

PLANNING COMMISSION AGENDA

REGULAR ADJOURNED MEETING

Date: April 23, 2009

Time: 6:30 P.M.

COMMISSION MEMBERS

Stephen James, Chair

Chris Elvert, Vice Chair

Joline Bell Hahn, Commissioner

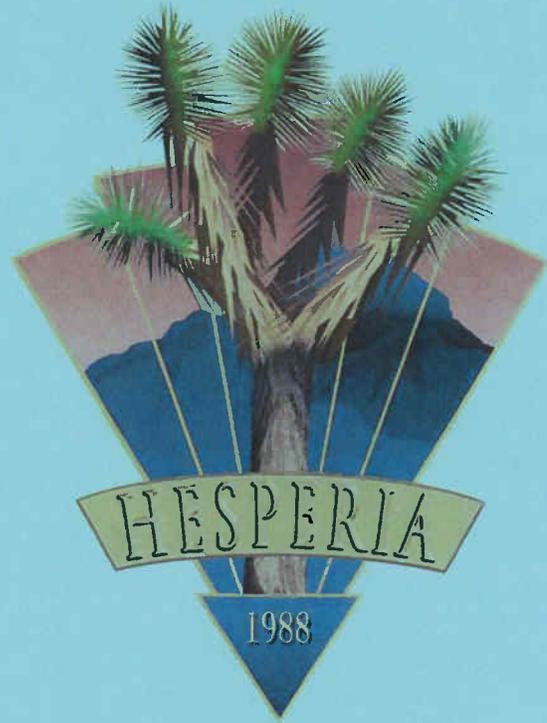
Julie Jensen, Commissioner

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 23, 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
- D. Reorganization of the Board:
 - Election of Chair and Vice Chair

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

- E. Approval of Minutes: April 9, 2009 Planning Commission Meeting Draft Minutes

-1-

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit (CUP09-10108), to replace an existing 69-foot high light standard with a 69-foot high light standard with a wireless communications facility at Lime Street Park, located on the northwest corner of Lime Street and Hesperia Road (Applicant: Royal Street Communications California, LLC; APNs: 0413-222-23 and 26) (Staff Person: Paul Rull). 1-1
- 2. Consideration of Conditional Use Permit (CUP09-10110) to construct a 70-foot high wireless telecommunications facility designed as a freestanding pole sign and Variance (VAR09-10122) to exceed the 50-foot height limitation of the I-2 Zone District located at 11011 Santa Fe Avenue East (Applicant: Royal Street Communications California, LLC; APN: 0415-241-13) (Staff Person: Lisette Sanchez-Mendoza). 2-1

- 3. Consideration of a Conditional Use Permit to co-locate a telecommunications wireless facility on an existing Southern California Edison electric transmission tower located 160 feet north of Main Street and 525 feet east of Pyrite Avenue (CUP09-10109; Applicant: Royal Street Communications California, LLC; APN: 0405-194-37) (Staff Person: Daniel S. Alcayaga). 3-1

Consideration of a Conditional Use Permit to co-locate a telecommunications wireless facility on an existing Southern California Edison electric transmission tower located 100 feet south of Ranchero Road and 500 feet east of Via Quintana Street (CUP09-10138; Applicant: Royal Street Communications California, LLC; APN: 0397-211-01) (Staff Person: Daniel S. Alcayaga).

- 4. Consideration of Specific Plan Amendment (SPL09-10151), to change 55.0 acres from Regional Commercial to Public/Institutional Overlay and 5.0 acres from Regional Commercial to Neighborhood Commercial within the Main Street and Freeway Corridor Specific Plan and Tentative Parcel Map (TPM09-10141), to create six parcels from 160.0 gross acres located on the southeast corner of Main Street and U. S. Highway 395 (Applicant: Carl Ross; APN: 3064-571-01) (Staff Person: Stan Liudahl). 4-1

- 5. Determination of Conformity – 2009-10 Capital Improvement Program (Staff Person: Scott Priestler). 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.

- F. DRC Comments 6-1
- 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 16, 2009 at 5:30 p.m. pursuant to California Government Code §54954.2.



 Eva Heter
 Planning Commission Secretary

**PLANNING COMMISSION
REGULAR MEETING**

DRAFT MINUTES

April 9, 2009

The special meeting of the Hesperia Planning Commission was held on Thursday, April 9, 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 – Vice Chair Elvert

2. Invocation - Commissioner Hahn

3. Oath of Allegiance:

Recording Secretary, Eva Heter gave the Oath of Allegiance to Commissioner Julie Jensen and Commissioner William Muller. She congratulated each commissioner and welcomed them to the Planning Commission.

Principal Planner, Dave Reno AICP congratulated the Commissioners for their appointment to the Planning Commission.

3. Roll Call

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|-------------------------------|---------|
| Chair, Stephen James | Present |
| Vice Chair, Chris Elvert | Present |
| Commissioner Joline Bell Hahn | Present |
| Commissioner Julie Jensen | Present |
| Commissioner William Muller | Present |

In Attendance for Staff: Principal Planner, Dave Reno AICP; Assistant City Attorney, Douglas Haubert; Senior Planner, Stan Liudahl AICP; Assistant Planner, Lisette Sanchez-Mendoza; Planner, Paul Rull; Senior Engineer, Tom Thornton PE; Administrative Analyst, Rod Yahnke; Recording Secretary, Eva Heter.

B. PUBLIC COMMENTS-

Chair James opened Public Comment: 6:35 p.m.

Tom Moffett, Mid-City Motors distributed flyers (See Attachment 1); he stated that his business had opened up at the beginning of the year. He stated that he had received a citation for some streamers that had been strung up along the light poles. He requested permission to keep up the streamers; the streamers had been up for four months and he felt that they were crucial for business.

Chair James stated that a non-agendized item was not something that the Commission could make a decision or make any comments on the particular item. He suggested that Tom Moffett work with Planning Staff or Code Enforcement to resolve the issue.

Tom Moffett, Mid-City Motors stated that he had been trying to work with staff and that was why he was coming before the Planning Commission; he questioned what his next step would be for assistance.

Vice Chair Elvert questioned if Tom Moffett's concern would be something addressed in item #5 of the Agenda.

Principal Planner, Dave Reno AICP clarified that Item #5 was primarily about billboards.

Assistant City Attorney, Douglas Haubert stated that Item #5 was only agendized for billboards. He questioned the streamers in question were more to do with flags and advertisement.

Tom Moffett, Mid-City Motors stated that he was referring to streamers that were hung around the perimeter of the property.

Assistant City Attorney, Douglas Haubert stated that the best the Commission could do was direct Tom to working with staff. He also stated that another concern would be the citation issued from Code Enforcement; therefore, possible legal implication, already in existence, gives concern to any discussion of the matter. He suggested that the Commission direct the speaker to talk to staff. He clarified that the Planning Staff was different than the Code Enforcement Staff; suggesting that Tom Moffett speak to other staff members of the City for assistance. The Commission was not able to discuss the issue, form an opinion on the matter or give any specific direction other than to speak to Staff.

Tom Moffett, Mid-City Motors questioned if the next step would be to place the item of concern on a future agenda.

Assistant City Attorney, Douglas Haubert clarified that Tom's next step would be to talk to staff and there may be an option to place the item on a future agenda. He stated that Tom could also speak to the Chair and request that an item be placed on a future agenda.

Tom Moffett, Mid-City Motors stated that his next step would be to try and have his concern placed on a future agenda because he had talked to Planning Staff and Code Enforcement.

Assistant City Attorney, Douglas Haubert stated that having the item placed on a future agenda may be a good step or it may not get Tom Moffett the relief that he desires; however, he would want to speak to City Staff about the options that were available; he was unable to say what his next step should be because staff would have to make that determination.

Chair James stated that if Tom Moffett would like to see him after the meeting that would be fine.

Chair James closed Public Comments: 6:42 p.m.

C. CONSENT CALENDAR

Approval of Minutes: March 12, 2009 Planning Commission Minutes

Motion: Commissioner Hahn moved to approve the March 12, 2009, Planning Commission Minutes as presented. Vice Chair Elvert seconded the motion. The motion passed by a unanimous voice vote of all Commissioners present.

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D. PUBLIC HEARING ITEMS

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).

Planner, Paul Rull gave a brief staff report.

Commissioner Hahn questioned using the pine pole when there was a water tank in the area.

Principal Planner, Dave Reno AICP stated that the old fashioned water tanks had been at the top of the pass for many years.

Commissioner Hahn stated that the pine poles were getting to be unsightly.

Principal Planner, Dave Reno AICP stated that if an equivalent facility could be used, then there would be an issue.

Commissioner Hahn questioned the height of the pole at the top of the pass was an issue.

Principal Planner, Dave Reno AICP stated that the height of the pole was an issue, especially when considering a co-locatable site.

Commission Hahn questioned the height of the existing pole at the top of the pass.

Discussion ensued regarding the height of an already existing signs.

Principal Planner, Dave Reno AICP stated that he had noted Commissioner Hahn's dislike of the proposed pole.

Vice Chair Elvert questioned if a different design was better.

Assistant City Attorney, Douglas Haubert stated that the item should be brought for public discussion before any consensus.

Chair James opened Public Hearing: 6:47 p.m.

Richard Ambrosene AT & T Representative addressed Commissioner Hahn's question regarding the height; he stated that the issue was coverage.

Commissioner Hahn clarified that the water tanks were not tall enough for the desired coverage.

Richard Ambrosene AT & T Representative stated that he had been working closely with Dale Burke of Public Works and there was a desire to keep the tanks free of antennas. He stated that the major concern was the height of the pole. The height was not only needed to clear the

height of the tanks, but also over one of the major commercial buildings off of Mariposa, which fronts the highway. He stated that the major coverage concern was the highway.

Commissioner Hahn questioned if the tanks were the ones that had the City's name on the front.

Richard Ambrosene AT & T Representative stated that the pine tree was significant to the area because it was good for co-location; expansion was in question for the future and the design had been a great consideration.

Commissioner Hahn stated that the biggest items in the area were the tanks.

Richard Ambrosene AT & T Representative stated that the tree would be behind the tank; therefore, approximately ¾ of the tree would not be seen. He stated that there had been great consideration for the location of the tree as well as the visual impact.

Chair James questioned the number of designs of the poles.

Richard Ambrosene AT & T Representative stated that there were as many designs as could be thought of.

Commissioner Jensen questioned how the pine needles were attached and maintained; stating that she was aware that on some poles that pine needles were falling off.

Richard Ambrosene AT & T Representative stated that the particular design had undergone some changes in the plastics that were used; the structural part of the design had changed in order to withstand high-winds.

Commissioner Jensen stated that the poles looked strange; she stated that everyone knows that the pole was not a tree and they stick-out like a sore-thumb.

Richard Ambrosene AT & T Representative stated that the general population has not been sensitized to the poles and therefore, do not see the poles as easily.

Chair James closed Public Hearing: 6:53 p.m.

Commissioner Hahn stated that she really liked that water tower; however, she was aware that the water tower was not tall enough.

Commissioner Jensen expressed her dislike of the mono-poles.

Vice Chair Elvert questioned the cost of designs.

Principal Planner, Dave Reno AICP stated that a variety of designs would be looked at; however, the pine tree will accommodate for the height and will hide the three antennas.

Motion: Vice Chair Elvert motioned to adopt Resolution No. PC-2009-12, as presented approving Conditional Use Permits (CUP-2008-06). Commissioner Jensen seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Jensen, Commissioner Muller, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

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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).

Assistant Planner, Lisette Sanchez-Mendoza introduced a green sheet item, showing changes in the conditions (See Attachment 2). She gave a brief staff report.

Commissioner Hahn questioned the shared driveway and the existing building to the east portion of the property.

Assistant Planner, Lisette Sanchez-Mendoza stated that the shared driveway was to the west.

Vice Chair Elvert stated that Main Street was to the right of the drawing.

Commissioner Hahn questioned the existing automotive shop on the site.

Vice Chair Elvert stated that the business in question was a muffler shop.

Assistant Planner, Lisette Sanchez-Mendoza referred to the arial and pointed out the existing automotive shop on the site.

Commissioner Hahn stated that the auto shop already had the pavement and the site was improved.

Assistant Planner, Lisette Sanchez-Mendoza stated that the automotive shop already had site improvements.

Chair James questioned if the existing house would be leveled.

Principal Planner, Dave Reno AICP stated that the house would still be the existing structure; the building was only being converted to commercial.

Chair James stated that the shared drive would eliminate the need for any acceleration/deceleration lanes.

Senior Engineer, Tom Thornton PE stated that there would be both deceleration and acceleration. He referred the Commission to the page 2-12, Condition 14 (E) for pavement conditions and standards.

Commissioner Hahn questioned the on-site retention pond.

Senior Engineer, Tom Thornton PE indicated where the retention pond would be located; he stated that the system would be underground.

Commissioner Hahn questioned the landscaping on the property.

Chair James opened Public Hearing: 7:02 p.m.

Dr. Eric Hansen, Applicant thanked the planning division and stated that he felt that the facility would be a great benefit to the City.

Commissioner Hahn stated that she liked the design.

Dr. Eric Hansen stated that the landscaping would be gravel and desert landscape. He stated that the entire outside shell would be removed; he stated that a lot of changes had occurred.

Chair James closed Public Hearing: 7:05 p.m.

Motion: Vice Chair Elvert motioned to adopt Resolution No. PC-2009-18, as presented approving Conditional Use Permits (CUP-2009-01). Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Jensen, Commissioner Muller, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

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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).

Senior Planner, Stan Liudahl AICP gave a brief staff report. Requested continuance

Chair James opened Public Hearing: 7:07 p.m.

No Comments to Consider.

Chair James closed Public Hearing: 7:07 p.m.

Motion: Vice Chair Elvert motioned to continue the proposal to May 14, 2009. Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Jensen, Commissioner Muller, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

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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).

Senior Planner, Stan Liudahl AICP gave a brief staff report.

Vice Chair Elvert questioned the term "four to an acre;" questioning if it was the gross acre (40,000 square feet) as the guideline or something different.

Senior Planner, Stan Liudahl AICP stated that the term was based on gross acreage, including to the center-line of the street; which would have an approximate lot size of 7200 square feet.

Principal Planner, Dave Reno AICP stated that the language also included density transfer, which stated that units may be clustered for innovative site planning techniques. He stated that it was really just a number of dwelling units and the residential land available in a given project.

Commissioner Jensen questioned if the overall density would stay at four to the acre.

Principal Planner, Dave Reno AICP stated that on projects where there was not a lot of open space, to mitigate the density, staff still wanted to see a variety of dwelling units, housing types, as well as other amenities. He stated that generally, imposing a four to the acre limitation, then there was constraint on any possibilities for looking at any higher density or different types of dwelling within a specific plan. He stated that a specific plan would live or die on its own merits and have its own EIR. He stated that staff was trying to allow for the consideration of proposals and adjudicating them on their own merit, rather than the artificial four to the acre limitation, which doesn't permit the full range of dwellings that staff want to consider.

Vice Chair Elvert questioned the square footage of the parcels.

Principal Planner, Dave Reno AICP reviewed the single family homes and the small lot subdivision; he stated that the language does not directly equate to the lot size. He stated that

staff didn't want to see clustered units, or patched units, and that any proposed project would need to carry its own weight as far as design.

Commissioner Muller clarified that the flexibility would not necessarily mean that the Commission would be held to the increase in density because that would be determined by the individual recommendation.

Principal Planner, Dave Reno AICP stated that it would be lead by the individual recommendations of the project.

Chair James stated that there had been mention of five approved specific plans for the properties within the city; of which four had been approved with the original PMU designation. He questioned the hindrance of any of the four projects by the use of the artificial four units per acre.

Principal Planner, Dave Reno AICP stated that the Main Street & Freeway Corridor Specific Plan has its own separate designation; which obtained a zoning scheme and a design issue and therefore wouldn't fall under the constraints of the original PMU designation. He also stated that there had been four developer driven projects presented and two of the largest proposals had so much open space that it was easy to look at the project as a whole and say that the project came in well under the four to the acre designation. However, not every project would have that large of an amount of open space.

Chair James verified that there had not been any hindrance as a result of the original PMU designation. He questioned the change of the approval process, if the verbiage was changed.

Principal Planner, Dave Reno AICP stated that there would be no changes in the approval process; all development standards would be reviewed the same way and projects would still have to come before the Planning Commission. All aspects of the project would still need the same approval process.

Chair James stated that he didn't understand the changes if the present verbiage was working and hadn't hindered previous projects.

Principal Planner, Dave Reno AICP stated that staff did not anticipate every project being presented with 10,000 acres or even 500 acres. He stated that staff could expect a lot of assemblage of parcels down to 200-300 acres or more and not have every project have a large amount of riparian areas, power-line easements, or other things that would permit a project with a gross density below four to the acre.

Chair James stated that he didn't understand why the verbiage would need to be changed.

Principal Planner, Dave Reno AICP stated that the verbiage he was questioning was designed to capture the projects that may be strictly residential, where there would be a much smaller project that would just want to subdivide 20 acres into 80 lots with no amenities or design considerations. He stated that even the smaller projects would be held to the current limitation; he stated that the smaller project would not be required to have its own Environmental Impact Report (EIR) or carry a greater potential for impact, requiring greater need for flexibility.

Chair James he expressed that the change in verbiage was unwarranted because it had not affected any proposed projects.

Principal Planner, Dave Reno AICP clarified that up until that point only four projects had been presented for the area in 20 years.

Commissioner Hahn stated that on the western edge of town there were lots at 3400 square feet and 4300 square feet; she questioned if staff was proposing that lots be reduced to the smaller size in question.

Principal Planner, Dave Reno AICP stated "no," the specific plan was not filed on the grossly condensed projects.

Commissioner Hahn questioned where the smaller percentage of acreage would apply.

Principal Planner, Dave Reno AICP stated that the change would apply to projects in the vicinity of Summit Valley because there was a large amount of undeveloped and un-subdivided or subdivided land that would need to be assembled for those purposes. He stated that not all of the land would have the west fork of the Mojave River running through it or have the historic Rancho Las Flores on part of it; therefore, there would be more constrained properties that would want to be assembled and developers may want to propose more innovative site planning techniques that may necessitate going about the four to the acre limitation.

Commissioner Hahn questioned a scenario of several houses being set close together, such as Rancho Las Flores, and a neighbor owning 20 acres wanted to develop, would it be applicable in this type of situation.

Principal Planner, Dave Reno AICP stated that a 20 acre parcel would not have the flexibility to have the type of project Commissioner Hahn was questioning for proposal. He stated that sewer and water would also come into consideration when projects are proposed; the flexibility is for a type of project that proposed a variety of house types. He clarified that a project proposal, even with a variety of house types, would still be subject to the four to the acre limitation.

Commissioner Hahn questioned the need for the change when a PUD would be sufficient for the proposal.

Principal Planner, Dave Reno AICP stated that when a PUD is submitted the bar is raised much higher when looking at a PUD or planned development, as opposed to just a straight tract of homes.

Vice Chair Elvert stated that he felt that it was just a margin of being educated; he stated that the Commission had been very leery on density. He questioned current requirements.

Commissioner Hahn stated that it was four to the acre.

Principal Planner, Dave Reno AICP stated that the balancing act of everything pertaining to the project has to level out at less than four to the acre.

Vice Chair Elvert questioned the flexibility with the change.

Principal Planner, Dave Reno AICP reviewed the flexibility offered by the change; stating that the change would allow staff to consider a higher amount of units on a given piece of land in the Specific Plan or a Planned Development only.

Vice Chair Elvert stated that the same issue would be discussed if a developer proposes a project with a higher density range than the four to the acre.

Principal Planner, Dave Reno AICP stated that a specific plan would be judged upon its own merits anyway.

Commissioner Hahn questioned the need for the change.

Principal Planner, Dave Reno AICP stated that a higher amount of amenities would be provided with the proposed change.

Senior Engineer, Tom Thornton PE questioned if the proposed change was strictly for the planned mixed use zone.

Principal Planner, Dave Reno AICP stated that the proposed change was strictly for the planned mixed use zone.

Senior Engineer, Tom Thornton PE gave a scenario of a planned mixed use zone and questioned if proposed amenities, that benefit the community as a whole, would allow for the proposal without the whole process of a specific plan on a smaller scale project.

Principal Planner, Dave Reno AICP stated that the amendment would not affect the smaller project that was described; it wouldn't be cost effective to look at the smaller projects in an attempt to get that much variety when the land would not contain it. He also stated that the language would only apply for a project that would be filed as a specific plan; it would not apply to a project filed as a tract.

Senior Engineer, Tom Thornton PE stated that the change would be applicable only for the planned mixed use developments.

Principal Planner, Dave Reno AICP stated that the change would be applicable only for the planned mixed use designation and only for specific plans or planned developments filed within that designation.

Senior Engineer, Tom Thornton PE stated that once a specific plan comes in it was then at the discretion of the Planning Commission to make concessions or amenities as they see fit. He stated that he was not seeing the benefit of allowing the flexibility.

Principal Planner, Dave Reno AICP stated that when dealing with the developer, staff has to show the developer to rules and designations applicable. The first thing that the developer is presented with by staff is the limitation.

Chair James questioned the limitation being the four units to an acre and with the change would open up the density for proposal.

Principal Planner, Dave Reno AICP a higher density could be proposed; however, the developer would have to justify it as well has present a proposal which meets all other City standards.

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

No Comments to Consider.

Chair James closed Public Hearing: 7:31 p.m.

Vice Chair Elvert stated that he wanted to be cautious of not costing the public money because of the density proposal, when staff was aware of how the Commission felt about the density issues.

Commissioner Hahn stated that she had a lot of reservations; smaller dwelling units, 8 to 15 per acre only seemed like it would open the door for people proposing projects that the Commission would not support because they don't do anything for the community.

Commissioner Muller question how long the current plan use had been in effect.

Principal Planner, Dave Reno AICP stated that the plan had been in affect since 1991.

Commissioner Muller questioned if the issue could be addressed at a later date when a proposed project was submitted.

Principal Planner, Dave Reno AICP stated that it could be proposed along with a project or it could be addressed along with the General Plan Update.

Commissioner Muller stated that he felt, as did Commissioner Hahn, that the density issue had been quite satisfactory.

Principal Planner, Dave Reno AICP stated that staff did not want to start the discussion with the limitations with the developer.

Commissioner Muller questioned a developed being aware of the current limitations at the time of the submittal.

Principal Planner, Dave Reno AICP stated that the developer would know what the current limitations were.

Commissioner Muller questioned how the change would aide the Staff.

Principal Planner, Dave Reno AICP stated that without the flexibility he would not be able to guarantee that the Commission would consider changing the density limitation; he would not be able to lead the developer down that path because there were a considerable amount of expenses in starting a Specific Plan.

Vice Chair Elvert stated that if approved a project could be denied due to density.

Chair James stated that the verbiage leaves the density wide open.

Commissioner Jensen stated that she had strong reservation about opening any doors to more density.

Commissioner Hahn stated that she was aware that staff had been working; however, it was not being made clear the full scope of the change. She requested a workshop because she felt that the issue was too serious and she would not want to make a mistake in either direction.

Chair James stated that he was concerned that the change would be possibly being misleading developers for future development. He stated that the current parameters allow developers the opportunity to know what the City was looking for.

