or moderately priced housing units, coordinate City efforts with available County programs, incorporating State and federal funds, as available. | Ongoing | In 2008, three new affordable housing projects opened providing the City with an additional 271 units; 89 of those restricted units are for seniors. Village at Hesperia I, Sunrise Terrace I and II all utilized funds from the Agency, City HOME, 4% State Tax Credits and State tax-exempt, multi-family housing revenue bonds. Village at Hesperia III utilized 9% Tax Credits. The following is a list of the projects and the affordable unit contribution:
Village at Hesperia I (senior) 68 units
Village at Hesperia III (senior) 21 units
Sunrise Terrace I (family) 110 units
Sunrise Terrace II (family) 72 units |
| MAINTAIN THE CITY'S GENERAL PLAN LAND USE MAP AND ZONING ORDINANCE TO PERMIT THE FULL | Provide for necessary updates to the City's General Plan, zoning map and development standards to reduce to the | Ongoing | The City's original General Plan (1991) accommodated residential densities from homes on 2.5 acre lots, to multi-family complexes of up to 15 units to the acre. In addition, density |

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| <p>RANGE OF RESIDENTIAL DENSITIES WITHIN THE CITY BOUNDARIES.</p> | <p>extent possible any regulatory constraints to the provision of housing.</p> | | <p>bonuses have always been available to attain even higher densities. In 2008, the Main Street and Freeway Corridor Specific Plan added two new land use designations and increased the highest density to 25 units per acre.</p> |
| <p>CONTINUE TO IMPLEMENT THE CITY'S DENSITY BONUS PROGRAM TO INCLUDE INCREASED DENSITIES, FINANCIAL INCENTIVES, DESIGN CONCESSIONS AND PRIORITY PROCESSING.</p> | <p>Provide for the necessary staff to expeditiously process housing proposals and density bonus applications within the time frames established by the City.</p> | <p>Ongoing</p> | <p>The City offers density bonuses, design concessions and financial assistance to projects that commit units to affordable rents or sales levels as well as to seniors. To date, the City has deed restricted provisions in effect on 6 projects, totaling 469 units. An additional three projects consisting of 153 units are under construction. The City has five projects under negotiation for an additional 303 units.</p> |

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, APRIL 1, 2009

A. PROPOSALS:

1. Carl Ross (SPL09-10151 & TPM09-10141)

Proposal: A Specific Plan Amendment to change 55.0 acres from Regional Commercial to Public/Institutional and 5.0 acres from Regional Commercial to Neighborhood Commercial within the Main Street and Freeway Corridor Specific Plan and a tentative parcel map to create six commercial parcels from 160.0 gross acres.

Location: On the southeast corner of Main Street and U.S. Highway 395.

Planner: Stan Liudahl

Action: Forwarded to Planning Commission

2. International Computer College (SPR09-10146)

Proposal: A revised site plan review to establish a 1248 square foot computer school on 2.7 acres zoned Pedestrian Commercial (PC).

Location: 15885 Main Street, Suite 180.

Planner: Daniel S. Alcayaga

Action: Administratively Approved

3. Royal Street Communications CA, LLC (CUP09-10138)

Proposal: A conditional use permit to co-locate a telecommunication wireless facility on an existing Southern California Edison electric transmission tower easement.

Location: On the southeast corner of Ranchero Road and via Quintana Street.

Planner: Daniel S. Alcayaga

Action: Forwarded to Planning Commission

4. **Mojave River Academy (SPR09-10147)**

Proposal: To establish a 2,280 square foot charter school within an existing shopping center on 1.06 net acres zoned Pedestrian Commercial.

Location: 9648 Ninth Avenue

Planner: Lisette Sanchez-Mendoza

Action: Administratively Approved

5. **MacFarlane Costa Housing Partners (SPR-2006-22-E)**

Proposal A first extension of time to construct a two-story, 67 unit apartment complex on 5.25 gross acres zoned High Density Residential.

Location: Northwest corner of Home Avenue and Olive Street.

Planner: Paul Rull

Action: Administratively Approved (1 year extension)