Assistant City Attorney, Douglas Haubert stated that no action has been taken; he recommended that the item be received and filed and brought back before the Commission at a later date. He clarified that the Commission was requesting specific language with standards; he stated that the drafting of the standards should maintain the high standards existing within the City.

Motion: Vice Chair Elvert motioned to receive and the General Plan Amendment (GPA09-10150). Commissioner Hahn seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Jensen, Commissioner Muller, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

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Public Hearing Remained open from the March 12, 2009, Planning Commission Meeting:

5. 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 gave a brief introduction to the discussion and reviewed the discussion which previously occurred at the March 12, 2009 meeting. He stated that the presentation was for discussion only, in order to obtain information from the Commission in order to form a recommendation for Council. He reviewed the existing billboards within the City, the Development Code, and State Law. He reviewed the various proposals as listed in the Staff Report. He encouraged the Commissioners to look at the General Plan Policies in order to formulate a proposal. He requested that Assistant City Attorney, Douglas Haubert review some of the legal issues that surround the billboard issue.

Assistant City Attorney, Douglas Haubert stated that he wanted to make clear that the review of the billboard issues should not include discussion concerning Agenda Item #3, which had been continued to the May 14, 2009 Planning Commission Meeting; he clarified that the project would not be discussed at that time and he stated that general conversation of the movement of signs would be applicable to the discussion of the City's Sign Regulations, however, under the Brown Act no discussion should occur on Agenda Item #3 due to the continuance. He stated that he was aware that two Commissioners had already been introduced to the issues. He reviewed 1st amendment interest: Anytime the expression of ideas or even adverting is considered, 1st Amendment interests are involved, which include limitations on limiting the 1st Amendment rights. He stated that there were Property Rights, which needed consideration, stating that once a use was established or a right is established, a permit is given, someone has an entitlement, and a structure is placed. He stated that the issues surrounding billboards include both issues. He clarified that a City has the ability to regulate and/or prohibit new signs. He stated that there had been mention of signs that were in the area that were legal/non-conforming (grandfather rule); the exception to the "grandfather rule" is amortization which is designed to ensure that the property owner is not denied their property rights; example, an entire stretch of apartments as Commercial and gave an amortization period of 30 years; therefore, over the next 30 years the owner would be able to keep the use as apartments and after the 30 years the use would no longer be legal and valid and the site would need to be converted to Commercial. Permits were regulated on the

site, ensuring that the property owner was aware that if there were any changes to the site within the 30 year period, then conversion to Commercial would need to take place. He stated that amortization was legal and allowed the property owner the right to get the useful life of the building over a period of time. He stated that the City had the ability to regulate signs with the same idea as the amortization example given. He stated that the location, size, and type of sign can be regulated. There are some important government factors: Commercial Speech, which fall out of the Political Speech realm, which government has very few regulations that can be imposed on purely political speech. He clarified that billboards were by design commercial speech and cities have greater ability to regulate billboards because the advertisement would be for services or goods. He stated that the government can regulate the billboard signs, but there still needs to be a reason to regulate; for example, the elimination of blight, or the prevention of blight, or the prevention of traffic problems. He encouraged the Commission to begin to think about what they would like the regulations to read and to think about what they wanted the future to be; some questions may include: should signs be allowed to continue, does the commission want no new signs, would the Commission like to consider amortization for existing signs. He stated that a common sense approach would be best.

Principal Planner, Dave Reno AICP stated that the reason for initiating the topic was due to the fact that the specific plan caused issues with the zoning of which the signs were located. He stated that there were also proposals being presented to the City and staff would like to address those proposals in a responsive fashion. He reviewed some of the proposed options on page 5-6 of the Agenda.

Chair James reopened Public Hearing: 8:03 p.m.

Tom Lunnen, Lunnen Development stated that he had to disagree with the statement that revenue was not created by the signs; he stated that the signs initiated revenues. He recaptured an issues discussed at the March 12, 2009 Meeting by stating that a disincentive was only created when the board was order to be removed. He stated that the billboards were not Las Vegas billboards and that the light would remain the same with the proposed billboard. He reviewed some of the specifications of his proposal.

Assistant City Attorney, Douglas Haubert stated that the Commission was not discussing his proposal; Tom's proposal was Agenda Item #3, which had been continued and was not to be discussed.

Tom Lunnen, Lunnen Development stated that he had met with several staff members regarding upgrading billboards.

Assistant City Attorney, Douglas Haubert stated that Tom Lunnen was again talking about his item which had been continued to the May 14, 2009 Planning Commission Meeting.

Tom Lunnen, Lunnen Development stated that he billboard companies had been very successful and he requested that the Commissioners consider item #3 on page 5-6 of the Agenda.

Chair James questioned if the address would be kept to the three minutes.

Principal Planner, Dave Reno AICP stated that the presentation by Ed Wasserman would probably take more than three minutes; however, the time limit was entirely at the discretion of the board.

Ed Wasserman, Daktronics, Inc. gave a brief presentation to the Commission with the use of PowerPoint slides (See Attachment 2). He reviewed types of digital signs, on-premise, and off-premise boards. He gave a technology overview and the common concerns that had been alleviated with the electronic reader boards. He reviewed on-premise & off-premise code

language. He gave example of the second-holds on the billboards. He reviewed the community benefits, local economic benefits, and local economic benefits. He also reviewed the monitoring of the billboards, and the Federal Government approval of digital billboards.

Commissioner Muller questioned the liability concerns mentioned in the presentation.

Commissioner Jensen questioned inappropriate areas for animation.

Ed Wasserman, Daktronics, Inc. was unable to address the liability concerns Commissioner Muller questioned. He stated that freeways and residential areas were inappropriate areas for animation.

Vice Chair Elvert questioned the possible duration of advertising.

Ed Wasserman, Daktronics, Inc. stated that he would not be the one to regulate advertisement duration.

Principal Planner, Dave Reno AICP stated that public service announcement vs. emergency announcement would be provisions discussed as part the proposal.

Ed Wasserman, Daktronics, Inc. stated that the amber alerts, service announcements and emergency announcements were all negotiable.

Chair James stated that Ed Wasserman mentioned the City of LA several times. He questioned the reasoning of mentioning the City of LA when the City had a citywide billboard ban.

Ed Wasserman, Daktronics, Inc. reviewed some of the concerns surround the City of Los Angeles and billboards.

Greg Shull, Business Owner stated that he had been working on a proposal with Staff and he was the reason for request #6 on page 5-6 of the Agenda regarding a site at Mariposa and Live Oak (Sports Facility). He stated that there was consideration for a certain size of the billboard, on-site, and off-site signs.

Commissioner Hahn questioned if it was for the sports center he was referring.

Greg Shull, Business Owner stated that Commissioner Hahn was correct.

Bruce Haney, LAMAR stated that the public service announcement would be discussed for advertisement slots and that any other concerns would be discussed as part of an agreement.

Vice Chair Elvert questioned if the Chief of Police would have access to the boards and what would be the duration of the signs advertisement of an emergency alert.

Bruce Haney, LAMAR stated that there was 24/7 access to the digital sign; he stated that if a Chief of Police recommended that an amber alert be up for a certain amount of time, LAMAR would always to their best to work with the Chief of Police.

Vice Chair Elvert stated that the amber alert was a state regulation; however, he was concerned about a wanted sign.

Bruce Haney, LAMAR stated that the Chief of Police would be able to utilize the board for such emergency alerts.

Vice Chair Elvert questioned what the duration of the advertisement would be.

Bruce Haney, LAMAR stated whatever the Police Chief recommended would be the time frame; LAMAR would definitely be worked with completely.

Vice Chair Elvert questioned that there would be real time negotiation.

Bruce Haney, LAMAR stated that it would definitely be a case by case basis.

Chair James questioned if the length of time that the ad would be up for rotation was the question or if it was the length of time the ad remained on the board.

Vice Chair Elvert questioned the length of time the ad would remain on the board and/or the rotation of the alert.

Bruce Haney, LAMAR stated that the alert would be up for as long as it takes to accomplish the need. He also stated that LAMAR has the ability to control their billboards on a local, state, and national level.

Chair James questioned the risk of hackers.

Bruce Haney, LAMAR stated that he would have to do some research to answer Chair James' question.

Commissioner Jensen stated that it would really depend on the hacker and their ability.

Commissioner Muller questioned the advertisement slot that would be agreed upon.

Principal Planner, Dave Reno AICP stated that page 5-10 has some sample language regarding the public service announcement agreements.

Ed Wasserman, Daktronics, Inc. stated that LAMAR will do whatever it takes to assist the local police. He also stated that the ip address was secure, there were thousands of billboards across the United States and not one board had been hacked into.

Chair James questioned the safeguards were in place.

Ed Wasserman, Daktronics, Inc. stated that there were incredible firewalls.

Chair James closed Public Hearing: 8:38 p.m.

Commissioner Hahn questioned the options on page 5-6 of the Agenda. She reviewed the options.

Discussion ensued regarding the options available.

Principal Planner, Dave Reno AICP stated that brightness conditions would be looked; there were definitions of flashing, brightness, and size of the signs. He stated that there were variation on the signs between the day and night. He will be clarifying more information and stated that if there was anything that the Commission wanted additional information on he would also present information in assisting them with their questions.

Commissioner Hahn stated that she would like to see the language in number three also included in number four.

Principal Planner, Dave Reno AICP stated that the last sentence of four raises some concerns and he wanted to have some serious documentation on in order to approve reader boards as part

of the new ordinance; he wanted to make sure that a new impact was not being introduced. He stated that, as it was, there was not a new impact of billboards on the City; he just wanted to make sure that the overall movement of billboards did not present a new impact.

Commissioner Hahn stated that she was concerned about the relocation and she would like to see the inclusion of the relocation allowance in item 3.

Assistant City Attorney, Douglas Haubert clarified if Commissioner Hahn did not want to see the billboards grow.

Commissioner Hahn stated that she was opposed to the growth of billboards; however, she wanted the ability to relocate a sign on a parcel

Principal Planner, Dave Reno AICP stated that the sign could still be moved to a different property. He stated that the options were presented and he would like to offer additional information before Commissioners make a decision.

Vice Chair Elvert stated that he would like to see the digital signs; however, he was leaning more towards not adding additional billboards. He stated that he did like number six; he felt that the advertisement was valuable.

Commissioner Jensen stated that there were many things about billboards that she did not like; however, she did like to the idea of notifying the public of Amber Alerts and emergency notices. She felt that it was very important to allow the City's businesses the opportunity to advertise and she felt that it did generate money. She also stated that she liked the digital sign because the sign could be changed remotely. She stated that she agreed with Commission Hahn that somewhere between options 3 and 4; zoning along the freeway for car lots would create need for signs as well, therefore new signs should be allowable.

Principal Planner, Dave Reno AICP clarified that on-site signage would be allowable regardless of the billboard revision.

Commissioner Muller requested clarification on if all advertisement within the City would be subject to the proposed consideration.

Principal Planner, Dave Reno AICP stated that on-site signage was restricted to the business on the site; billboards (off-site) could advertise anything anywhere.

Commissioner Muller questioned if signs on Main Street could be advertising for services or products in Victorville or Apple Valley.

Principal Planner, Dave Reno AICP stated that a billboard could advertise for services or products in Victorville or Apple Valley.

Commissioner Muller questioned the direct benefit. He also questioned advertisement restrictions within the Freeway Corridor.

Principal Planner, Dave Reno AICP reviewed the location of signs and the location with respect to the public right-of-way.

Vice Chair Elvert questioned the size change of 200 square feet to 672 square feet.

Principal Planner, Dave Reno AICP gave examples of signs and the size of the signs in question. He stated that standard billboards were 48 x 45.

Vice Chair Elvert questioned a sign located at Eucalyptus being 672 square feet.

Principal Planner, Dave Reno AICP stated that he believed that the sign at the location in question was 672 square feet.

Chair James questioned land use definitions. He was leaning towards number 1 due to some of his concerns about safety; he was concerned about vandalism of the signs. He would like to see adapting item number 1 with leaving the billboards in existence on the freeway, eliminating the billboards within the City. He stated that he was against digital; he felt that digital imagery was causing distractions to drivers; he felt that the signs were a safety issue. He stated that his dream of downtown Hesperia was without billboards. He stated that a City without billboards was cleaner and he felt that billboards were a form of blight. He requested more information on amortization.

Commissioner Muller questioned if Chair James would object to a digital entry sign.

Chair James stated that he was under the understanding that the sign was a reader board. He stated that the only thing he would like to see on the reader boards was light standards.

Principal Planner, Dave Reno AICP referred the Commissioners to page 5-15 & 5-17 of the Agenda; which addressed some of the light standards.

Commissioner Hahn stated that the verbiage was already in the report for the light standards.

Commissioner Muller verified that the verbiage was on page 5-11 of the Agenda.

Chair James the language was specific to digital billboards.

Principal Planner, Dave Reno AICP reviewed the direction given by the Commissioners.

Motion: Vice Chair Elvert motioned to keep the public hearing open and forward the item to a future Planning Commission Meeting. Commissioner Hahn seconded the motion. The motion passed by all commissioners present.

Ayes: Commissioner Hahn, Commissioner Jensen, Commissioner Muller, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

* * * * *

E. PRINCIPAL PLANNER'S REPORT

DRC COMMENTS:

Principal Planner, Dave Reno AICP reviewed the Annual report on Status and Implementation of the General Plan.

Assistant City Attorney, Douglas Haubert stated that a formal motion to forward the item to City Council was required.

Vice Chair Elvert motioned to forward the report to the Council as written. **Commissioner Hahn** seconded the motion. The motion passed by the following roll call vote:

Ayes: Commissioner Hahn, Commissioner Jensen, Commissioner Muller, Vice Chair Elvert, Chair James

Noes:

Absent:

Abstains:

Principal Planner, Dave Reno AICP reviewed the DRC Agenda comments. He also reviewed upcoming events that the Planning Commission would be viewing.

F. PLANNING COMMISSION BUSINESS OR REPORTS:

* * * * *

G. ADJOURNMENT-

Chair James adjourned the meeting to Thursday, May 14, 2009 at 9:21 p.m.

Approved By:

Stephen S. James, Chair

Attested By:

Eva Heter, Recording Secretary

ATTACHMENT 1

Pictures presented for your consideration by



Pg 1 & 2 Pictures of a used car dealer located in Victorville

Pg 3 & 4 Pictures of a used car dealer located in Victorville

Pg 5 Picture of Mid-City Motors located in Hesperia.

Pg 6 Copy of Notice of Public Nuisance issued by Code Enforcement Officer

We are committed to this community and we hope to be a part of it for many years to come. With projected annual sales of \$3.5 million dollars we expect to be a large contributor to the city's coffers.

We would respectfully ask that we be allowed to leave up our pennants and flags for there projected life. We expect them to last about 4-6 more months. We do not find them offensive and they do help attract business. Which by the way helps both of us.

As for inflatable signs(ballons) attached to the cars, we do clean these up every night before we go home. And again they do help attract business and they are very inexpensive advertising.

We would request that the bans on this type of advertising be lifted or at least eased in these tough economic times.

As you can see by the pictures of the dealers in Victorville, that city does not seem to have a problem with this form of advertising.

Thank you for Your consideration

Thomas J. Moffett
Mid-City Motors



pg 1



pg 2







pg 5



City of Hesperia Code Enforcement Department

11011 Santa Fe Ave. East, Hesperia, CA 92345

NOTICE OF PUBLIC NUISANCE(S)

To: Egbert J Tillem
P.O. Box 401212
Hesperia CA 92340

Case #: CE _____

Concerning real property or a structure located at: 16471 Yucca
(Address-parcel#) _____

On 4-1-09, an inspection of the above-referenced real property was conducted. The following Public Nuisance(s) was/were found:

- Abandoned, wrecked, inoperative, unregistered or dismantled vehicle(s) - 8.32.020A
- Accumulation of trash and debris - 8.32.010A
- Outside storage of appliances - 8.32.030H
- Pennants & flags - HMC 16.36.050 (C)
- Inflatable signs - HMC 16.36.050 (D)
- _____
- _____

To abate the public nuisance(s) the following action(s) must be completed by: 4-11-09
remove all pennants, streamers, flags, & balloons unless
otherwise permitted

Dated 4-1, 2009

(760) 947 1057
Phone#

AKBAR AL-DEBARAN
Code Enforcement Officer

Code Enforcement Officers will be available from 7:30 to 9:00 and 4:30 to 5:30,
and Fridays from 7:30 to 9:00 and 3:30 to 4:30.

Right of Appeal

If you object to the determination of a public nuisance(s), you have a right to appeal to the Hesperia Community Development Advisory Committee pursuant to Hesperia Municipal Code, Section 37.04e. Any appeal must be in writing and received by the Hesperia Code Enforcement Officer at 11011 Santa Fe Ave. East, Hesperia, CA 92345, within (10) calendar days of the date of this notice. The appeal shall (i) be dated and signed by the person filing an appeal, (ii) contain the typed or printed name, address and telephone number of the person appealing, (iii) the address of the property where the public nuisance is alleged to exist, and (iv) the reason(s) for the appeal. The appeal must be accompanied by the appeal fee as set by the Hesperia City Council.

Please take further notice that your failure to file a timely appeal or to abate the public nuisance(s) in the required period may lead to the initiation of civil, equitable or criminal court proceedings against you, as well as administrative actions by the City to abate the public nuisance(s). You may also be charged enforcement and abatement costs.

PA 6

ATTACHMENT 2

List of Conditions
Site Plan Review (CUP-2009-01/CUP09-10105)
Page 5 of 6

B. A four-foot wide handicapped accessible route of travel shall be provided in accordance with all State and Federal handicap regulations.

- _____ 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)

Digital Sign Technology: Responsible Implementation

Presented to:
The City of Hesperia

Daktronics, Inc.

Presentation Overview

- Cal-Trans Guidelines
- Responsible Display Management
- Who is using Digital? (On vs. Off-premise)
- Technology
- Good Citizenship



What isn't a Electronic Message Center?

- It is not a video display
- It is not Times Square
- It is not what you see at Dodgers/Angels or Chargers Stadium
- It will not be too bright



Static Copy Change Animated



8-Second Hold Time



Intermittent,
moving and
flashing lights.

Who is Using Digital?

- Local businesses advertising to generate local commerce & revenue for the City of Hesperia
- National Companies w/locations in Hesperia
- Municipality to generate goodwill, PSA's, etc.



On-Premise vs. Off-Premise

- On-Premise
 - Electronic Message Centers (EMCs)
 - Advertise goods and services at location in which the sign is placed
- Off-Premise
 - Digital Billboards
 - Advertise goods and services at location other than where sign is placed
- Should be regulated differently

Technology Overview

- LED displays: Light Emitting Diodes
 - Rainbow of color
 - Combination of various pixel colors
 - Brightness is controlled by amount of power sent to LED's
- Electronics message signs can adjust brightness by appropriately dimming or brightening depending on ambient light conditions

Common Concerns Alleviated

- Brightness
 - Automatic Dimming
 - Photocell
 - Timed
 - Manual
- Flashing
 - Never Allowed on an EMC
- Animation in inappropriate areas
 - Hold-times

What is an electronic reader board (On-Premise)

A sign within a community that is used to promote goods and services of that specific location as well as communicating with the public.



On-premise Code Language

- Residential Zones
 - Static images with minimum three second hold-times
- Well-Traveled Areas
 - Static images with one second hold-times, frame effects
- Commercial Corridors
 - Animation and Frame Effects, No Flashing
- Automatic dimming technology in all areas

What is a Digital Billboard ?

A sign within a community that is used for advertising as well as communicating with the public.



Off-premise Code Language

- Static Images
 - Billboards should never contain movement or frame effects
- Cal-Tran 4-second hold times
- Automatic Dimming
 - Photocell technology automatically adjusts brightness to ambient light conditions
 - Lewin Lighting Report

Six Second Hold-time



Welcome

Three Second Hold-time



Welcome

One Second



Welcome

Animation



Flashing



Community Benefits

- Tax Base Benefits
- Increase Competitiveness
 - Small Businesses
 - Local Community
- Liability Concerns
- Public Service Announcements
- Less Clutter
- Visually Clearer/Legible Image and Weathers Better Than Traditional Signs.

Local Economic Benefits

- Consumers and small businesses benefit from this new medium:
 1. Targeted advertising for local commerce
 2. Advertisers are more nimble. Consumers receive timely, relevant messages
 3. Portions of ad slots are used for City announcements & Amber Alerts



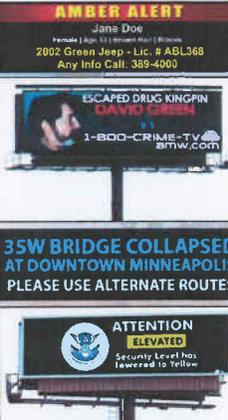
Local Economic Benefits

- Billboards are localized advertising mediums
- Radio, Newspaper, TV – reach is often too broad, making advertising difficult and expensive
- Allows small businesses to focus directly on potential customers, at specific times during the day.



Benefit to Community

- **Emergency Notifications**
 - AMBER Alerts/Missing Person
 - Assisting Law Enforcement
 - Catastrophes/Re-route Traffic
 - Weather
 - National Security
- **Community Service**




Minneapolis Bridge Collapse Testimonial

Immediate Response
Digital Billboards Activated Minutes After Bridge Collapse
 Minneapolis, MN—On August 1, a bridge on a major freeway to downtown Minneapolis collapsed at 6:19 PM.

"We have dedicated our digital network to Minnesota Department of Transportation to communicate traffic and safety information. We were live with an emergency message within 15 minutes of the bridge collapse," said Lee Ann Muller of Clear Channel Outdoor-Minneapolis.

The image shown here was the initial alert posted on digital billboards.



<http://www.digitalooh.org/digital/community/public.htm>

Will our display be monitored ?

- Yes
- The NOC will ensure that the software is monitoring advertisements – 24/7/365
- Quality digital displays are designed to offer the same level of brightness as a static display, if not less
- Quality light sensor
- City will have right to remove ads not suitable
- The NOC will ensure that the software is managing it correctly – 24/7/365



What other communities like ours have embraced digital ?

- Los Angeles, CA
- Corona CA
- Lancaster CA
- City of San Bernardino
- City of Westminster, CA
- El Centro, CA
- Oakland, CA
- Phoenix, AZ
- Tucson AZ
- Albuquerque, NM
- Roswell, New Mexico
- Las Vegas / Reno NV
- Locations throughout the US/World



The Federal Government has Approved Digital Billboards

- The Federal Government has deemed Digital billboards safe.
- Digital Billboards are approved, as a sign, as well as in the manner in which they are being used.
- Major studies have been performed proving no increased effect on traffic and a greater retention rate of ads on digital displays
- Brings state of the art electronics to Hesperia & increased technological image

Conclusion

1. Comply with State & Federal guidelines
2. We will continue working hard to ensure the proper operation of digital technology
3. The outdoor advertising industry fills an important need for local businesses
4. With digital technology, advertising companies can give back to municipalities
5. 24/7 monitoring of copy and functions



Thank you

Daktronics, Inc.



Cal-Trans Suggested Guidelines

- Duration of message – four seconds
- Transitions – one to two seconds
- Static Messages only – No animation, flashing, scrolling, intermittent or video
- Daktronics recommends-Display brightness must automatically adjust to ambient levels



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DATE: April 23, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: Paul Rull, Planner *PR* (SL)
SUBJECT: Conditional Use Permit CUP09-10108; Applicant: Royal Street Communications California, LLC; APNs: 413-222-23 and 26

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-22, approving CUP09-10108.

BACKGROUND

Proposal: A Conditional Use Permit to replace an existing 69-foot high light standard with a 69-foot high light standard with a wireless communications facility at Lime Street Park (Attachment 1).

Location: On the northwest corner of Lime Street and Hesperia Road.

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 Public Institutional Overlay 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 currently developed as a park. The properties to the north are vacant. The properties to the east, on the opposite side of the Burlington Northern Santa Fe railroad, contain multi-family units and vacant land. The properties to the south and west are almost completely developed with single-family residences.

ISSUES/ANALYSIS

Land Use:

The proposed 69-foot high wireless communication facility is designed to provide improved signal coverage in the eastern portion of the City. A service plan was submitted, which shows how the facility will enhance wireless signal coverage in the area (Attachment 5). The equipment shelter for the wireless communication facility is proposed within a 230 square foot area of Lime Street Park, between the baseball fields. The proposed light standard containing the antennae is approximately 20 feet to the east of the equipment area. The equipment area will be enclosed by an eight-foot high block wall, and would be accessed by a 12-foot wide non-exclusive access easement from Hesperia Road. The existing 69-foot high light standard will be replaced with another light standard engineered with the wireless communication equipment at the same height. The antennas will match the color of the light standard and the standard will provide sufficient separation to allow for future co-locations. 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 soften their appearance through 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)

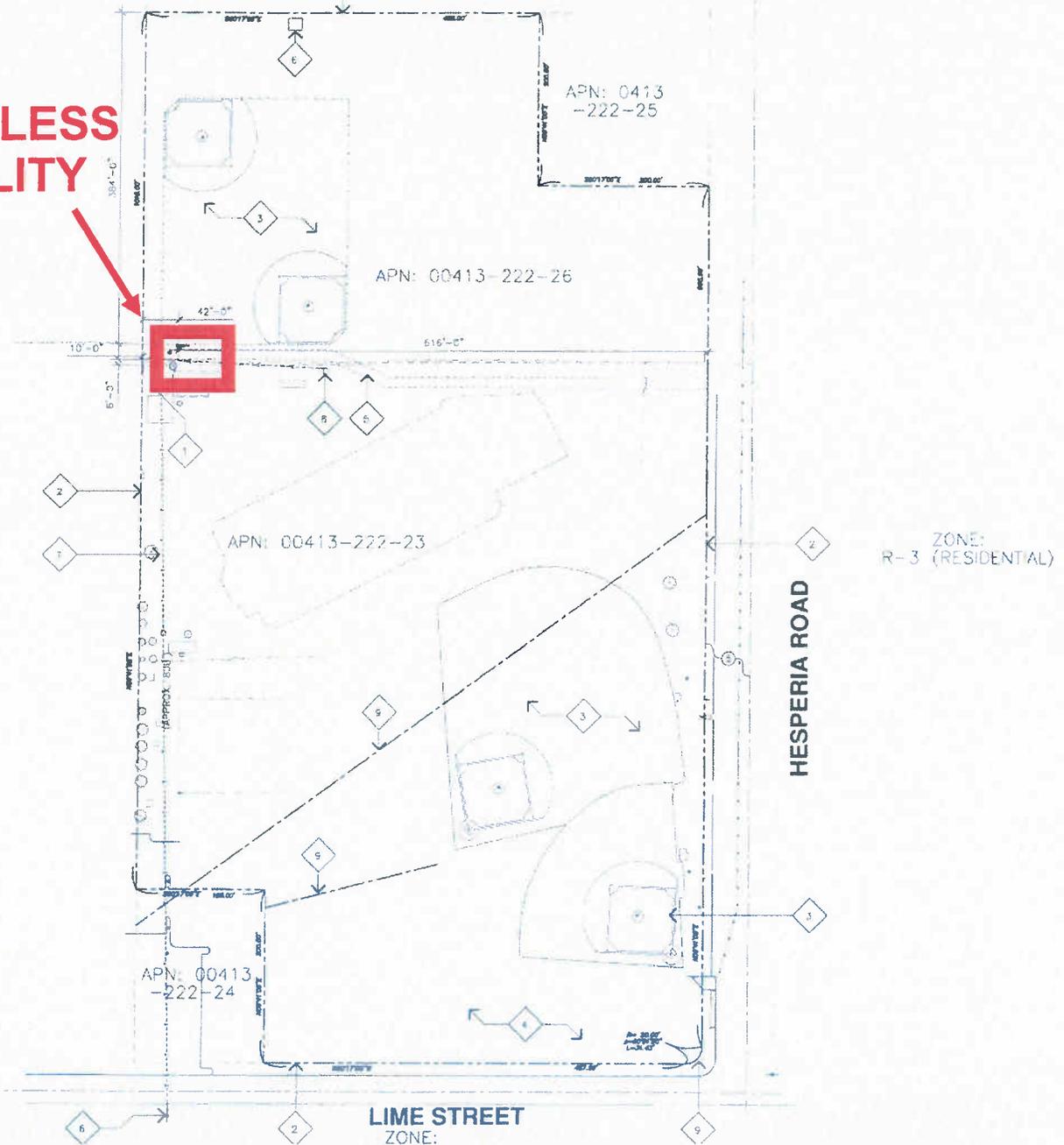
Provide alternative direction to staff.

ATTACHMENTS

1. Site plan
2. General Plan land use map
3. Zoning map
4. Aerial photo
5. Service plan
6. Light standard elevation
7. Resolution No. PC-2009-22, with list of conditions

ATTACHMENT 1

WIRELESS FACILITY



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10108

LOCATION:
NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD

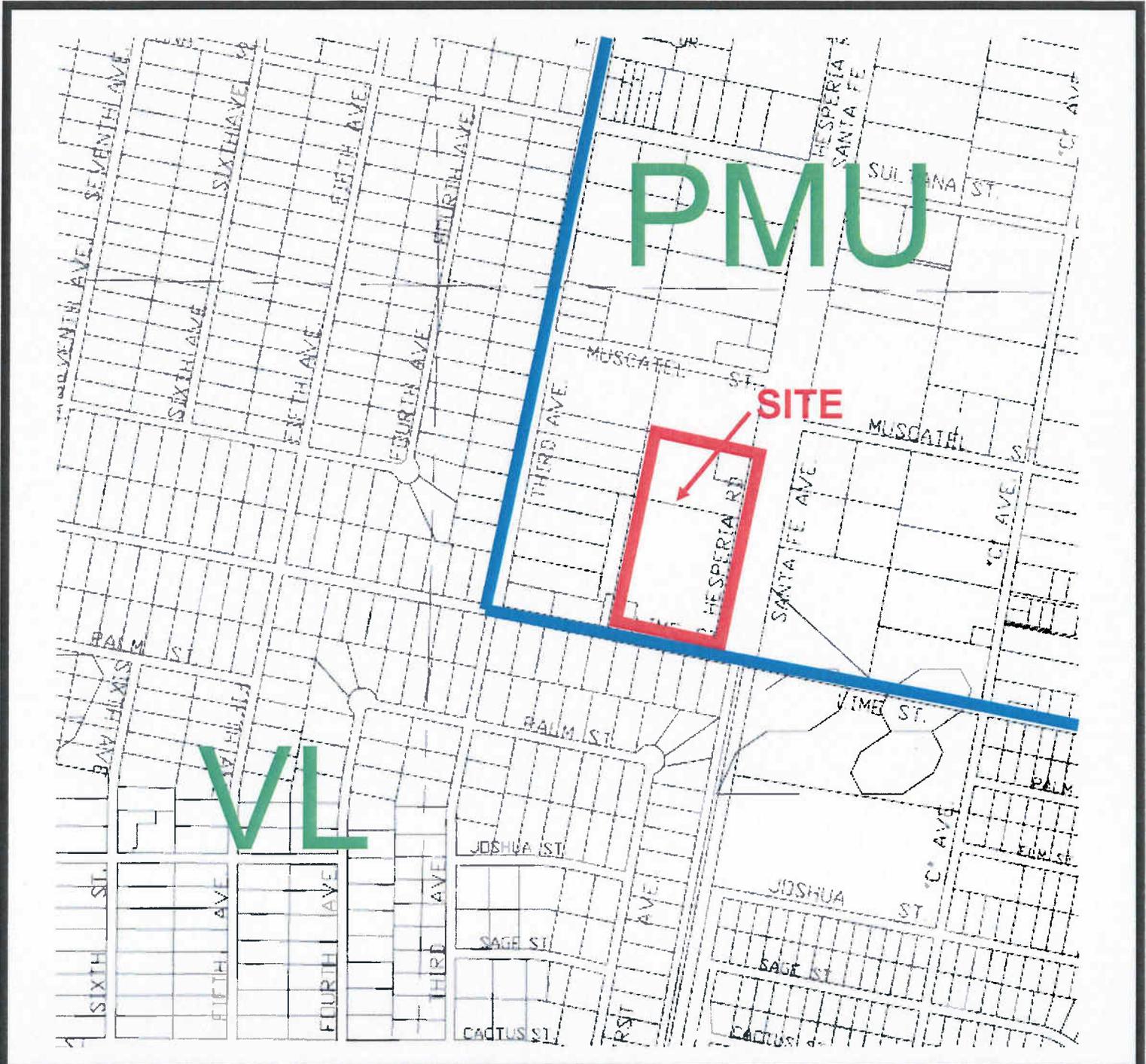
APN(S):
413-222-23 and 26

PROPOSAL:
TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK



SITE PLAN

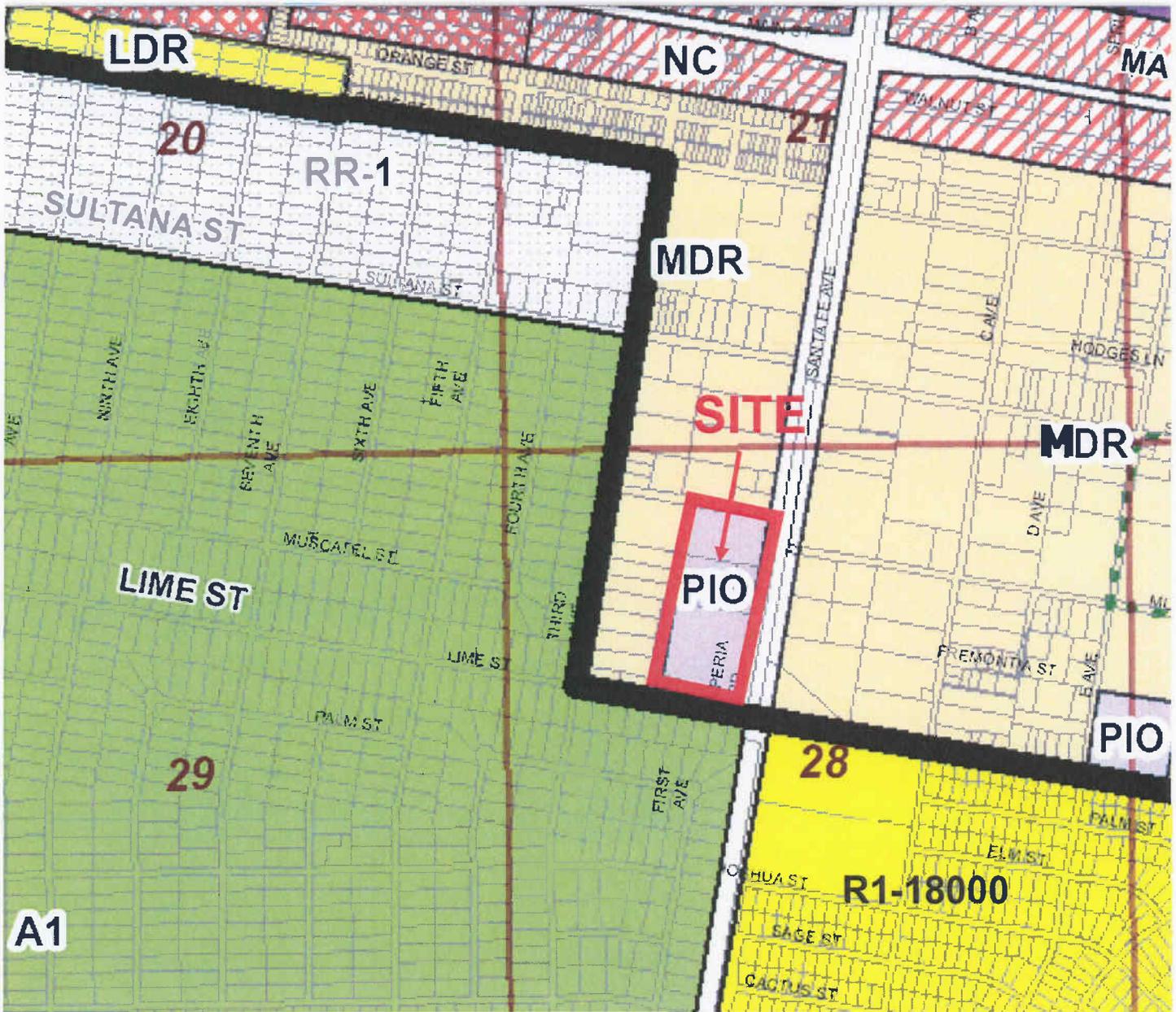
ATTACHMENT 2



| | |
|---|-------------------------------------|
| APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC | FILE NO(S):
CUP09-10108 |
| LOCATION:
NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD | APN(S):
413-222-23 and 26 |
| PROPOSAL:
TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK | N
↑ |

GENERAL PLAN LAND USE MAP

ATTACHMENT 3



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10108

LOCATION:
NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD

APN(S):
413-222-23 and 26

PROPOSAL:
TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK



ZONING MAP

ATTACHMENT 4



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10108

LOCATION:
NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD

APN(S):
413-222-23 and 26

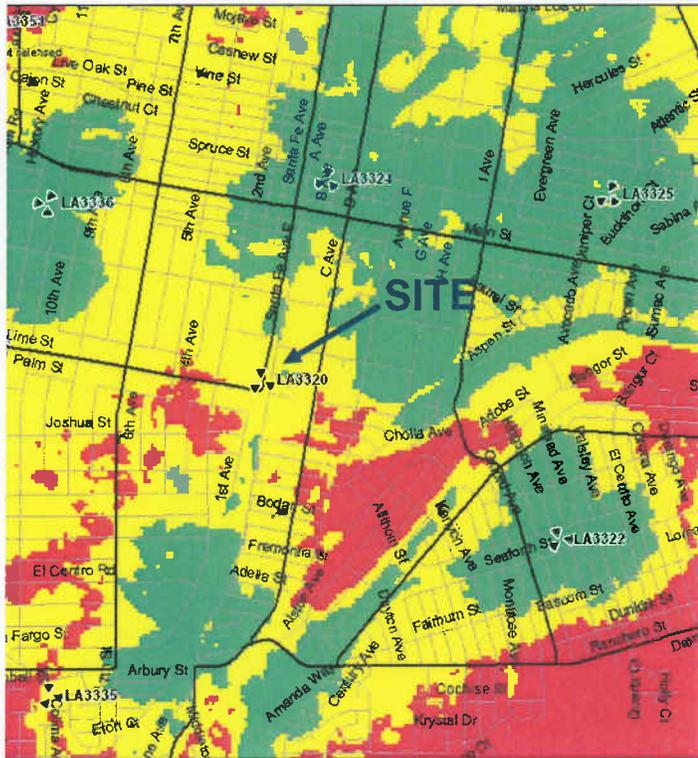
PROPOSAL:
TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK



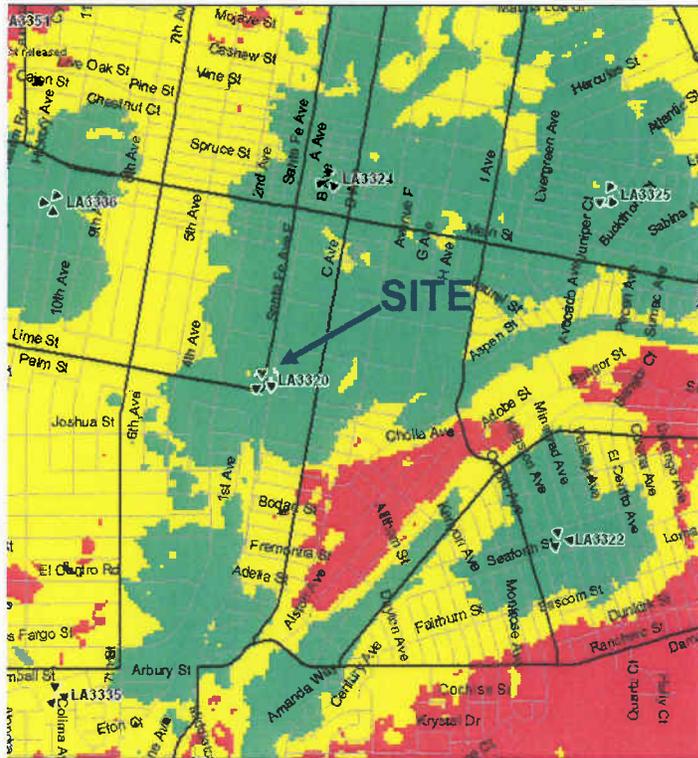
AERIAL PHOTO

ATTACHMENT 5

Coverage without CUP09-10108



Coverage with CUP09-10108



APPLICANT(S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
CUP09-10108

LOCATION:
NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD

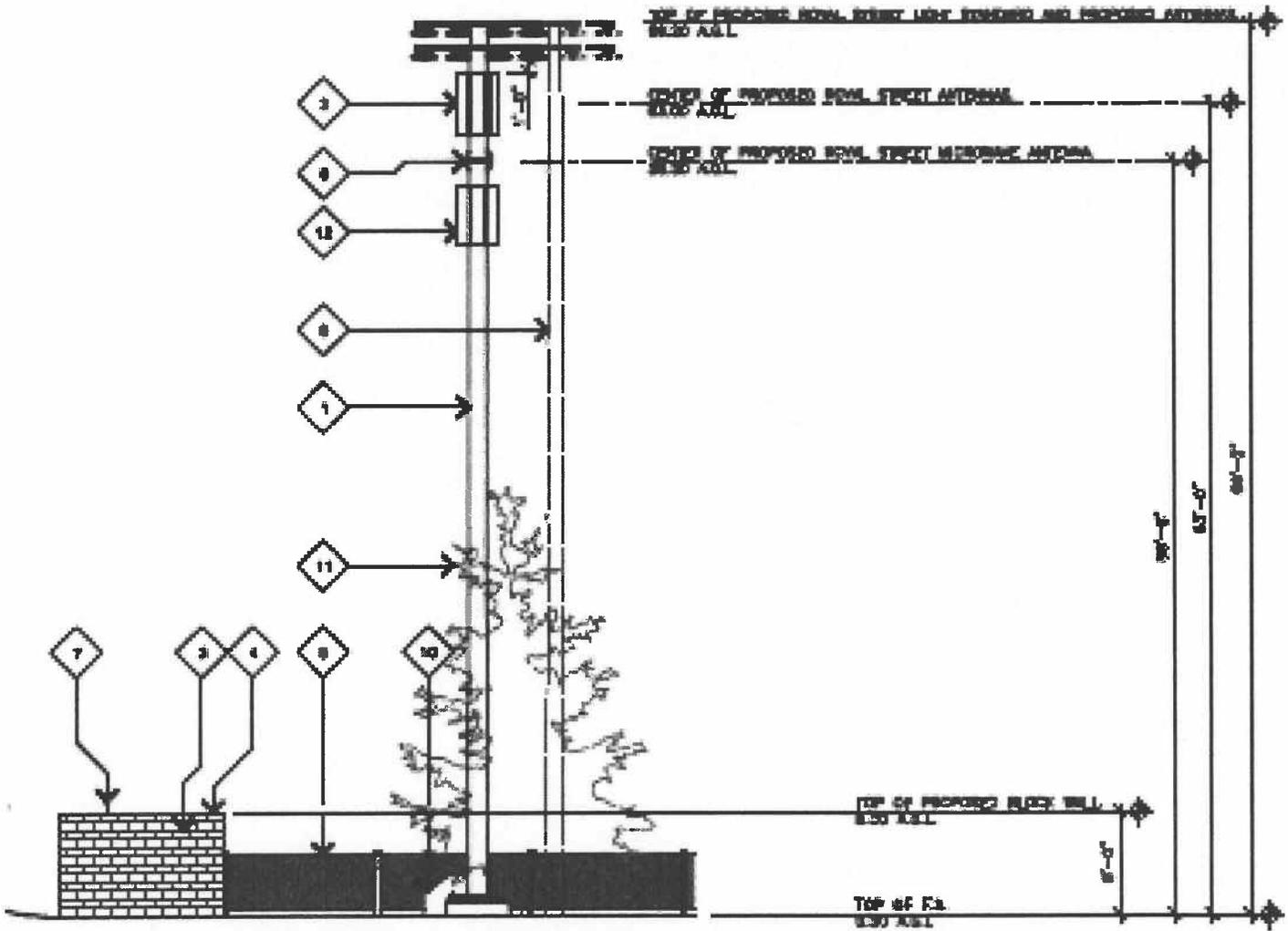
APN(S):
413-222-23 and 26

PROPOSAL:
TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK



SERVICE PLAN

ATTACHMENT 6



APPLICANT(S):
 ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO(S):
 CUP09-10108

LOCATION:
 NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD

APN(S):
 413-222-23 and 26

PROPOSAL:
 TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK



LIGHT STANDARD ELEVATION

ATTACHMENT 7

RESOLUTION NO. PC-2009-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO REPLACE AN EXISTING 69-FOOT HIGH LIGHT STANDARD WITH A 69-FOOT HIGH LIGHT STANDARD WITH A WIRELESS COMMUNICATIONS FACILITY AT LIME STREET PARK, LOCATED ON THE NORTHWEST CORNER OF LIME STREET AND HESPERIA ROAD (CUP09-10108)

WHEREAS, Royal Street Communications California, LLC, has filed an application requesting approval of Conditional Use Permit CUP09-10108 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 17.5 acres within the Public Institutional Overlay District of the Main Street and Freeway Corridor Specific Plan, located on the northwest corner of Lime Street and Hesperia Road and consists of Assessor's Parcel Numbers 413-222-23 and 26; and

WHEREAS, the Application, as contemplated, proposes to replace an existing 69-foot light standard with a 69-foot high light standard with a wireless communication facility at Lime Street Park, located on the northwest corner of Lime Street and Hesperia Road; and

WHEREAS, the subject site is presently developed as a park. The property to the north is vacant. Properties to the east, on the opposite side of the Burlington Northern Santa Fe railroad are almost completely developed with multi-family units. The properties to the south and west predominantly contain single-family residences; and

WHEREAS, the subject property, and surrounding properties to the north, east and west are currently designated Planned Mixed Use (PMU) on the City's General Plan Map. The properties to the south are designated Very Low density (VL) residential; and

WHEREAS, the subject property is within the Public Institutional Overlay (PIO) District of the Main Street and Freeway Corridor Specific Plan. The properties to the north, east and west are within the Medium Density Residential (MDR) District of the Main Street and Freeway Corridor Specific Plan. The properties to the south are zoned Limited Agriculture (A1); 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 23, 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 23, 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 equipment shelter.
- (b) The site is physically suitable for development, because the proposed equipment shelter and light standard with antennae 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 CUP09-10108, 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 23rd day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10108:

Approval Date: April 23, 2009

Effective Date: May 5, 2009

Expiration Date: May 5, 2011

This list of conditions apply to a Conditional Use Permit to replace an existing 69-foot high light standard with a 69-foot high light standard with a wireless communications facility at Lime Street Park, located on the northwest corner of Lime Street and Hesperia Road. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Royal Street Communications California, LLC; APNs: 413-222-23 and 26).

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 Constructions Plans.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)

- _____ 2. **Facility Requirements.** The antennae and all other equipment installed shall be of a matching color to the lightpole. The antennae, any proposed perimeter fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (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 Division 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, or after 31 ½ years from its date of establishment, whichever occurs first. The bond or letter of credit shall be made payable to the City upon demand and shall not expire before the end of the 31 ½-year term in which the facility is to be used. Neither the bond nor the letter of credit shall be released until the Planning Division verifies the facility's removal. (P)
- _____ 7. **Access to the Wireless Communication Facility.** Access to the wireless communications facility shall be provided from the existing driveway east of the access easement shown on the site plan. The required 12-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)
- _____ 8. **Consistency with Approved Graphics.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)
- _____ 9. **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:

- _____ 10. **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 plans. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (P)

_____ 11. **Fire Extinguisher.** The pre-fabricated equipment shelter shall have a (2A10BC) Fire Extinguisher hung on the wall with the top no higher than 4' feet.

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

_____ 12. **Temporary Generator.** Use of a generator to power the facility for service production shall not be allowed. A generator shall only be allowed to test the signal coverage on a temporary basis as approved by the Planning Division. (P)

_____ 13. **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)

_____ 14. **Maintenance of the Facility.** The facility, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (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 |

LA3320

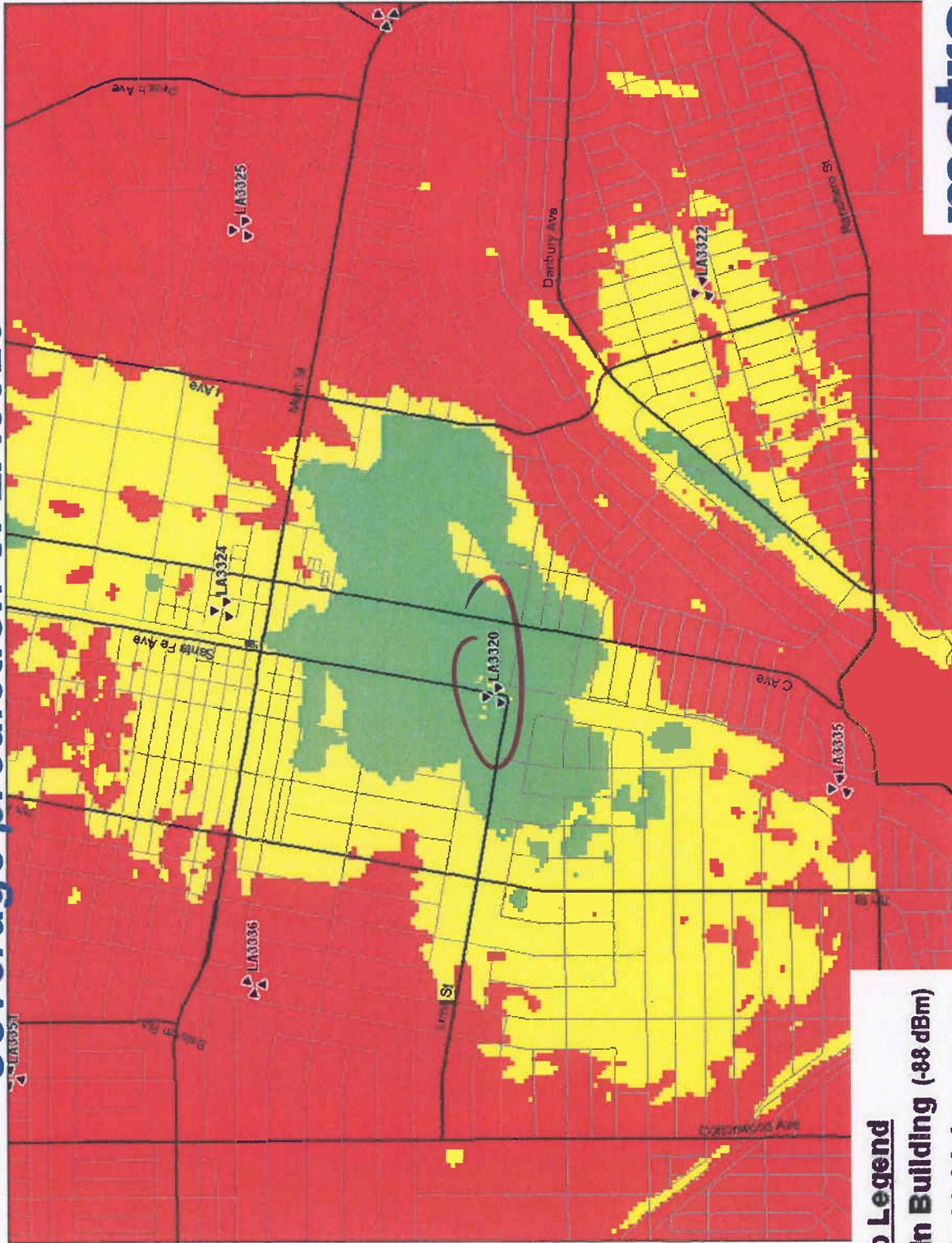
Site Name:

Lime Street Park

16292 Lime Street . Hesperia , CA. 92345

metroPCS.
Unlimit Yourself.

Coverage prediction of LA3320

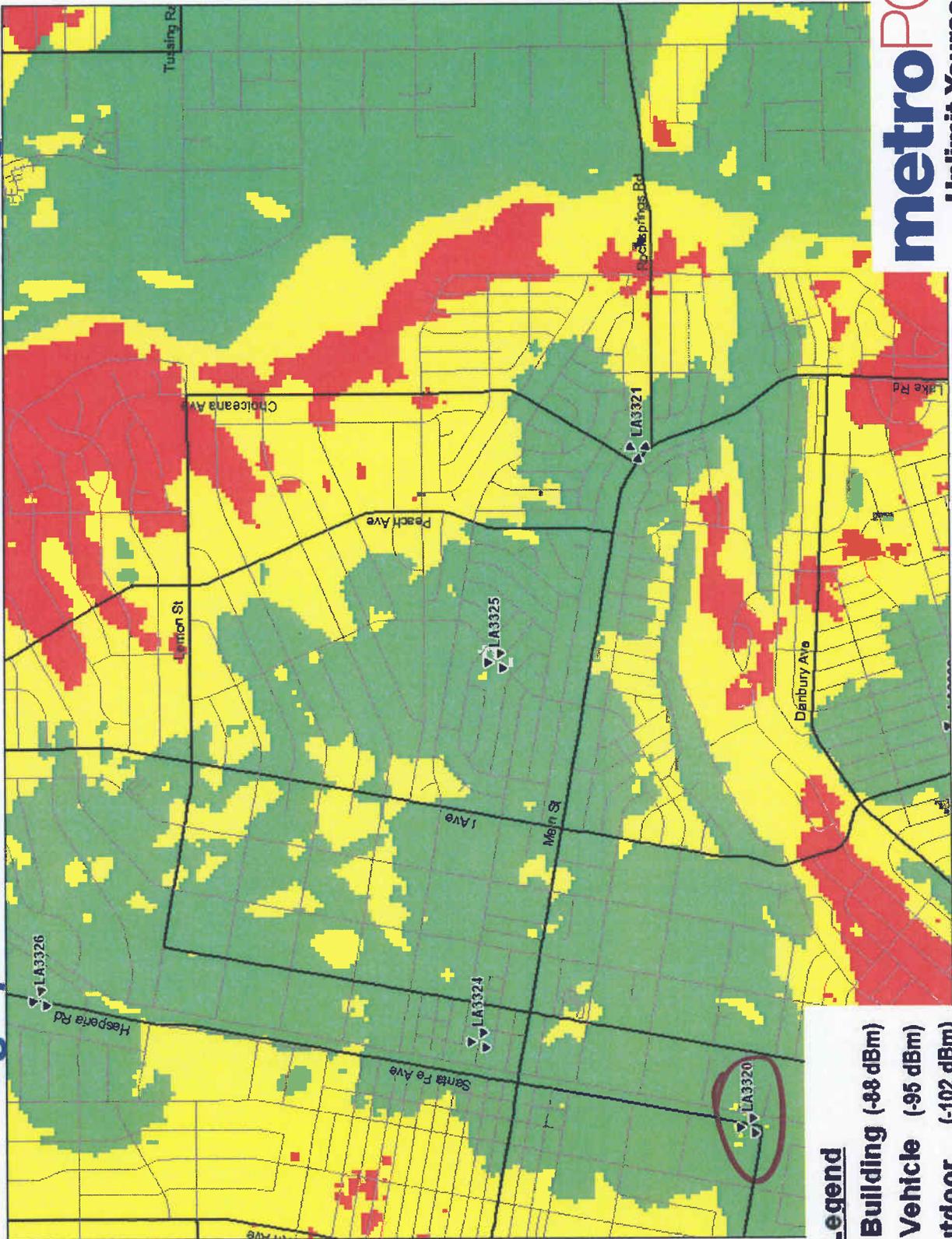


Map Legend

- In Building (-88 dBm)
- In Vehicle (-95 dBm)
- Outdoor (-102 dBm)

metroPCS
Unlimit Yourself.

Coverage prediction of LA3320 w/ surrounding sites

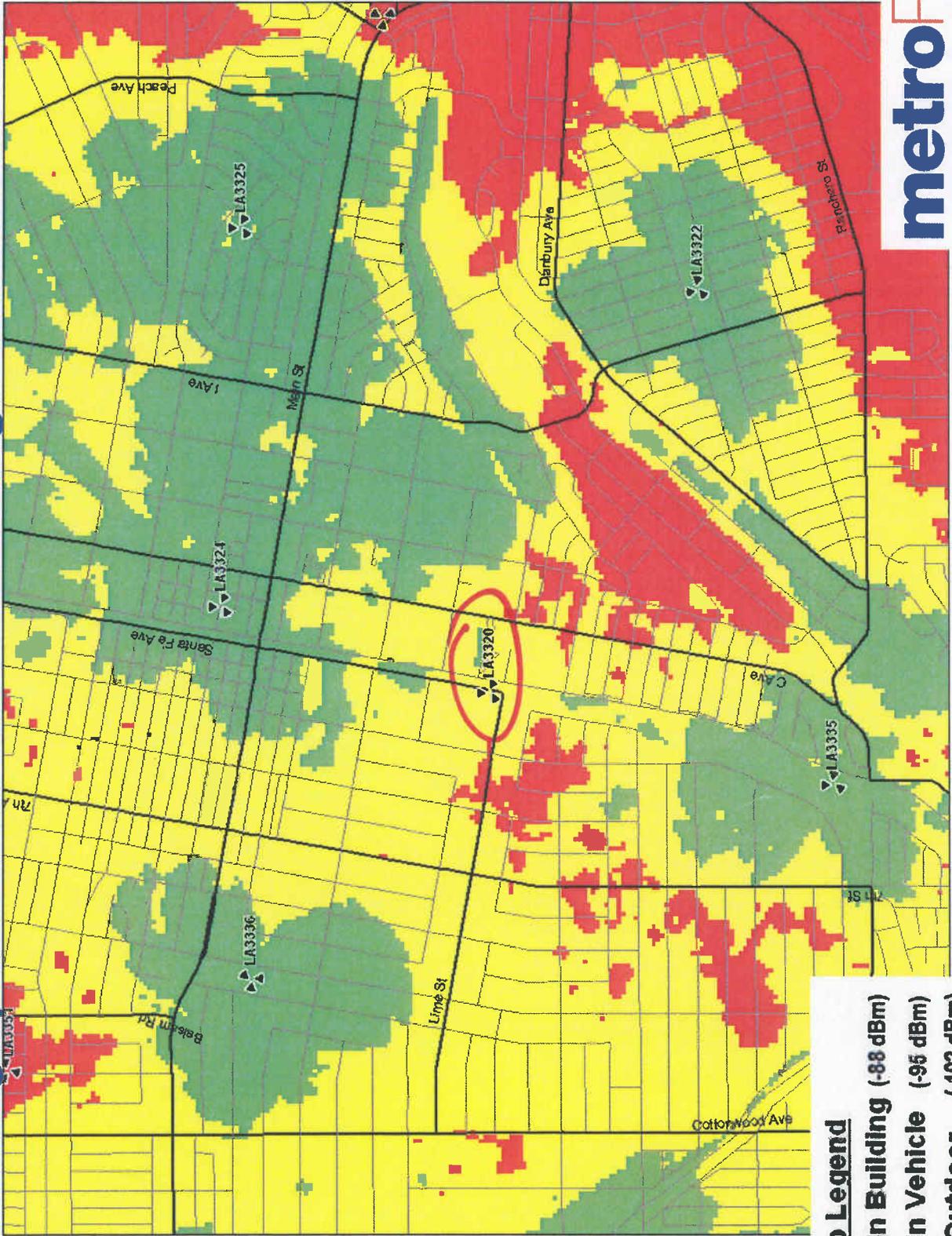


Map Legend

- In Building (-88 dBm)
- In Vehicle (-95 dBm)
- Outdoor (-102 dBm)

metroPCS
Unlimit Yourself.

Coverage prediction of surrounding sites w/o LA3320



Map Legend

| | |
|---------------------------------------|-----------------------|
| ■ | In Building (-88 dBm) |
| ■ | In Vehicle (-95 dBm) |
| ■ | Outdoor (-102 dBm) |

metroPCS
Unlimit Yourself.

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DATE: April 23, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: *LSM* Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP09-10110 and Variance VAR09-10122; Applicant: Royal Street Communications California, LLC; APN: 0415-251-13.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2009-20 and PC-2009-21, approving Conditional Use Permit CUP09-10110 and Variance VAR09-10122.

BACKGROUND

Proposal: A Conditional Use Permit to construct a 70-foot high wireless communications facility designed as a freestanding pole sign and a Variance to exceed the 50-foot height limitation (Attachment 1).

Location: The property is located at 11011 Santa Fe Avenue East.

Current General Plan, Zoning and Land Uses: The site is within the Industrial/Commercial (IND/COM) General Plan Land Use designation and within the General Manufacturing Zone District (I-2). The surrounding land is designated and zoned as noted on Attachments 2 and 3. The site is presently developed with the City's Animal Control facility. Properties to the north and south are vacant. The property to the east is partially developed with an industrial use. Single-family residences exist on the opposite side of the railroad to the west.

ISSUES/ANALYSIS

Land Use: Metro PCS, the service provider, currently does not provide coverage in Hesperia. They are presently working on establishing a service area in the City. On March 12, 2009, the Planning Commission approved four wireless communications facilities by the same applicant. The proposed facility, as well as the previously approved facilities, will provide the necessary network to begin providing adequate service in the City.

The 70-foot high wireless communications facility designed as a pole sign will be located within the City's Animal Control property. The proposed facility will include a 136 square foot equipment shelter and an eight-foot high perimeter chain link fence with slats. Using stealth technologies, the antennas will not be visible as they will be completely hidden within the pole sign. The sign has sufficient area for a future co-location. As a condition of approval, a co-location agreement will be recorded allowing for an additional carrier to utilize the site.

Based on the service plans submitted to the City, staff has determined that the proposal would provide good to fair coverage in the service area, while meeting the City's policy of using stealth technologies. The proposed facilities are consistent with the General Plan land use and zoning standards.

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 the use of stealth technologies. 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.

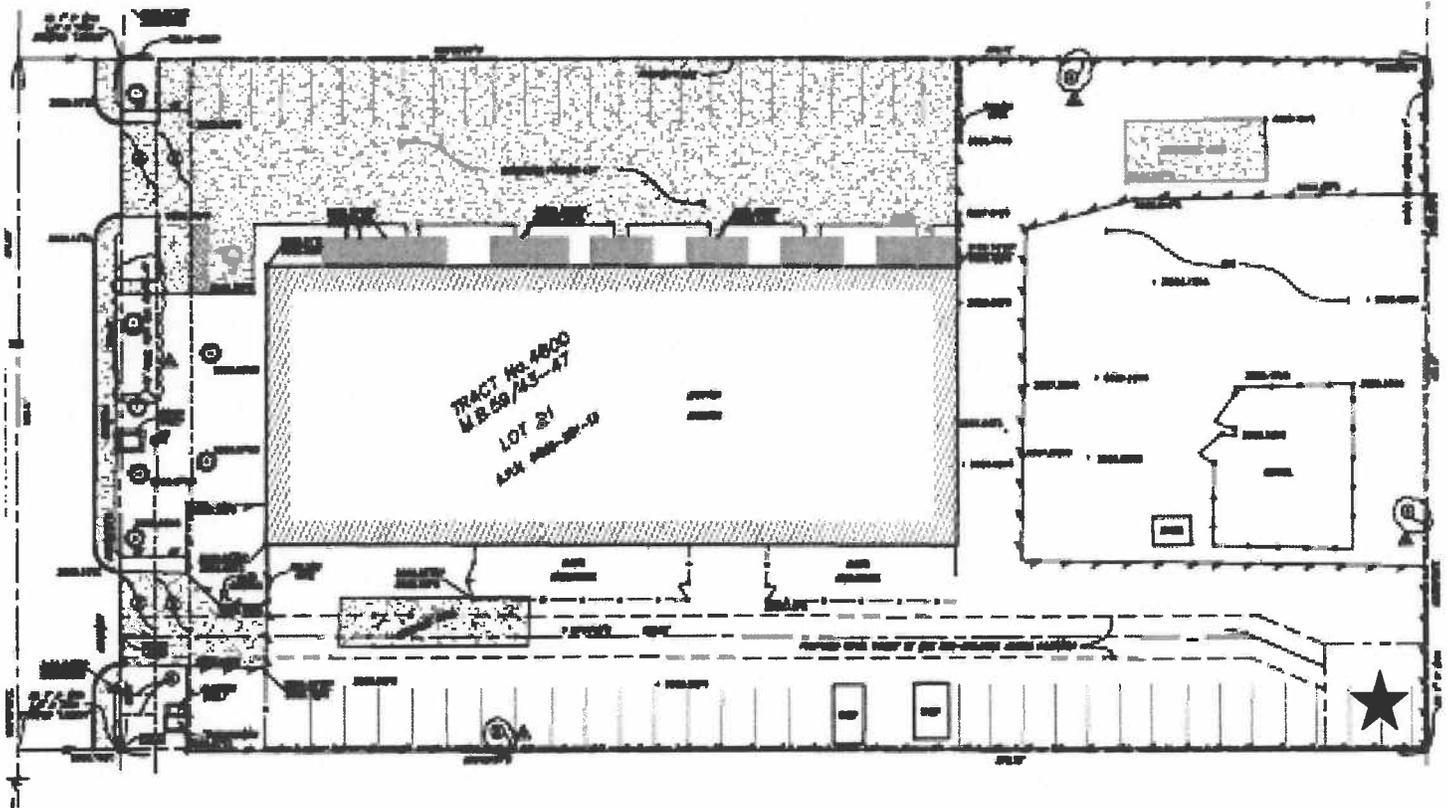
ALTERNATIVE(S)

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. Elevations
7. Resolution No. PC-2009-20, with list of conditions
8. Resolution No. PC-2009-21

ATTACHMENT 1



★ PROPOSED LOCATION OF POLE SIGN

APPLICANT(S):
ROYAL STREET COMMUNICATIONS, LLC.

FILE NO(S):
CUP09-10110 AND VAR09-10122

LOCATION:
11011 SANTA FE AVENUE EAST

APN(S):
0415-251-13

PROPOSAL:
TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A POLE SIGN, AND A VARIANCE TO EXCEED THE 50-FOOT HEIGHT LIMITATION.



SITE PLAN

ATTACHMENT 2



APPLICANT(S):
ROYAL STREET COMMUNICATIONS, LLC.

FILE NO(S):
CUP09-10110 AND VAR09-10122

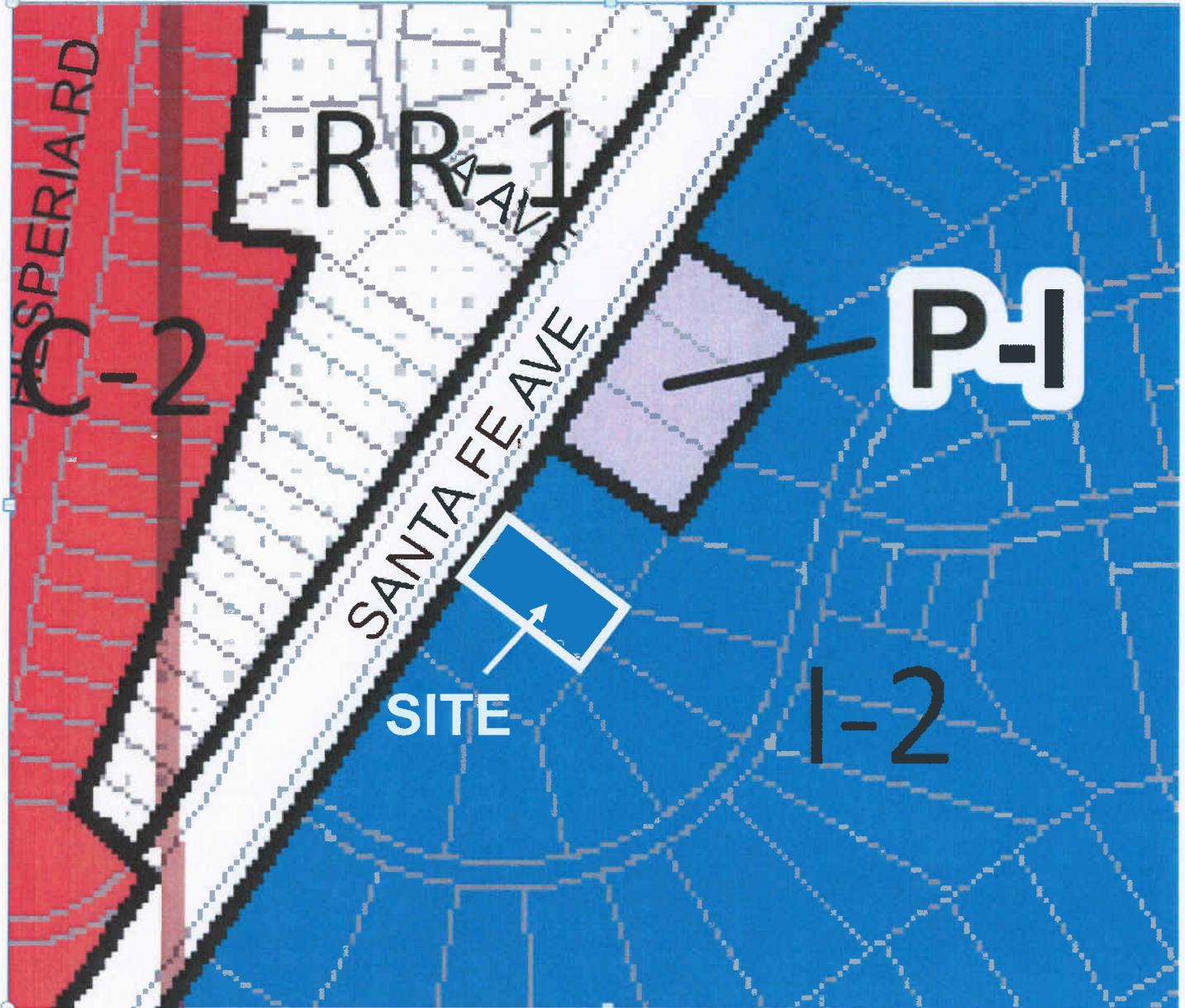
LOCATION:
11011 SANTA FE AVENUE EAST

APN(S):
0415-251-13

PROPOSAL:
TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A POLE SIGN, AND A VARIANCE TO EXCEED THE 50-FOOT HEIGHT LIMITATION.



ATTACHMENT 3



APPLICANT(S):
ROYAL STREET COMMUNICATIONS, LLC.

FILE NO(S):
CUP09-10110 AND VAR09-10122

LOCATION:
11011 SANTA FE AVENUE EAST

APN(S):
0415-251-13

PROPOSAL:
TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A POLE SIGN, AND A VARIANCE TO EXCEED THE 50-FOOT HEIGHT LIMITATION.



ZONING

2-5
PLANNING COMMISSION

ATTACHMENT 4



APPLICANT(S):
ROYAL STREET COMMUNICATIONS, LLC.

FILE NO(S):
CUP09-10110 AND VAR09-10122

LOCATION:
11011 SANTA FE AVENUE EAST

APN(S):
0415-251-13

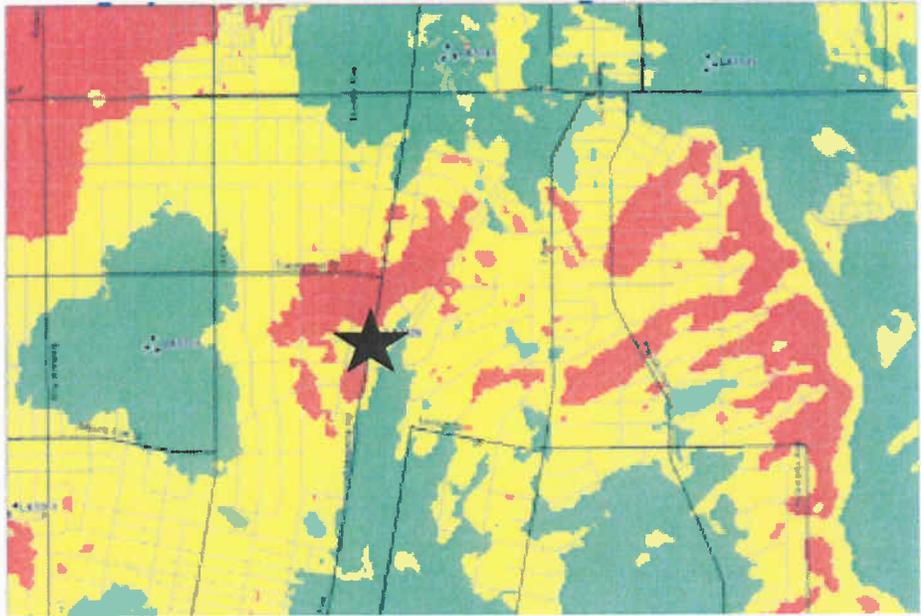
PROPOSAL:
TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A POLE SIGN, AND A VARIANCE TO EXCEED THE 50-FOOT HEIGHT LIMITATION.



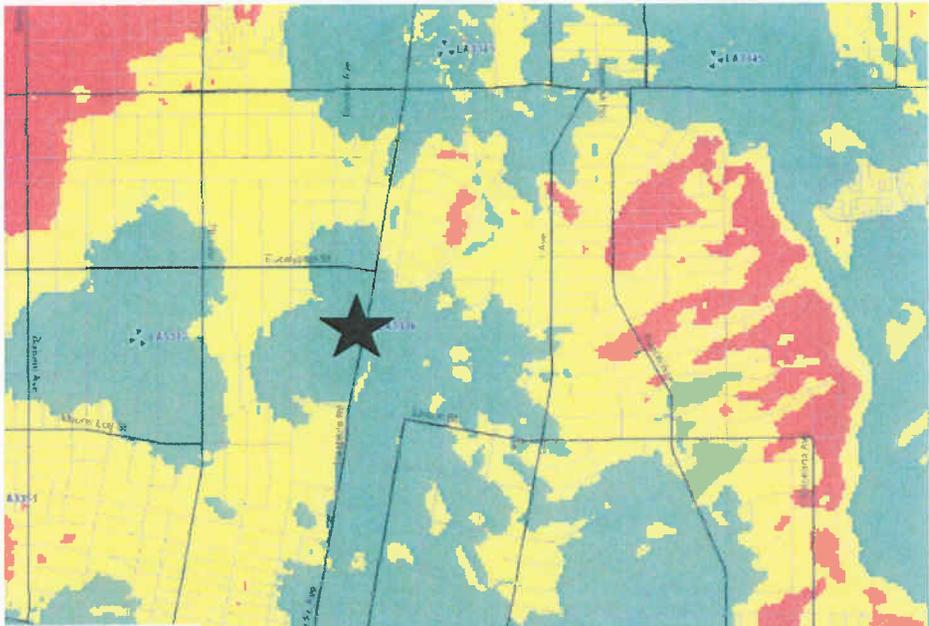
AERIAL PHOTO

ATTACHMENT 5

BEFORE



AFTER



APPLICANT(S):
ROYAL STREET COMMUNICATIONS, LLC.

FILE NO(S):
CUP09-10110 AND VAR09-10122

LOCATION:
11011 SANTA FE AVENUE EAST

APN(S):
0415-251-13

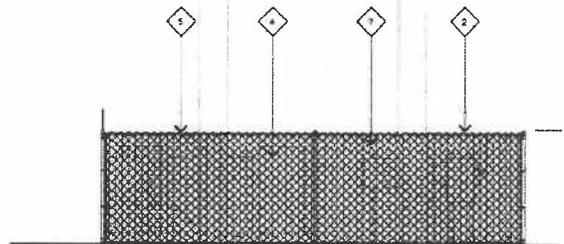
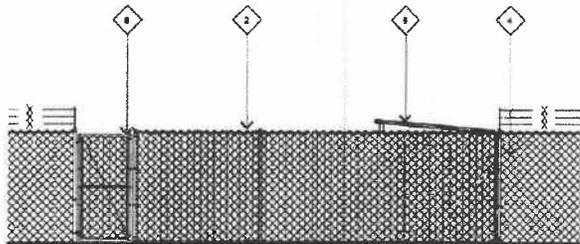
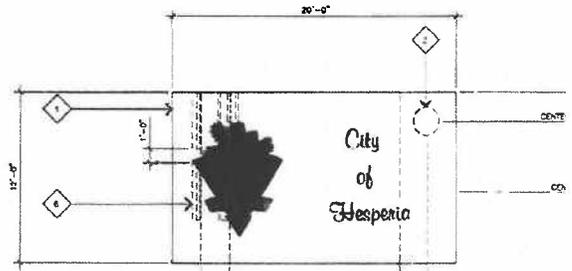
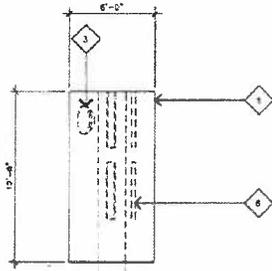
PROPOSAL:
TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A POLE SIGN, AND A VARIANCE TO EXCEED THE 50-FOOT HEIGHT LIMITATION.



SERVICE PLAN

ATTACHMENT 6

- 1 PROPOSED (6) ROYAL STREET ANTENNAS MOUNTED INSIDE PROPOSED SIGN WITHIN 30'-0" X 30'-0" LEASE AREA.
- 2 PROPOSED 8'-0" HIGH CHAIN LINK FENCE WITH SLATS
- 3 PROPOSED ROYAL STREET 2'-0" MICROWAVE ANTENNA
- 4 PROPOSED ROYAL STREET POWER AND TELCO PANELS
- 5 PROPOSED ROYAL STREET OPS ANTENNA
- 6 FUTURE CARRIER ANTENNAS
- 7 PROPOSED ROYAL STREET CABLE BRIDGE
- 8 PROPOSED ROYAL STREET 4'-0" WIDE CHAIN LINK FENCE WITH SLATS, ACCESS GATE
- 9 PROPOSED ROYAL STREET SOLAR PANELS ABOVE PROPOSED EQUIPMENT



NORTHWEST ELEVATION

NORTHEAST ELEVATION

APPLICANT(S):
ROYAL STREET COMMUNICATIONS, LLC.

FILE NO(S):
CUP09-10110 AND VAR09-10122

LOCATION:
11011 SANTA FE AVENUE EAST

APN(S):
0415-251-13

PROPOSAL:
TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY, DESIGNED AS A POLE SIGN, AND A VARIANCE TO EXCEED THE 50-FOOT HEIGHT LIMITATION.



ELEVATIONS

ATTACHMENT 7

RESOLUTION NO. PC-2009-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY DESIGNED AS A FREESTANDING POLE SIGN IN THE I-2 ZONE DISTRICT LOCATED AT 11011 SANTA FE AVENUE EAST (CUP09-10110)

WHEREAS, Royal Street Communications California, LLC., has filed an application requesting approval of Conditional Use Permit CUP09-10110 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a developed parcel within the General Manufacturing Industrial Zone District (I-2), located at 11011 Santa Fe Avenue East and consists of Assessor's Parcel Number 0415-251-13; and

WHEREAS, the Applicant, has also filed a Variance VAR09-10122 to exceed the 50-foot height limitation; and

WHEREAS, the Application, as contemplated, proposes to construct a wireless telecommunications facility at the Hesperia Animal Control facility; and

WHEREAS, the site is presently developed with the City's Animal Control facility. Properties to the north and south are vacant. The property to the east is partially developed with an industrial use. Single-family residences exist on the opposite side of the railroad to the west; and

WHEREAS, the subject property is designated Public (P). Surrounding properties to the north, south, and east are currently designated Industrial/Commercial (IND/COM). Properties to the west on the opposite side of the railroad are designated Very Low Residential (VL) on the City's General Plan Map; and

WHEREAS, the subject property is zoned General Manufacturing (I-2). The properties to the north, south, and east are also zoned I-2. The properties to the west on the opposite side of the railroad are zoned Rural Residential with a minimum lot size of one-acre (RR-1); 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 Section 15305, Minor Alterations in Land Use Limitations; and

WHEREAS, on April 23, 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 23, 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 telecommunications facility.
- (b) The site is physically suitable for development, because the proposed equipment shelter and pole sign are compatible with the existing structures on-site, and all Development Code regulations required for the permitted uses can be met.
- (c) The design of the wireless telecommunications 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 telecommunications 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 CUP09-10110, 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 23rd day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10110:

Approval Date: April 23, 2009

Effective Date: May 5, 2009

Expiration Date: May 5, 2011

This list of conditions apply to a Conditional Use Permit to construct a 70-foot high wireless communications facility, designed as a pole sign at the City's Animal Control facility located at 11011 Santa Fe Avenue East. Any change of use or expansion of area may require approval of Conditional Use Application (APN: 0415-251-13).

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.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)

- _____ 2. **Facility Requirement.** The antennae and all other equipment installed on the pole sign shall be concealed. The proposed perimeter fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (B)

- _____ 3. **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)

- _____ 4. **Access to the Wireless Communications Facility.** Access to the wireless communications facility shall be provided as shown upon the approved site plan. (B)
- _____ 5. **Consistency with Approved Graphics.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E,B)
- _____ 6. **Co-location Agreement.** The applicant shall record a co-location agreement permitting at least one other wireless communications providers to place 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 Planning Division prior to recordation. (P)
- _____ 7. **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 telecommunications facility in the event that the communications facility is abandoned, or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit shall be made payable to the City upon demand and shall not expire before the end of the 25-year term in which the facility is to be used. Neither the bond nor the letter of credit shall be released until the Planning Division verifies the facility's removal. (P).

CONDITIONS REQUIRED PRIOR TO FINAL INSPECTION:

- _____ 8. **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. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (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 |

ATTACHMENT 8

RESOLUTION NO. PC-2009-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, ALLOWING A 70-FOOT HIGH WIRELESS COMMUNICATIONS FACILITY TO EXCEED THE 50-FOOT HEIGHT LIMITATION OF THE I-2 ZONE DISTRICT LOCATED AT 11011 SANTA FE AVENUE EAST (VAR09-10122)

WHEREAS, Royal Street Communications, LLC., has filed an application requesting approval of Variance VAR09-10122 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a developed parcel within the General Manufacturing Industrial Zone District at 11011 Santa Fe Avenue East and consists of Assessor's Parcel Number 0415-251-13; and

WHEREAS, Royal Street Communications, LLC. has also filed an application requesting approval of Conditional Use Permit CUP09-10110 to construct the 70-foot high telecommunication wireless facility and associated equipment shelter; and

WHEREAS, the Application, as contemplated, proposes to construct a 70-foot wireless telecommunications facility exceeding the 50-foot height limitation; and

WHEREAS, the site is presently developed with the City's Animal Control facility. Properties to the north and south are vacant. The property to the east is partially developed with an industrial use. Single-family residences exist on the opposite side of the railroad to the west; and

WHEREAS, the subject property is designated Public (P). Surrounding properties to the north, south, and east are currently designated Industrial/Commercial (IND/COM). Properties to the west on the opposite side of the railroad are designated Very Low Residential (VL) on the City's General Plan Map; and

WHEREAS, the subject property is zoned General Manufacturing (I-2). The properties to the north, south, and east are also zoned I-2. The properties to the west on the opposite side of the railroad are zoned Rural Residential with a minimum lot size of one-acre (RR-1); 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 Section 15305, Minor Alterations in Land Use Limitations; and

WHEREAS, on April 23, 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 the Planning Commission during the above-referenced April 23, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the height restriction would reduce the effectiveness of the wireless telecommunications facility, which would result in the need to establish additional facilities in the vicinity. In approving the additional height, a co-location agreement is being implemented which will allow additional providers the ability to utilize the site, further reducing the number of facilities necessary to serve the City of Hesperia.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the proposal is located on a public facility and will not materially affect surrounding land uses as the facility will use stealth technology to completely hide the antennas within the freestanding pole sign.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone because other similar wireless telecommunications facilities have been constructed in the City that exceed the height limitations within the Development Code.
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because the height would allow co-location by other service providers reducing the need to establish additional facilities in the City.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the pole sign will be built in accordance with the 2007 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR09-10122.

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

ADOPTED AND APPROVED this 23rd day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission



DATE: April 23, 2009
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner *DR*
BY: Daniel S. Alcayaga, AICP Senior Planner
SUBJECT: Conditional Use Permit Nos. CUP09-10109 & CUP09-10138; Applicant: Royal Street Communications California, LLC; APNs: 0405-194-37 & 0397-211-01

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2009-25 & PC-2009-26, approving Conditional Use Permit Nos. CUP09-10109 and CUP09-10138.

BACKGROUND

Proposal: Conditional Use Permits to co-locate communications wireless facilities on existing on Southern California Edison electric transmission towers (Attachment 1).

Current General Plan, Zoning and Land Uses: The communications wireless facilities will be located on transmission towers within Southern California Edison electric transmission easements. The General Plan designation and zoning for the sites are as follows:

| | Zoning | General Plan Land Use |
|-------------|---|------------------------------|
| CUP09-10109 | Low Density Residential (LDR) and Neighborhood Commercial (NC) | Planned Mixed Use (PMU) |
| CUP09-10138 | Single-family Residence with a minimum lot size of 18,000 (R1-18,000) | Low Density Residential |

Locations:

| | |
|-------------|---|
| CUP09-10109 | 160 feet north of Main Street and 525 feet east of Pyrite Avenue (Attachments 2 and 3). |
| CUP09-10138 | 100 feet south of Rancho Road and 500 feet east of Via Quintana Street (Attachments 4 and 5). |

Land Use:

Metro PCS, the service provider, currently does not provide coverage in Hesperia. They are presently working on establishing a service area in the City. On March 12, 2009, the Planning Commission approved four wireless communications facilities by the same applicant. The proposed facility as well as the previously approved facilities will provide the necessary network to begin providing adequate service in the City.

The transmission towers range in height between 87 feet to 137 feet. The proposals would allow antennas to be attached to the towers at a height range between 42 feet to 75 feet. Mechanical equipment building sizes range from 270 square feet to 300 square feet and would be constructed on the ground entirely within the power line easements.

Based on the service plans submitted to the City, staff has determined that the proposals would provide adequate coverage in the respective service areas, while meeting the City's policy of co-locating on existing facilities. The proposed facilities are consistent with the General Plan land use and zoning standards.

Drainage: The proposed projects will not interfere with the current drainage flow of the sites.

Street Improvements: No public street improvements are required as the facilities cause little new traffic.

Environmental: These projects are exempt from the California Environmental Quality Act (CEQA), per Section 15303, New Construction or Conversion of Small Structures.

Conclusion: The projects are consistent with the City's intent to locate new wireless facilities on existing buildings and structures, or to conceal their appearance through other means (i. e. use of monopines and other stealth technologies). The projects meet the standards of the Development Code and staff recommends approval.

FISCAL IMPACT

Construction of these projects will be subject to payment of plan review and inspection fees as adopted by the City.

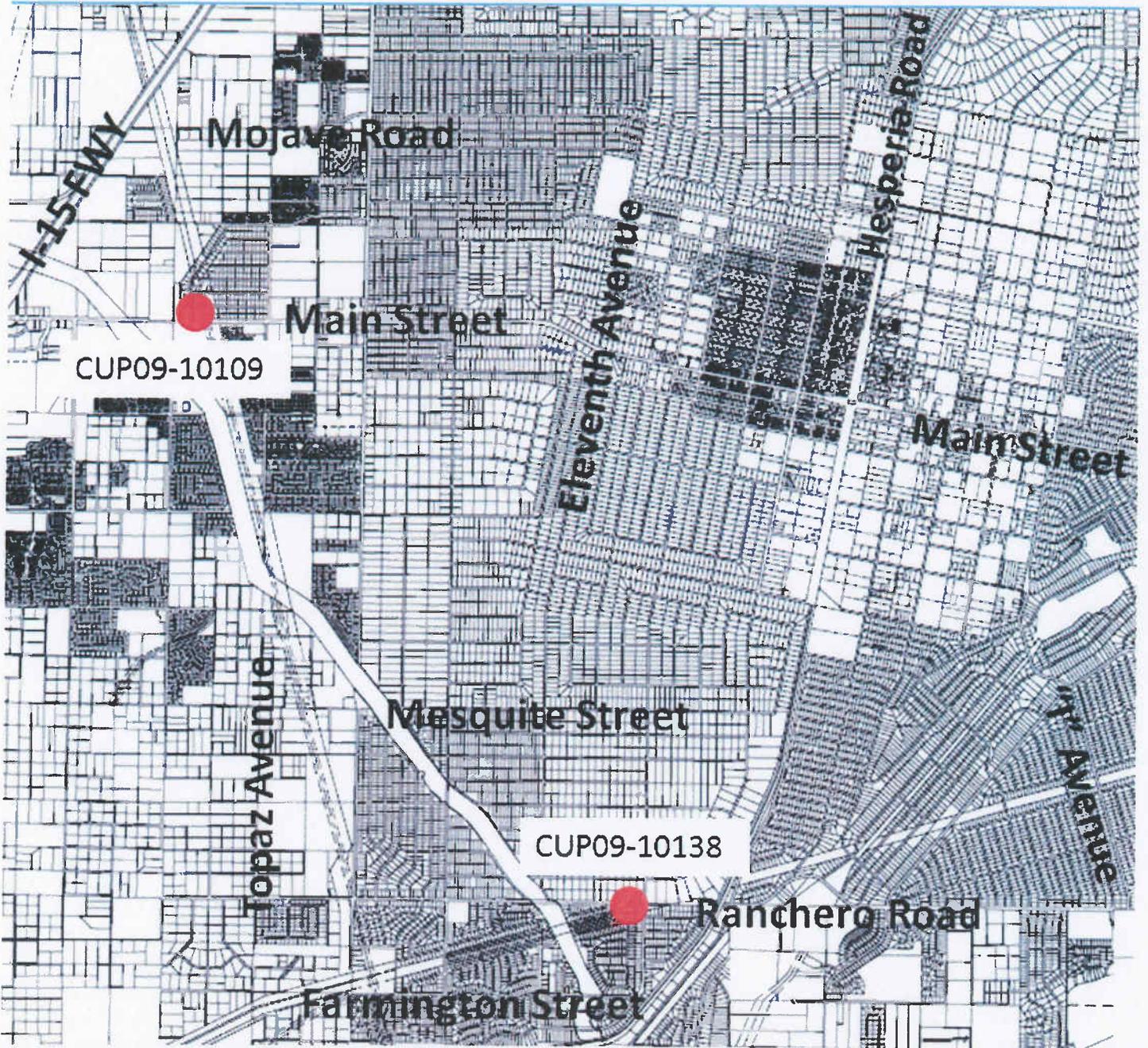
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Area Map
2. Site Plan (CUP09-10109)
3. Aerial Photo (CUP09-10109)
4. Site Plan (CUP09-10138)
5. Aerial Photo (CUP09-10138)
6. Resolution No. PC-2009-25, with list of conditions
7. Resolution No. PC-2009-26, with list of conditions

ATTACHMENT 1



APPLICANT (S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO (S):
CUP09-10109 & CUP09-10138

LOCATION: CITY OF HESPERIA

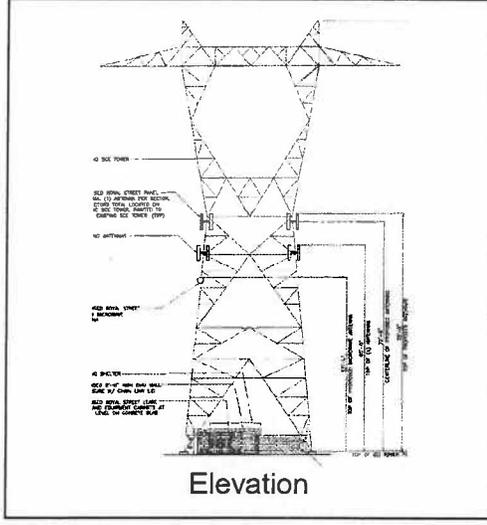
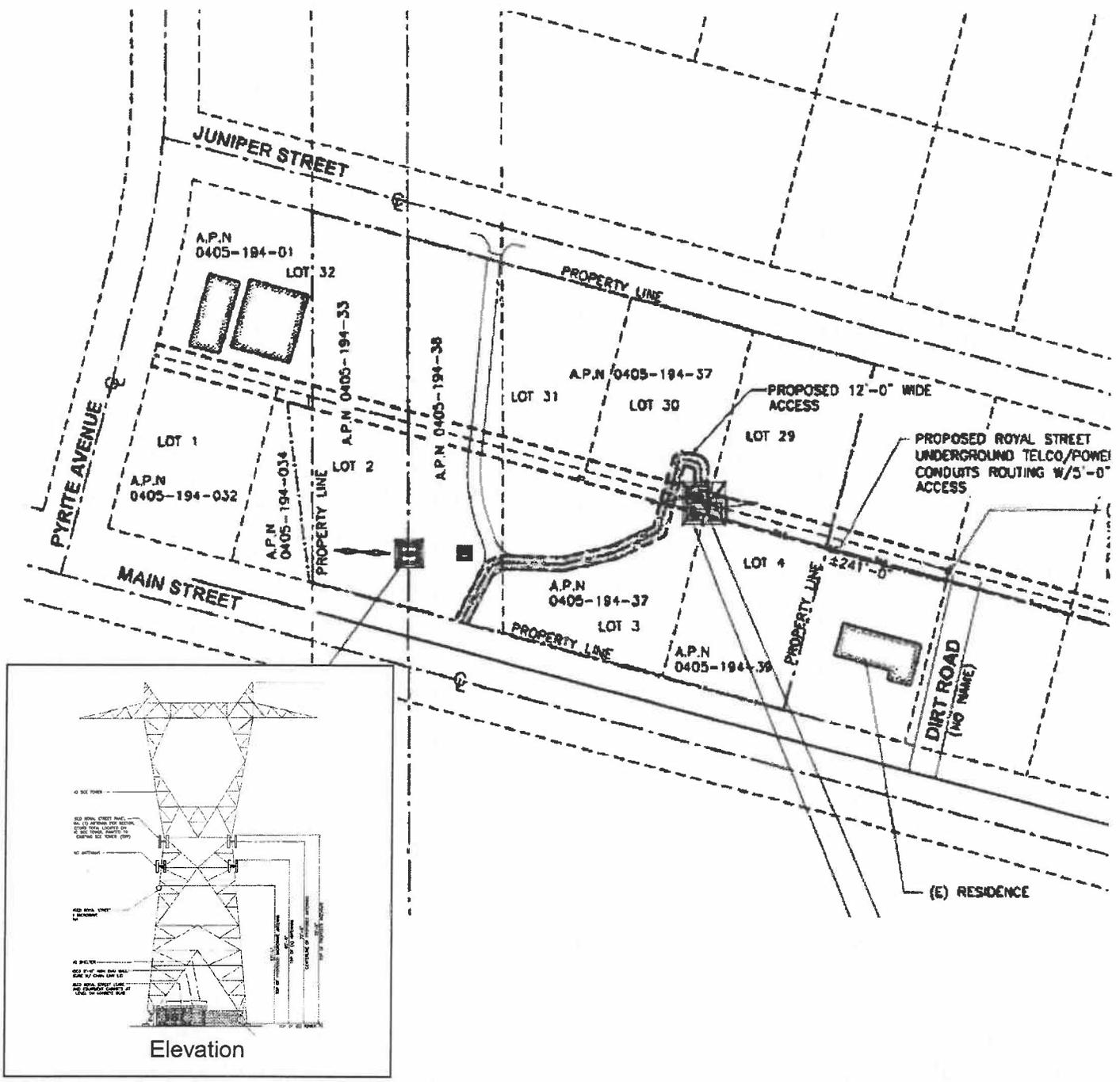
APN (S): 0405-194-37
& 0397-211-01

PROPOSAL: CONSIDERATION OF TWO CONDITIONAL USE PERMITS TO CO-LOCATE A TELECOMMUNICATIONS WIRELESS FACILITIES ON EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWERS



AREA MAP

ATTACHMENT 2



| | |
|---|------------------------------------|
| APPLICANT (S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC | FILE NO (S):
CUP09-10109 |
| LOCATION: 160 FEET NORTH OF MAIN STREET AND 525 FEET EAST OF PYRITE AVENUE | APN (S): 0405-194-37 |
| PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CO-LOCATE A TELECOMMUNICATION WIRELESS FACILITY ON AN EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER | N
↑ |

SITE PLAN (CUP09-10109)

ATTACHMENT 3



APPLICANT (S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO (S):
CUP09-10109

LOCATION: 160 FEET NORTH OF MAIN STREET AND 525 FEET EAST OF PYRITE AVENUE

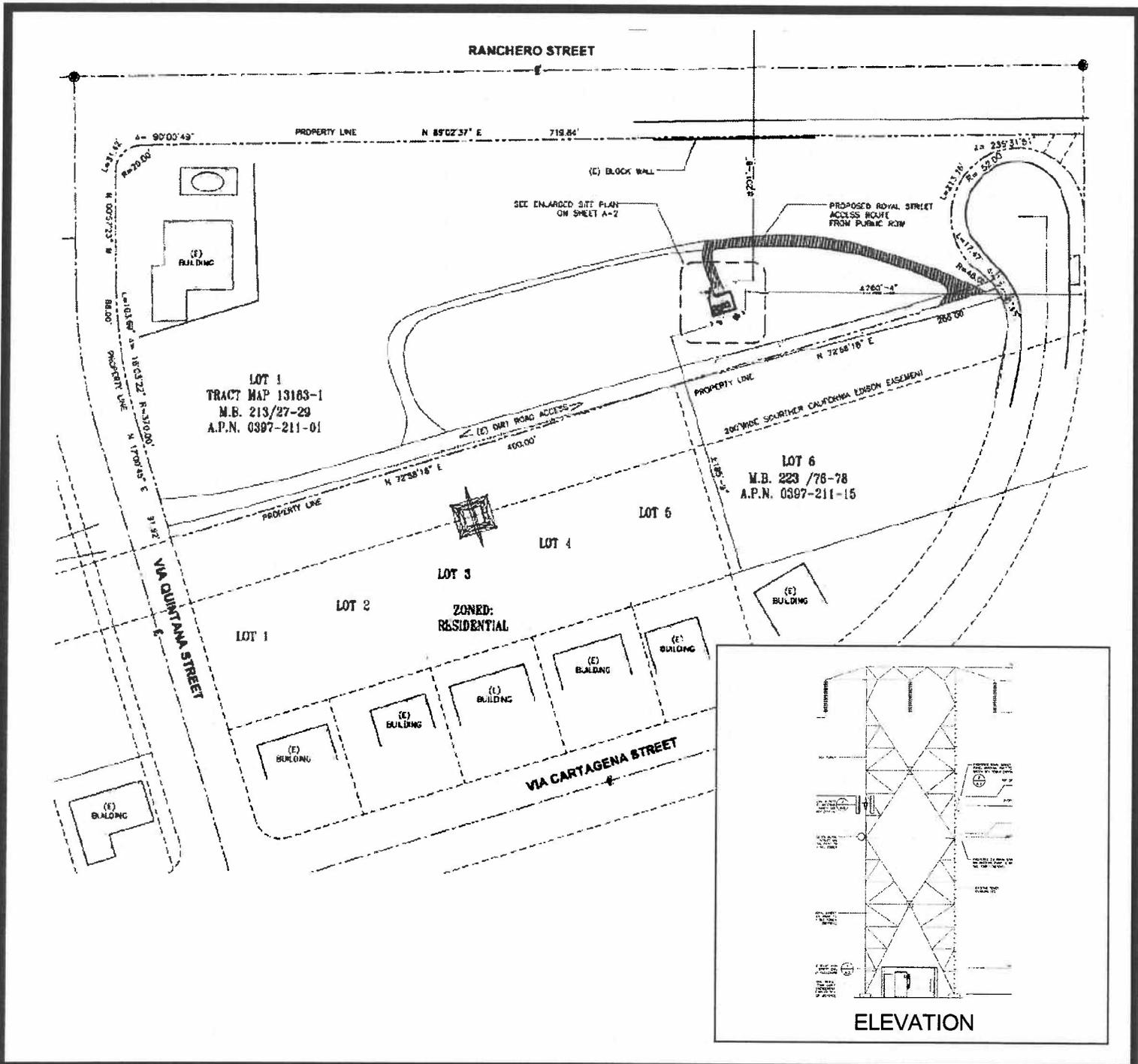
APN (S): 0405-194-37

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CO-LOCATE A TELECOMMUNICATION WIRELESS FACILITY ON AN EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER

N
↑

AERIAL PHOTO (CUP09-10109)

ATTACHMENT 4



APPLICANT (S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO (S):
CUP09-10138

LOCATION: 100 FEET SOUTH OF RANCHERO ROAD AND 500 FEET EAST OF VIA QUINTANA STREET

APN (S): 0397-211-01

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CO-LOCATE A TELECOMMUNICATION WIRELESS FACILITY ON AN EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



SITE PLAN (CUP09-10138)

ATTACHMENT 5



APPLICANT (S):
ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC

FILE NO (S):
CUP09-10138

LOCATION: 100 FEET SOUTH OF RANCHERO ROAD AND 500 FEET EAST OF VIA QUINTANA STREET

APN (S): 0397-211-01

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CO-LOCATE A TELECOMMUNICATION WIRELESS FACILITY ON AN EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER



PHOTO AERIAL (CUP09-10138)

ATTACHMENT 6

RESOLUTION NO. PC-2009-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY UPON AN EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER LOCATED 160 FEET NORTH OF MAIN STREET AND 525 FEET EAST OF PYRITE AVENUE (CUP09-10109)

WHEREAS, Royal Street Communications California, LLC, has filed an application requesting approval of Conditional Use Permit CUP09-10109 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Southern California Edison Transmission Lines, which is within the Low Density Residential and Neighborhood Commercial Zone Districts located 160 feet north of Main Street and 525 feet east of Pyrite Avenue and includes Assessor's Parcel Number 0405-194-37; and

WHEREAS, the Application, as contemplated, proposes to construct a wireless communications facility upon the existing Southern California Edison electric transmission tower on the subject property; and

WHEREAS, the subject site is within the Southern California Edison electric transmission corridor, which runs northwest and southeast, developed with existing electric transmission towers and associated equipment. The properties are vacant and developed with a multiple family residences on the opposite side of Juniper Street to the north. Vacant property exists on the opposite side of Main Street to the south. A single-family residence and vacant land exist to the east. The land to the west is vacant; and

WHEREAS, the subject site as well as surrounding land are currently designated Planned Mixed Use (PMU); and

WHEREAS, the site is currently zoned Low Density Residential and Neighborhood Commercial by the Main Street and Freeway Corridor Specific Plan. The properties are zoned Medium Density Residential to the north and Neighborhood Commercial to the south. The land is zoned Low Density Residential to the west. Properties are zoned Low Density Residential and Neighborhood Commercial to the east; 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 23, 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 23, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The site for the proposed use will have adequate access based upon the existing access at Main Street.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP09-10109, 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 23th day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10109:

Approval Date: April 23, 2009

Effective Date: May 5, 2009

Expiration Date: May 5, 2011

This list of conditions apply to a Conditional Use Permit to co-locate a communications wireless facility on an existing Southern California Edison power line tower, located within the Southern California Edison power line easement located 160 feet north of Main Street and 525 feet east of Pyrite Avenue. Any change of use or expansion of area may require approval of a Conditional Use Permit application (APN: 0405-194-37).

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.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

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

Init Date

- ___ _____ 1. **Building Constructions Plans.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)

- ___ _____ 2. **Facility Requirements.** The antennae and all other equipment installed upon the power line tower shall be of a matching color to the tower. The antennae, any proposed perimeter fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)

- ___ _____ 3. **Access to the Wireless Communications Facility.** Access to the wireless communications facility shall be provided as shown upon the approved site plan. (P)

- ___ _____ 4. **Consistency with Approved Graphics.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)

- ___ _____ 5. **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 BUILDING PERMIT FINAL INSPECTION:

- _____ 6. **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 facility shall be constructed consistent with the design shown upon the approved graphics. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (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 | 947-1474 |
| (F) | Fire Prevention Division | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

ATTACHMENT 7

RESOLUTION NO. PC-2009-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY UPON AN EXISTING SOUTHERN CALIFORNIA EDISON ELECTRIC TRANSMISSION TOWER LOCATED 100 FEET SOUTH OF RANCHERO ROAD AND 500 FEET EAST OF VIA QUINTANA STREET (CUP09-10138)

WHEREAS, Royal Street Communications California, LLC, has filed an application requesting approval of Conditional Use Permit CUP09-10138 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to land within the Southern California Edison Transmission Lines, which is within the Single-family Residence with a minimum lot size of 18,000 (R1-18,000) Zone District located 100 feet south of Rancho Road and 500 feet east of Via Quintana Street and includes Assessor's Parcel Number 0397-211-01; and

WHEREAS, the Application, as contemplated, proposes to construct a wireless telecommunications facility upon the existing Southern California Edison electric transmission tower on the subject property; and

WHEREAS, the subject site is within the Southern California Edison electric transmission corridor, which runs northeast to southwest, developed with existing transmission towers and associated equipment. Single-family homes exist on the surrounding land on all sides; and

WHEREAS, the subject site is within the R1-18,000 Zone District. Land to the south, east, and west are also zoned R1-18,000. The land on the opposite side of Rancho Road to the north is within the Limited Agricultural within a minimum lot size of one acre (A-1) Zone District; and

WHEREAS, the subject site is designated Low Density Residential by the City's General Plan. The land to south, east, and west is also designated Low Density Residential. The land on the opposite side of Rancho Road to the north is designated Very Low Density Residential; 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 23, 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 23, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on required setbacks or easements.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (d) The site for the proposed use will have adequate access based upon the existing access at Rancho Road.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP09-10138, 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 23rd day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP09-10109:

Approval Date: April 23, 2009

Effective Date: May 5, 2009

Expiration Date: May 5, 2011

This list of conditions apply to a Conditional Use Permit to co-locate a wireless communications facility on an existing Southern California Edison power line tower, located within the Southern California Edison power line easement located 160 feet north of Main Street and 525 feet east of Pyrite Avenue. Any change of use or expansion of area may require approval of a Conditional Use Permit application (APN: 0405-194-37).

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.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

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

Init Date

- ____ _____ 1. **Building Construction Plans.** Four complete sets of construction plans, prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect, shall be submitted to the Building Division for review. (B)
- ____ _____ 2. **Facility Requirements.** The antennae and all other equipment installed upon the power line tower shall be of a matching color to the tower. The antennae, any proposed perimeter fencing, and all related equipment shall be maintained in good condition during the life of the wireless communications facility. (P)
- ____ _____ 3. **Access to the Wireless Communications Facility.** Access to the wireless communications facility shall be provided as shown upon the approved site plan. (P)
- ____ _____ 4. **Consistency with Approved Graphics.** Improvement plans for off-site and on-site improvements shall be consistent with the graphics approved as part of this site plan review application and shall also comply with all applicable Title 16 and Engineering Division requirements. (E, P)
- ____ _____ 5. **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

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)

- _____ 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 telecommunications facility in the event that the communications facility is abandoned, or after 25 years from its date of establishment, whichever occurs first. The bond or letter of credit shall be made payable to the City upon demand and shall not expire before the end of the 25-year term in which the facility is to be used. Neither the bond nor the letter of credit shall be released until the Planning Division verifies the facility's removal. (P).

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT FINAL INSPECTION:

- _____ 7. **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 facility shall be constructed consistent with the design shown upon the approved graphics. Any exceptions shall be approved by the Deputy Director of Development Services / Community Development. (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 | 947-1474 |
| (F) | Fire Prevention Division | 947-1623 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

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DATE: April 23, 2009

TO: Planning Commission

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

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

SUBJECT: Specific Plan Amendment SPL09-10151 and Tentative Parcel Map TPM09-10141; Applicant: Carl Ross; APN: 3064-571-01

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2009-23 and PC-2009-24, recommending that the City Council introduce and place on first reading an ordinance approving SPL09-10151 and approve TPM09-10141.

BACKGROUND

Proposal: A Specific Plan Amendment to change 55.0 acres from Regional Commercial to Public/Institutional Overlay 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 parcels from 160.0 gross acres (Attachment 1). The Specific Plan Amendment and Tentative Parcel Map are proposed to enable two parcels totaling 60 acres to be conveyed to Victor Valley College for development of a vocational training facility and some college supportive retail and service uses.

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

Current General Plan, Zoning and Land Uses: Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial (RC) District and the Wash Protection Overlay 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 currently vacant and has been partially disturbed by off-road vehicle use, past roadway improvements, and drainage within the northwest corner of the site. Main Street and U. S. Highway 395 are along the northern and western boundary of the site, respectively. All surrounding properties are currently vacant. A mobilehome park and recreational vehicle park exists to the northeast (Attachment 4).

ISSUES/ANALYSIS

Land Use: The Specific Plan Amendment would change the zoning of Parcel 1 from Regional Commercial to Public/Institutional Overlay and Parcel 2 is to be changed to Neighborhood Commercial. The minimum parcel size for the Neighborhood Commercial District is two gross acres, as opposed to the 10-acre minimum within the Regional Commercial District. The 160-acre site is to be partially developed by Victor Valley College as a vocational training facility in the future. The proposed tentative parcel map will create six parcels. Parcel 1 will contain the college facilities and Parcel 2 is to be donated to the college for development of some retail and service uses supportive of the college campus. There are currently no plans for development of the other four parcels. The proposed tentative parcel map meets all Specific

Plan regulations, including the minimum parcel width, depth, and area requirements, with approval of the Specific Plan Amendment.

Drainage: The northwestern portion of the site is within the Wash Protection Overlay District and contains the Oro Grande Wash, which is identified by the Victorville Master Plan of Drainage facility as A-01. This wash conveys storm water northeast along the west site boundary to a proposed drainage facility identified as A-10S, which will be parallel to the Main Street alignment. All drainage from future development created on-site beyond that which has occurred historically, will be retained within an approved drainage system. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

Water and Sewer: Water and sewer improvements, which may include a sewer lift station for development in proximity to the Wash Overlay District, will be required with development of the site. Inasmuch as the proposed action will only allow for the transfer of the property, utility improvements are not required at this time.

Street Improvements: Main Street and U. S. Highway 395 are paved. The developer will be required to construct street improvements as approved by the City upon development of the site, based upon the Circulation Element. Staff recommends that non-vehicular access easements be established by the parcel map across the frontage of Parcel 1 along U. S. Highway 395 and Main Street, due to sight-distance issues caused by significant topographic changes and the curve along U. S. Highway 395.

Traffic: This project is consistent with the current Planned Mixed Use (PMU) General Plan Land Use designation and the Regional Commercial District of the Main Street and Freeway Corridor Specific Plan, excepting the proposed five-acre parcel for development of retail and service uses. Consequently, a Specific Plan Amendment is proposed. In addition, the developer is requesting that the 55-acre college campus be changed to Public Institutional Overlay. Based on a floor area ratio of 0.23 for big box retail development on the 160-acre site, approximately 78,884 daily vehicle trips would be created, according to the Institute of Transportation Engineer's Trip Generation Manual. The proposed Specific Plan Amendment, establishing a 55-acre Public/Institutional parcel (based upon 1,500 students) and a five-acre Neighborhood Commercial parcel would result in about 53,323 daily vehicle trips, including the vehicle trips associated with 100 acres of regional commercial. Therefore, a reduction of about 25,561 daily vehicle trips is projected with approval of the Specific Plan Amendment.

Environmental: Approval of this project requires adoption of a negative declaration pursuant to the California Environmental Quality Act (CEQA). The negative declaration and initial study (Attachment 5) prepared for the project conclude that there are no significant adverse impacts resulting from development of the project. Further environmental analysis will be required prior to approval of the development as part of a Site Plan Review and/or Conditional Use Permit.

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Main Street/Freeway Corridor Specific Plan as well as the Development Code, with approval of the Specific Plan Amendment.

FISCAL IMPACT

None.

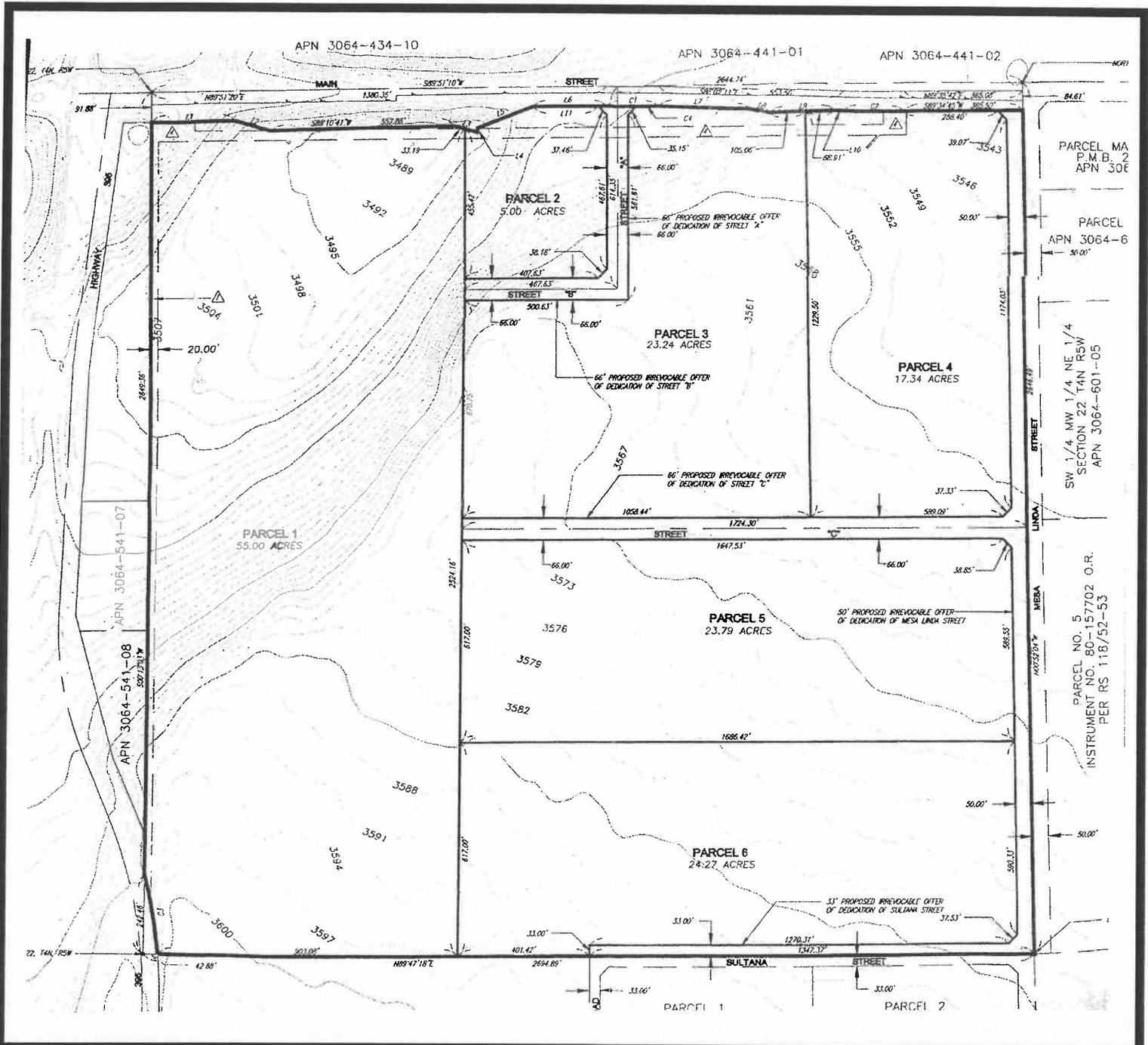
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Tentative parcel map
2. General Plan Land Use map
3. Zoning map
4. Aerial photo
5. Negative Declaration No. ND-2009-04 and the initial study
6. Resolution No. PC-2009-23
7. Resolution No. PC-2009-24, with list of conditions

ATTACHMENT 1

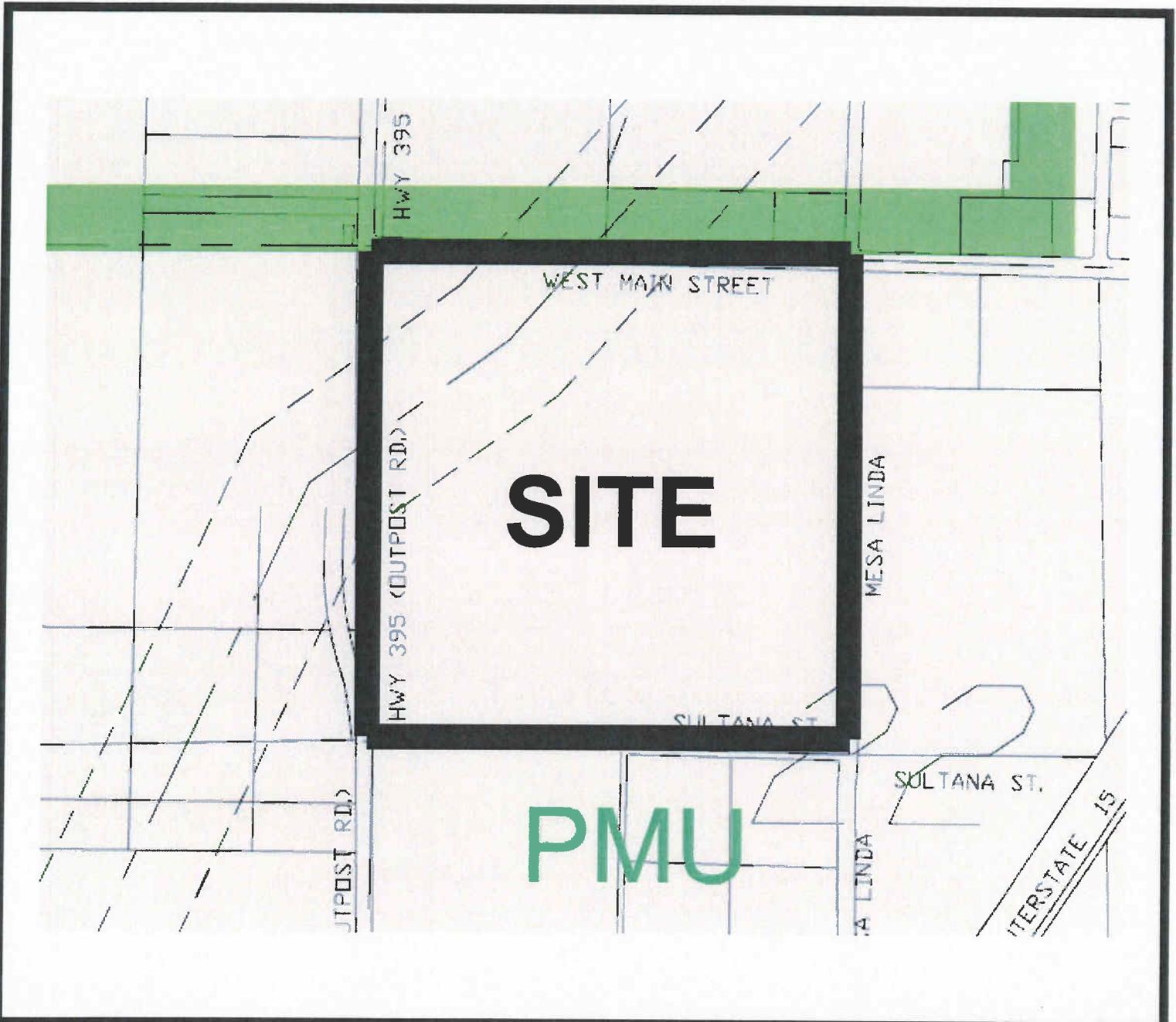


| | |
|--|---|
| APPLICANT(S):
CARL ROSS | FILE NO(S):
SPL09-10151 & TPM09-10141 |
| LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND U. S. HIGHWAY 395 | APN(S):
3064-571-01 |
| PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10151, TO CHANGE 55.0 ACRES FROM REGIONAL COMMERCIAL TO PUBLIC/INSTITUTIONAL OVERLAY AND 5.0 ACRES FROM REGIONAL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TENTATIVE PARCEL MAP TPM09-10141, TO CREATE SIX PARCELS FROM 160.0 GROSS ACRES | |



TENTATIVE PARCEL MAP

ATTACHMENT 2



APPLICANT(S):
CARL ROSS

FILE NO(S):
SPL09-10151 & TPM09-10141

LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND U. S. HIGHWAY 395

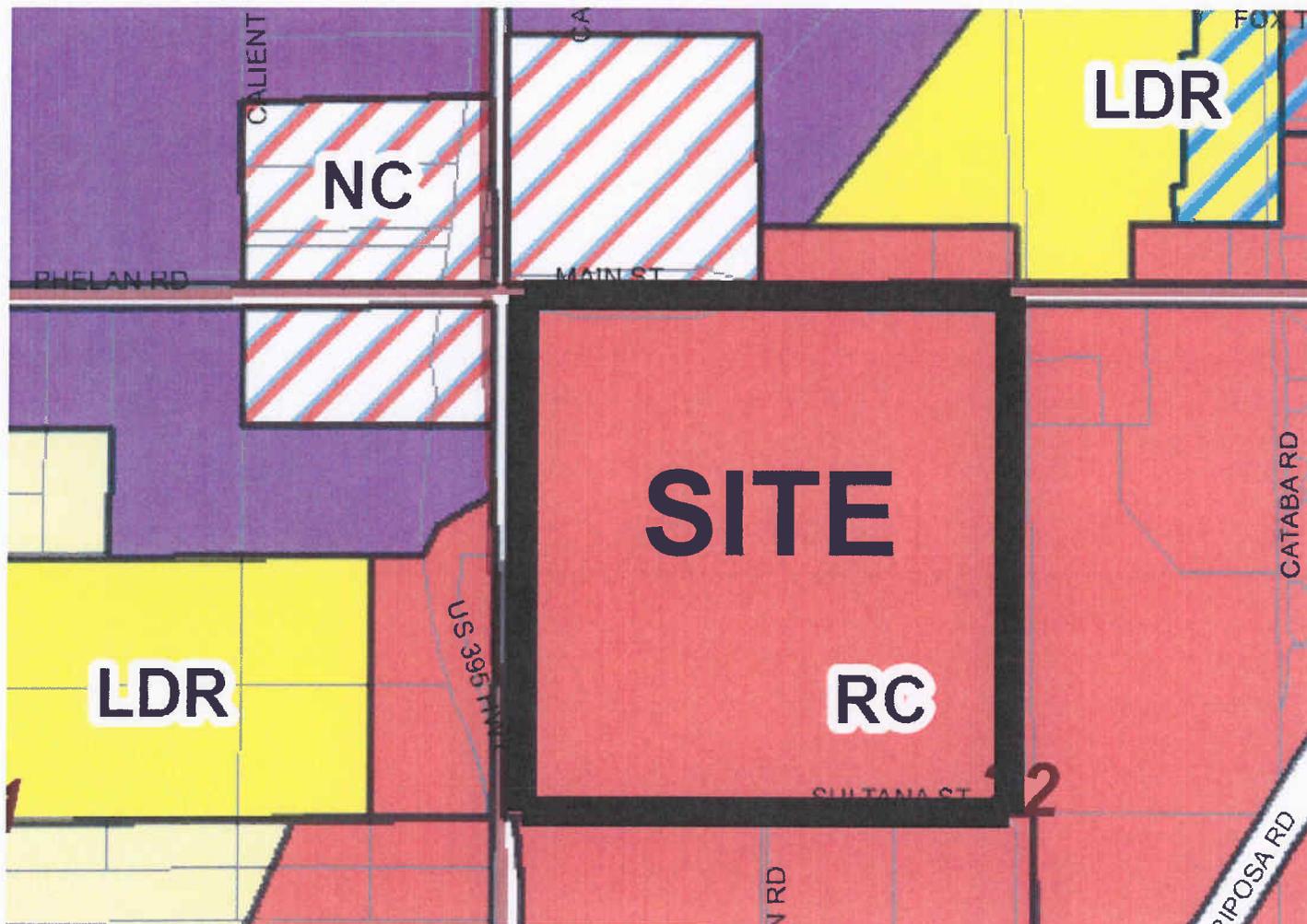
APN(S):
3064-571-01

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10151, TO CHANGE 55.0 ACRES FROM REGIONAL COMMERCIAL TO PUBLIC/INSTITUTIONAL OVERLAY AND 5.0 ACRES FROM REGIONAL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TENTATIVE PARCEL MAP TPM09-10141, TO CREATE SIX PARCELS FROM 160.0 GROSS ACRES



GENERAL PLAN LAND USE MAP

ATTACHMENT 3



| | | | |
|--|--|---|-------------------------------|
| APPLICANT(S):
CARL ROSS | | FILE NO(S):
SPL09-10151 & TPM09-10141 | |
| LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND U. S. HIGHWAY 395 | | | APN(S):
3064-571-01 |
| PROPOSAL:
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ZONING MAP

ATTACHMENT 4



APPLICANT(S):
CARL ROSS

FILE NO(S):
SPL09-10151 & TPM09-10141

LOCATION:
ON THE SOUTHEAST CORNER OF MAIN STREET AND U. S. HIGHWAY 395

APN(S):
3064-571-01

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPL09-10151, TO CHANGE 55.0 ACRES FROM REGIONAL COMMERCIAL TO PUBLIC/INSTITUTIONAL OVERLAY AND 5.0 ACRES FROM REGIONAL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN AND TENTATIVE PARCEL MAP TPM09-10141, TO CREATE SIX PARCELS FROM 160.0 GROSS ACRES



AERIAL PHOTO

ATTACHMENT 5

PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1221

NEGATIVE DECLARATION ND-2009-04
Preparation Date: April 8, 2009

Name or Title of Project: Specific Plan Amendment SPL09-10151 and Tentative Parcel Map TPM09-10141.

Location: On the southeast corner of Main Street and U. S. Highway 395 (APN: 3064-571-01).

Entity or Person Undertaking Project: Carl Ross.

Description of Project: Consideration of a Specific Plan Amendment to change 55.0 acres from Regional Commercial to Public/Institutional Overlay 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 parcels from 160.0 gross acres located on the southeast corner of Main Street and U. S. Highway 395.

Statement of Findings: The City Council has reviewed the Initial Study for this proposed project and has found that there are no significant adverse environmental impacts to either the man-made or physical environmental setting and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

A copy of the Initial Study and other applicable documents used to support the proposed Negative Declaration is available for review at the City of Hesperia Planning Department.

Public Review Period: April 13, 2009 through May 2, 2009.

Adopted by the City Council: May 19, 2009.

Attest:

DAVE RENO, AICP, PRINCIPAL PLANNER

**CITY OF HESPERIA INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM**

PROJECT DESCRIPTION

1. **Project Title:** Specific Plan Amendment SPL09-10151 and Tentative Parcel Map TPM09-10141 (PM-19187)
2. **Lead Agency Name:** City of Hesperia Planning Division
Address: 9700 Seventh Avenue, Hesperia, CA 92345.
3. **Contact Person:** Stan Liudahl, AICP, Senior Planner
Phone number: (760) 947-1231.
4. **Project Location:** On the southeast corner of Main Street and U. S. Highway 395 (APN: 3064-471-01).
5. **Project Sponsor:** Carl E. Ross
Address: 7850 S. Dean Martin Drive, Unit 502, Las Vegas, NV 89139
6. **General Plan Designation:** The site is within the Planned Mixed Use (PMU) General Plan Land Use designation, which is consistent with the current zoning of the property.
7. **Zoning:** The site is within the Regional Commercial Zone District of the Main Street and Freeway Corridor Specific Plan. The northwestern portion of the site is also within a Wash Protection Overlay.

8. Description of project:

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 in conjunction with a tentative parcel map to create six parcels from 160.0 gross acres within the Regional Commercial District of the Main Street and Freeway Corridor Specific Plan. The site is currently within the Planned Mixed Use (PMU) General Plan Land Use designation, which is consistent with the zoning. The site is currently vacant, has been impacted by drainage on its northwestern portion, and has been partially disturbed by off-road vehicle use and past roadway improvements. The proposed use is consistent with both the existing General Plan and zoning.

The 160-acre site is to be partially developed by Victor Valley College as a vocational training facility in the future. The proposed Specific Plan Amendment and tentative parcel map will create six parcels. Proposed Parcel 1 will contain the college facilities and Parcel 2 is to be donated to the college for development of retail and service uses supportive of the college campus. Therefore, the Specific Plan Amendment would change the zoning of Parcel 1 from Regional Commercial to the Public/Institutional Overlay and Parcel 2 is to be changed to Neighborhood Commercial. There are currently no plans for development of the other four parcels. The proposed tentative parcel map meets all Specific Plan regulations, including the minimum parcel width, depth, and area requirements, with approval of the Specific Plan Amendment. Further environmental analysis will be required prior to approval of the development as part of a Site Plan Review and/or Conditional Use Permit.

9. **Surrounding land uses and setting:** (Briefly describe the project's surroundings.) All surrounding properties are within the Planned Mixed Use (PMU) General Plan Land Use designation and are within the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Neighborhood Commercial and Regional Commercial District of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the north are also affected by the Wash Protection Overlay. The properties to the south and east are within the Regional Commercial District, and the properties to the west are within the Neighborhood Commercial, Regional Commercial, and Commercial Industrial Business Park Districts of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the west are also impacted by the Wash Protection Overlay.

The site is currently vacant, has been impacted by drainage on its northwestern portion, and has been partially disturbed by off-road vehicle use and past roadway improvements. Main Street and U. S. Highway 395 are along the northern and western boundary of the site, respectively. All surrounding properties are currently vacant. A mobilehome park and recreational vehicle park exists to the northeast.

10. **Other public agency whose approval is required** (e.g., permits, financing approval, or participation agreement.) This project is subject to review and approval by the Mojave Desert Air Quality Management District, the Hesperia Water District, Southern California Edison, and Southwest Gas.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | | | | |
|--------------------------|-------------------------------|--------------------------|------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agricultural Resources | <input type="checkbox"/> | Air Quality |
| <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Geology / Soils |
| <input type="checkbox"/> | Hazards & Hazardous Materials | <input type="checkbox"/> | Hydrology / Water Quality | <input type="checkbox"/> | Land Use / Planning |
| <input type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Population / Housing |
| <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation | <input type="checkbox"/> | Transportation / Traffic |
| <input type="checkbox"/> | Utilities / Service Systems | <input type="checkbox"/> | Mandatory Findings of Significance | <input type="checkbox"/> | |

DETERMINATION: (Completed by the Lead Agency)
 On the basis of this initial evaluation:

"De minimis"

| | | |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | |
| <input type="checkbox"/> | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. | |
| <input type="checkbox"/> | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. | |
| <input type="checkbox"/> | I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. | |
| <input type="checkbox"/> | I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required. | |



Signature
 Stan Liudahl, AICP, Senior Planner, Hesperia Planning Division

4/8/2009
 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off- as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting information sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significance.

| I. AESTHETICS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect on a scenic vista (1 & 2)? | | | | X |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway (1 & 2)? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings (1 & 2)? | | | | X |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (1, 2, 3 & 26)? | | | | X |

Comments.

A portion of the site has been previously disturbed by off-highway vehicle use and past roadway improvements and a mobilehome park and recreational vehicle park exist to the northeast. Consequently, the site is not considered a scenic resource. Main Street and U. S. Highway 395, which are located along the northern and western property boundary, are not scenic highways and the site is not in close proximity to any scenic resources, historic buildings, or a scenic highway. Approval of the

proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

Future development of the proposed college campus, support retail and services, and other undetermined uses will not have any adverse impact to the aesthetics of the area as the development is subject to the Main Street and Freeway Corridor Specific Plan regulations (1, 2, & 3), which limit the building height and provide for minimum yard and maximum floor area ratio standards as implemented through the site plan review and/or conditional use permit process. Consequently, future development of the site will not degrade the existing visual character or quality of the site and its surroundings.

The proposed college campus and support retail and services is consistent with the proposed Public/Institutional Overlay and Neighborhood Commercial Districts of the Main Street and Freeway Corridor Specific Plan. The Specific Plan identifies public uses within the Public/Institutional Overlay Zone as a conditional use and retail and services of a broad range, inclusive of the types of uses expected to occur on the proposed parcel to be within the Neighborhood Commercial District as permitted and conditional uses (3). The Specific Plan EIR addressed development to the maximum build-out of the Specific Plan. The impact of the entire site within the Regional Commercial District is expected to exceed that of the proposed impact with the Specific Plan Amendment. Consequently, the proposed development will not exceed the impact addressed by the EIR. Further, the impact of the proposed uses will be assessed at the time that a land use application is submitted for development of the site.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to aesthetics upon build-out of the Specific Plan (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative-level significant impacts for light and glare. This project is expected to lessen the impact from that addressed by the EIR. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required. Therefore, approval of the Specific Plan Amendment and Tentative Parcel Map would not have an impact upon aesthetics.

| II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and State Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (4)? | | | | X |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract (5)? | | | | X |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use (5)? | | | | X |

Comments.

The project site has been partially disturbed, and is not presently, nor does it have the appearance of previous agricultural uses. The project site does not contain any known agricultural activities or any known unique agricultural soils. Based on the lack of designated agricultural soils on the project site, it is concluded that the project will not result in significant adverse impacts to agriculture or significant agricultural soils. The soil at this location is classified by the U.S. Soil Conservation Service as *Cajon Sand, zero to two percent slopes, Cajon Sand, two to nine percent slopes, Cajon Sand, nine to fifteen percent slopes, and Hesperia loamy fine sand, two to five percent slopes*. These soils are limited by high soil blowing hazard, high water intake rate, low available water capacity, and low fertility (4). The proximity of residential uses does not make this site viable for agriculture. The U.S. Department of Agriculture, Soil Conservation Service (SCS) Soil Survey of San Bernardino County California Mojave River Area states that "Urban and built-up land and water areas cannot be considered prime farmland..." The project is located within an urbanized area which, according to the SCS, is not considered prime farmland. Further, the site is not within the area designated by the State of California as "unique farmland (4)."

According to the City of Hesperia General Plan, no agriculture specific land use exists within the project site. The land is not within a Williamson Act contract and is zoned Regional Commercial within the Specific Plan (5). Therefore, this project has no potential to conflict with existing zoning for agricultural uses or a Williamson Act contract and will not have an impact upon agricultural resources. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, approval of the Specific Plan Amendment and Tentative Parcel Map would not have an impact upon agricultural resources.

| III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Conflict with or obstruct implementation of the applicable air quality plan (6)? | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (6)? | | | | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors) (6)? | | | | X |
| d) Expose sensitive receptors to substandard pollutant concentrations (1, 2 & 5)? | | | | X |
| e) Create objectionable odors affecting a substantial number of people (2)? | | | | X |

Comments.

The impact of the development upon the surrounding area, with emphasis upon the impact upon sensitive receptors, was considered. Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality. Sensitive receptors typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality. The closest sensitive receptors are the occupants of the mobilehome park located to the northeast.

The MDAQMD has prepared and published a number of studies that have demonstrated the MDAB can be brought into attainment for particulate matter and ozone, if the South Coast Air Basin (SCAB) achieves attainment under its adopted Air Quality Management Plan. The High Desert and most of the remainder of the desert has been in compliance with the federal particulate standards for the past 15 years. The ability of MDAQMD to comply with ozone ambient air quality standards will depend upon the ability of SCAQMD to bring the ozone concentrations and precursor emissions into compliance with ambient air quality standards (40 & 41).

Assembly Bill 32, effective as of January 1, 2007, requires the California Air Resources Board (CARB) to develop regulations and market mechanisms that will ultimately reduce California's greenhouse gas emissions to 1990 levels by 2020. CARB has yet to adopt mandatory monitoring and reporting rules for significant sources of greenhouse gases or adopt a plan indicating how emission reductions will be achieved from significant greenhouse gas sources via regulations, market mechanisms and other actions. CARB is required to establish rules and standards by January 1, 2009. In addition, Senate Bill 97 requires that all local agencies analyze the impact of greenhouse gases under CEQA and task the Office of Planning and Research (OPR) to develop CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions..." OPR has until July 1, 2009 to send draft guidelines to the State Resources Agency, which in turn has until January 1, 2010 to certify and adopt the regulations prepared by OPR. Similarly, CEQA provides no new guidance on significance criteria. Therefore, it is not possible to make a definitive determination on the significance of project greenhouse gas emissions.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to air quality upon build-out of the Specific Plan (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with air quality impacts. This project is consistent with the Specific Plan and would not increase the number of vehicle trips from that currently allowed by the Specific Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would not create a greater air quality impact from that currently allowed by the adopted Specific Plan, no additional impact beyond that identified within the EIR would occur.

The City of Hesperia is within the MDAQMD, which is responsible for managing air quality. The MDAB Air Quality Management Plan utilized the City's local planning documents to develop the measures which should be implemented to achieve the air quality attainment goals. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Since the project impact is less than that allowed by local land use plans, it is considered compatible with air quality management plans (6).

| IV. BIOLOGICAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 7)? | | | | X |

| | | | | |
|---|--|--|--|---|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service (1 & 7)? | | | | X |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (1)? | | | | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (1)? | | | | X |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (8)? | | | | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (8)? | | | | X |

Comments.

The site is not expected to support the Mohave ground squirrel given the very low population levels of the species in the region. The potential for the existence of a desert tortoise upon the 160 acres, which is in proximity to existing development, is extremely low (7). The project site is located in an area listed as Category 3 habitat for the desert tortoise by the United States Bureau of Land Management (9). Class 3 habitat indicates that the probability of tortoise occurring is low, but the area is still within the historic range. Class 0 habitat indicates that the area is considered outside of the historical range of the species and thus is not expected to occur. Prior to approval of a site plan review and/or conditional use permit allowing for development of the site, a biological report shall be prepared, which shall determine whether sensitive species or specie habitats exist on the site including desert tortoise, Mojave ground squirrel, burrowing owls, or any other special-status species. In addition, a protected plant plan will be required by the City, which will ensure that individual plants protected under the City’s Native Plant Protection Ordinance (8) which are capable of being transplanted, will be protected in place or relocated. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have an impact upon biological resources.

| V. CULTURAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| .a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (9)? | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (9)? | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature (9)? | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries (9)? | | | | X |

Comments.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have an impact upon cultural resources.

| VI. GEOLOGY AND SOILS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (10). | | | | X |
| ii) Strong seismic ground shaking (11)? | | | | X |
| iii) Seismic-related ground failure, including liquefaction (4 & 12)? | | | | X |
| iv) Landslides (13)? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil (4 & 13)? | | | | X |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (4 & 12)? | | | | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (4 & 12)? | | | | X |

Comments.

The project site contains generally flat topography, but contains an average slope of five percent, approaching a slope of ten percent within the northwestern portion, where a wash occurs. No large hills or mountains are located within the project site. According to Figure S-1 of the City of Hesperia General Plan, no active faults are known or suspected to occur near or within the project site and the site is not within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone.

Because the project disturbs more than one-acre of land area, the project is required to file a Notice of Intent (NOI) and obtain a general construction National Pollution Discharge Elimination System (NPDES) permit prior to the start of land disturbance activities. Issuance of these permits requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) which specifies the Best Management Practices (BMP) that will be implemented to prevent construction pollutants from contacting stormwater. Obtaining the NPDES and implementing the SWPPP is required by the State Water Resources Control Board (WRCB) and the California Regional Water Quality Control Board (RWQCB). These are mandatory and NPDES and SWPPP have been deemed adequate by these agencies to mitigate potential impacts.

As a function of obtaining a building final, any proposed development will be built in compliance with the Hesperia Municipal Code and the Building Code (14), which ensures that the buildings will adequately resist the forces of an earthquake. In addition, prior to issuance of a grading permit, a soil study is

required, which shall be used to determine the load bearing capacity of the native soil. Should the load bearing capacity be determined to be inadequate, compaction or other means of improving the load bearing capacity shall be performed in accordance with all development codes to assure that structures will not be negatively affected by the soil. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have any impact upon geology and soils.

| VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (2)? | | | | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (2)? | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (1 & 2)? | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (1)? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area (15)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area (15)? | | | | X |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (16)? | | | | X |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (1 & 17)? | | | | X |

Comments.

The project does not involve the transport or storage of hazardous wastes. The following is a list of the facilities identified on the County's list of hazardous sites:

- 14651 Cedar, 92345 - Lake Silverwood SRA
- 18525 Bear Valley Road, 92345 - Mojave Rock and Sand
- 13105 W. Main Street, 92345 - Shell Service Station
- 15787 W. Main Street, 92345 - Goodyear Tire & Rubber
- 15853 Main Street, 92345 – Gas Station with Convenience Store
- 11612 Mariposa, 92345 - US Rentals
- 9531 E. Santa Fe Street, 92345 - Hesperia Towing

The project site is not listed in any of the following hazardous sites database systems, so it is unlikely that hazardous materials exist on-site:

- National Priorities List www.epa.gov/superfund/sites/query/basic.htm. List of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. There are no known National Priorities List sites in the City of Hesperia.
- Site Mitigation and Brownfields Reuse Program Database www.dtsc.ca.gov/database/Calsites/Index.cfm. This database (also known as CalSites) identifies sites that have known contamination or sites that may have reason for further investigation. There are no known Site Mitigation and Brownfields Reuse Program sites in the City of Hesperia.
- Resource Conservation and Recovery Information System www.epa.gov/enviro/html/rcris/rcris_query_java.html. Resource Conservation and Recovery Information System is a national program management and inventory system of hazardous waste handlers. There are 53 Resource Conservation and Recovery Act facilities in the City of Hesperia, however, the project site is not a listed site.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) (<http://cfpub.epa.gov/supercpad/cursites/srchsites.cfm>). This database contains information on hazardous waste sites, potentially hazardous waste sites, and remedial activities across the nation. There is one Superfund site in the City of Hesperia, however, the project site is not located within or adjacent to the Superfund site.
- Solid Waste Information System (SWIS) (<http://www.ciwmb.ca.gov/SWIS/Search.asp>). The SWIS database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. There are three solid waste facilities in the City of Hesperia, however the project site is not listed.
- Leaking Underground Fuel Tanks (LUFT)/ Spills, Leaks, Investigations and Cleanups (SLIC) (<http://geotracker.waterboards.ca.gov/search/>). This site tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies. There are fourteen LUFT sites in the City of Hesperia, six of which are closed cases. The project site is not listed as a LUFT site and there are no SLIC sites in the City of Hesperia.
- There are no known Formerly Used Defense Sites within the limits of the City of Hesperia.
Formerly Used Defense Sites
<http://hq.environmental.usace.army.mil/programs/fuds/fudsinv/fudsinv.html>.

The site is also 2 ½ miles from the nearest school and over five miles from the Hesperia Airport to the southeast and is not within a restricted use zone associated with air operations. No safety hazards to people or air operations associated with implementation of the project can be identified.

The project is located within an urbanized area and is not in an area susceptible to wildland fires. All new structures associated with this project will be constructed to the latest building standards including applicable fire codes. The use is also consistent with the Hesperia Emergency Evacuation Plan (17). Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Consequently, approval of the Specific Plan Amendment and Tentative Parcel Map will not have any impact upon or be affected by hazards and hazardous materials.

| VIII. HYDROLOGY AND WATER QUALITY. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements (2 & 18)? | | | | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted) (2)? | | | | X |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (1 & 2)? | | | | X |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (1 & 2)? | | | | X |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (2)? | | | | X |
| f) Otherwise substantially degrade water quality (2)? | | | | X |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map (2 & 19)? | | | | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows (2 & 20)? | | | | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam (2 & 19)? | | | | X |
| j) Inundation by seiche, tsunami, or mudflow (1 & 13)? | | | | X |

Comments.

Ultimately development of the site may change absorption rates and potential drainage patterns, as well as affect the amount of surface water runoff (2). All drainage created on-site beyond that which has occurred historically, will be retained within an approved drainage system in accordance with City of Hesperia Resolution 89-16. The northwestern portion of the site contains the Oro Grande Wash, which is identified by the Victorville Master Plan of Drainage facility as A-01. This wash conveys storm water northeast along the west site boundary to a proposed drainage facility identified as A-10S, which will be parallel to the Main Street alignment. The project is located over 60 miles from the Pacific Ocean at elevations more than 2,500 feet above mean sea level and housing is not proposed as part of this project. No large water bodies are located near the project and the project is not located within an area with potential for impact from mudflows. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the impact upon hydrology and water quality associated with the Specific Plan Amendment and Tentative Parcel Map is considered less than significant.

| IX. LAND USE AND PLANNING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Physically divide an established community (1)? | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (3, 5, 18 & 22)? | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan (21)? | | | | X |

Comments.

A Specific Plan Amendment is proposed in conjunction with the tentative parcel map to allow for future development of a 55-acre college campus and five acres for retail and service uses supportive of the college. The proposed tentative parcel map is consistent with the proposed Specific Plan Amendment and the Specific Plan Amendment is consistent with the Planned Mixed Use (PMU) General Plan designation and the site has been partially disturbed. Main Street and U. S. Highway 395 are along the northern and western boundary of the site, respectively. All surrounding properties are currently vacant. A mobile home park and recreational vehicle park exists to the northeast.

Chapter 9 of the Main Street and Freeway Corridor Specific Plan addresses the minimum parcel size requirements allowed within the existing Regional Commercial District and the proposed Neighborhood Commercial, and Public/Institutional Overlay Districts. The proposed college campus and campus support retail and service uses are a conditional use and permitted use within the Public/Institutional Overlay and Neighborhood Commercial Districts, respectively. The college could be approved through a conditional use permit within the current Regional Commercial District. The Specific Plan Amendment is needed to allow for the college support retail and service uses, which are allowed in the Neighborhood Commercial District. Prior to approval of the development, approval of a conditional use permit and site plan review application as well as adoption of the required environmental determination shall be required.

The impact of development within the Regional Commercial District was assessed as part of the Environmental Impact Report for the Main Street and Freeway Corridor Specific Plan (EIR). No additional impact beyond that identified within the EIR would occur. No disruption or division of the physical arrangement of the established community will occur. Further, approval of the project is consistent with Land Use Policy No. L. G. 6 of the General Plan, which promotes zoning and land use policies providing 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. The project site does not contain any known habitat nor is it within a natural community conservation plan area. Consequently, the overall impact upon land use associated with the proposed development is considered less than significant.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to land use and planning upon build-out of the Specific Plan (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with growth inducement. This project is consistent with the Specific Plan and would not increase the number of vehicle trips from that currently allowed by the Specific Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would not create a

greater cumulative impact from that currently allowed by the adopted Specific Plan, no additional impact beyond that identified within the EIR would occur. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, development of the project would have a less than significant impact upon land use and planning.

| X. MINERAL RESOURCES. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (24)? | | | | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan (24)? | | | | X |

Comments.

According to data in the Conservation Element of the City’s General Plan, no naturally occurring mineral resources occur within the project site (24). These resources are primarily located within wash areas and active stream channels. The project contains a portion of the Oro Grande Wash, but does not contain significant resources.

The project site is located within an urbanized area. Such development restricts the recovery of mineral resources should any occur and is not located within an area designated for mineral extraction or production. No impact to such resources can be identified from implementing the project. Consequently, no impact upon mineral resources is associated with the proposed Specific Plan Amendment and Tentative Parcel Map.

| XI. NOISE. Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (2, 15, & 25)? | | | | X |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (2 & 25)? | | | | X |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project (2 & 25)? | | | | X |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (2)? | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (15)? | | | | X |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels (15)? | | | | X |

Comments.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

Construction noise levels associated with any future construction activities would be slightly higher than the existing ambient noise levels in the vicinity of the project site. Noise generated by construction equipment, including trucks, graders, backhoes, well drilling equipment, bull-dozers, concrete mixers and portable generators can reach high levels and is typically one of the sources for the highest potential noise impact of a project. However, the construction noise would subside once construction is completed. The proposed project must adhere to the requirements of the City of Hesperia Noise Ordinance. Also, grading and construction activities are restricted to between 7:00 A.M. and 10:00 P.M., Monday through Friday. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact of noise during construction of projects within the Specific Plan (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with construction noise. Therefore, the short-term impact by construction activities to adjacent properties is considered less than significant (2).

According to the City of Hesperia's General Plan, the predominate noise sources are mobile sources which include motor vehicles and aircraft. Freeways, major arterials, railroads, airports, industrial, commercial, and other human activities contribute to noise levels. Noises associated with this type of project will be from traffic caused by arriving vehicles (employees, customers, vehicle service, and deliveries). The highest noise levels impacting the project site originate from Main Street and U. S. Highway 395 (23).

Certain activities that are particularly sensitive to noise including sleeping, studying, reading, leisure, and other activities requiring relaxation or concentration will not be impacted. Hospitals and convalescent homes, churches, libraries, and childcare facilities are also considered noise-sensitive uses. Residential and school uses are also considered to be noise-sensitive land uses. The nearest sensitive use to the proposed facility is the Willow Oaks mobile home and RV Park, which is located over 100 feet to the northeast. At this distance, the proposed use will not have an impact greater than the vehicular noise impact from Main Street.

Noise levels in excess of 70 CNEL are considered excessive for office and retail uses. The project site is subjected to noise in excess of 70 CNEL (25), based upon the distance from Main Street and U. S. Highway 395. Consequently, noise reduction techniques shall be employed in development of the future buildings to ensure that the interior noise levels within the college and associated retail/service uses so that the development would not exceed 45 dB(A) with the windows closed.

The proposed development will create noise associated with vehicular traffic to and from the development. The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact upon noise associated with build-out of the Specific Plan (42), which involved development of regional uses. This project would not create an impact in excess of the regional uses approved within the Specific Plan and therefore would not increase the amount of noise in the area beyond that which was identified within the EIR.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the area noise impact generated by the project as well as the impact of noise upon the development is less than significant.

| XII. POPULATION AND HOUSING. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (1 & 5)? | | | | X |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (1 & 2)? | | | | X |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere (1 & 2)? | | | | X |

Comments.

The proposed college is consistent with the current Planned Mixed Use (PMU) General Plan Land Use designation and Specific Plan (Regional Commercial District) zoning (22). The Specific Plan Amendment is requested specifically to allow for the proposed five-acre parcel to be donated to the college. The Regional Commercial District requires a minimum ten-acre parcel size whereas the Neighborhood Commercial District allows for a minimum two-acre parcel size.

Inasmuch as the project site is identified for development of regional commercial land uses, no alteration, or change in the distribution of human population in the area will occur. In regards to the project's growth inducing impacts, the site is in close proximity to water, sewer, and other utility systems. Therefore, development of the project would not require significant extension of major improvements to existing public facilities. The project will not displace any existing housing, necessitating the construction of replacement housing elsewhere as the property is designated and zoned for commercial development.

The population in Hesperia has increased partially because of the availability of affordable housing in the high desert. There is currently more demand for commercial services and jobs than there are services and jobs available in Hesperia. Further, establishment of the college campus is designed to serve the existing population, which has exceeded the college's capacity in many programs. This campus is to house a vocational training program, which is one of the most desired of the college's offerings. As a result, the proposed development will not induce substantial population growth as the development will provide much needed services and jobs for the current population in the High Desert.

The Main Street and Freeway Corridor Specific Plan identifies large areas where future residential, commercial, and industrial development will occur. The Main Street and Freeway Corridor Specific Plan Environmental Impact Report (EIR) analyzed the impact to population and housing upon build-out of the Specific Plan (42). Based upon the analysis, the City Council adopted a finding of a Statement of Overriding Considerations dealing with cumulative growth impacts. This project is consistent with the Specific Plan and would not increase the number of vehicle trips from that currently allowed by the Specific Plan EIR, as described within Section XV. Transportation/Traffic. Inasmuch as this project would not create a greater cumulative impact from that currently allowed by the adopted Specific Plan, no additional impact beyond that identified within the EIR would occur. Consequently, the proposed

development will not cause an impact upon population and housing beyond that addressed by the Specific Plan EIR. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, development of the project would have a less than significant impact upon population and housing.

| XIII. PUBLIC SERVICES. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for the new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (1 & 2): | | | | X |
| Fire protection? (1 & 2) | | | | X |
| Police protection? (1 & 2) | | | | X |
| Schools? (1 & 2) | | | | X |
| Parks? (1 & 2) | | | | X |
| Other public facilities? (1 & 2) | | | | X |

Comments.

The proposed project will not result in an increase in public services (2). Development impact fees will be assessed at the time that building permits are issued for construction of the proposed development (32). These fees are designed to ensure the appropriate levels of capital resources necessary to serve any future development. Consequently, satisfactory levels of public services will be maintained. Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. Therefore, the proposed Specific Plan Amendment and Tentative Parcel map will not have an impact upon public services.

| XIV. RECREATION. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (2)? | | | | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (1 & 2)? | | | | X |

Comments.

As evaluated previously, approval of the Specific Plan Amendment and Tentative Parcel Map will not induce population growth. Therefore, it will not increase the demand for recreational facilities beyond that needed in accordance with the Main Street and Freeway Corridor Specific Plan EIR.

| XV. TRANSPORTATION / TRAFFIC. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections) (2 & 44) ? | | | X | |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways (33 & 44) ? | | | X | |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks (15) ? | | | | X |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (2) ? | | | | X |
| e) Result in inadequate emergency access (2) ? | | | | X |
| f) Result in inadequate parking capacity (34) ? | | | | X |

Comments.

The Tentative Parcel map is being filed in conjunction with a Specific Plan Amendment, which will change 55 acres from Regional Commercial to Public/Institutional Overlay and 5 acres from Regional Commercial to Neighborhood Commercial within the 160-acre parcel. The Main Street/Freeway Corridor Specific Plan Environmental Impact Report (EIR) considered the impact of land use to the maximum allowable density upon the transportation network. The Regional Commercial District allows a maximum Floor Area Ratio (FAR) of 0.23. Based on a FAR of 0.23 for a big box retail development on the 160-acre site, approximately 78,884 daily vehicle trips would be created, based upon the Institute of Transportation Engineer’s Trip Generation Manual, which attributes an average daily vehicle trip demand of 49.21 trips per 1,000 square feet of gross building floor area **(44)**. The proposed Specific Plan Amendment, establishing a 55-acre Public/Institutional parcel and a 5-acre Neighborhood Commercial parcel would result in about 53,323 daily vehicle trips, including the vehicle trips associated with 100 acres of regional commercial. Therefore, a reduction of about 25,561 daily vehicle trips is projected with approval of the Specific Plan Amendment.

Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review. The proposed Specific Plan Amendment will result in a reduction in the number of daily vehicle trips that were projected with build-out of the site under the Specific Plan. Consequently, approval of this project would result in a reduced impact upon transportation systems from that identified by the EIR for the Main Street and Freeway Corridor Specific Plan. As a result, the impact of the proposed Specific Plan Amendment and Tentative Parcel map upon transportation facilities associated is considered to be less than significant.

| XVI. UTILITIES AND SERVICE SYSTEMS. Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (18)? | | | | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (18)? | | | | X |
| c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects (2 & 18)? | | | | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed (36 & 37)? | | | | X |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (18)? | | | | X |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs (38)? | | | | X |
| g) Comply with federal, state, and local statutes and regulations related to solid waste (38)? | | | | X |

Comments.

The proposed Specific Plan Amendment and Tentative Parcel Map will not cause an increase in the use of water (36). Approval of the proposed Specific Plan Amendment and Tentative Parcel Map will not, in and of itself, result in establishment of any land uses. Prior to development of the site, approval of a site plan review and/or conditional use permit application shall be required, which shall require further environmental review.

The Mojave Water Agency (MWA) has adopted a regional water management plan for the Mojave River basin. The Plan references a physical solution that forms part of the Judgment in City of Barstow, et. al. vs. City of Adelanto, et. al., Riverside Superior Court Case No. 208548, an adjudication of water rights in the Mojave River Basin Area (Judgment). Pursuant to the Judgment and its physical solution, the overdraft in the Mojave River Basin is addressed, in part, by creating financial mechanisms to import necessary supplemental water supplies. The MWA has obligated itself under the Judgment "to secure supplemental water as necessary to fully implement the provisions of this Judgment." Based upon this information the project will not have a significant impact on water resources not already addressed in the Judgment or the City's Urban Water Management Plan (UWMP) adopted in 1998. Furthermore, in a letter dated May 21, 1997 from the MWA's legal counsel confirmed for the City that the physical solution stipulated to by the Hesperia Water District provides the mechanism to import additional water supplies into the basin. Thus, the Judgment and physical solution adequately mitigates the additional water needs for the project. In addition, development considered under the City's General Plan Program EIR has been accounted for in the UWMP. In addition, the MWA recommends utilization of interior water conservation measures such as low flow plumbing fixtures. The MWA further states that "(t)his factor (water demand) should be given careful consideration before making significant (underlined for emphasis) commitments to increased water use" (37).

The waste disposal hauler for the City has increased the capacity of its Materials Recovery Facility (MRF) to 600 tons per day in order to accommodate future development. Currently, about 400 tons of solid waste is currently generated by the City per day (30). The City is in compliance with the California Integrated

Waste Management Act of 1989, which requires that 50 percent of the solid waste within the City be recycled. Currently, 57 percent of the solid waste within the City is being recycled (31). Consequently, approval of the development would not cause a significant impact upon utilities and service systems.

| XVII. MANDATORY FINDINGS OF SIGNIFICANCE. | Potentially Significant Impact | Less Than Significant With Mitigation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---------------------------------------|------------------------------|-----------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | | | X |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | | | X | |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | | X |

Comments.

Based upon the analysis in this initial study, a Negative Declaration may be adopted. Development of this project will have a minor effect upon the environment.

| XVIII. EARLIER ANALYSES. |
|--|
| Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following: |
| The Certified General Plan Environmental Impact Report. |
| a) Earlier analyses used. Earlier analyses are identified and stated where they are available for review. |
| b) Impacts adequately addressed. Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis. |
| a) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described. |

Mitigation measures are not recommended as a function of this project.

Authority: Public Resources Code Sections 21103 and 21107.

REFERENCES

- (1) Aerial photos of the City of Hesperia dated May 2008 and on-site field investigations conducted in March, 2009.
- (2) Specific Plan Amendment SPL09-10151 and Tentative Parcel Map TPM09-10141 (PM-19187) applications and related materials.
- (3) Chapter 9 of the Hesperia Main Street and Freeway Corridor Specific Plan, Pages 165 thru 173, Pages 198 thru 203, and Pages 279 thru 282.
- (4) United States Soil Conservation Service Soil Survey of San Bernardino County, California, Mojave River Area, Pages 27 thru 28, 44, and Map Sheet No. 30.
- (5) Current Official City of Hesperia zoning and General Plan map.
- (6) Personal communication with Alan De Salvio, Air Quality Specialist, Mojave Desert Air Quality Management District.
- (7) 1988 United States Bureau of Land Management California Desert Conservation Area and 1991 City of Hesperia Conservation Element, Figure CN-4.
- (8) Chapter 16.24 of the Hesperia Municipal Code, Article II. Desert Native Plant Protection.
- (9) 1991 City of Hesperia General Plan Conservation Element, Figure CN-5.
- (10) Map of Known Active and Potentially Active Faults Near Hesperia, Figure S-1.
- (11) 1991 City of Hesperia General Plan Safety Element, Pages S-1 through S-7.
- (12) 1991 City of Hesperia General Plan Safety Element, Figure S-3.
- (13) 1991 City of Hesperia General Plan Safety Element, Page S-7 and Figure S-6.
- (14) 2007 California Building Code.
- (15) 1991 City of Hesperia Airport Comprehensive Land Use Plan, Figure 1-5 and pages 23-36.
- (16) 1989 City of Hesperia Disaster Preparedness Plan.
- (17) 1991 City of Hesperia General Plan Safety Element, Pages S-19 through S-21.
- (18) Environmental plans and policies of the San Bernardino County Department of Environmental Health Services, the Lahontan Regional Water Quality Control Board, the Mojave Desert Air Quality Management District, the Hesperia Water District, the Hesperia Unified School District, Southern California Edison, Southwest Gas and the Hesperia Fire Department.
- (19) 1991 City of Hesperia General Plan Safety Element, Figure S-11.
- (20) 1991 City of Hesperia General Plan Safety Element, Figure S-10.
- (21) 1991 City of Hesperia General Plan Conservation Element, Page CN-7.
- (22) Chapters 9 and 10 of the Hesperia Main Street and Freeway Corridor Specific Plan.
- (23) 1991 City of Hesperia General Plan Noise Element Technical Appendix, Exhibit A-13 and Pages A-11 and A-12
- (24) 1991 City of Hesperia General Plan Conservation Element, Page CN-18.
- (25) 1991 City of Hesperia General Plan Noise Element, Figures N-2 and N-3 and pages N-1 through N-19 and the 1991 Noise Element Technical Appendix.
- (26) Section 14 of Chapter 10 of the Hesperia Main Street and Freeway Corridor Specific Plan, Pages 232 thru 233.
- (27) Not used.

- (28) Not used.
- (29) City of Hesperia Water and Sewer Maps
- (30) 2004 Recycled Materials Report prepared by Advance Disposal dated March 17, 2005.
- (31) Quarterly data of the San Bernardino County Disposal Reporting System dated May 15, 2005.
- (32) 1991 City of Hesperia Ordinance 180 entitled "An Ordinance of the City Council of the City of Hesperia, California, Establishing a Development Impact Fee for all New Residential, Commercial, and Industrial Structures" and Resolution No. 2007-110 on November 20, 2007.
- (33) 2001 City of Hesperia General Plan Circulation Element, Pages C-8 through C-9.
- (34) Chapter 10.7 of the Hesperia Main Street and Freeway Corridor Specific Plan.
- (35) Not used.
- (36) 1993 Final Environmental Impact Report for the Hesperia Redevelopment Project, Pages 4-171 & 4-172.
- (37) Mojave Water Agency letter dated March 27, 1996.
- (38) California Integrated Waste Management Act (AB 939).
- (39) Not used.
- (40) Mojave Desert Air Quality Management District, Rule 403.2 Fugitive Dust Control for the Mojave Desert Planning Area, July 22, 2005.
- (41) Mojave Desert Air Quality Management District, Federal Particulate Matter (PM10) Attainment Plan, July 31, 1995.
- (42) Resolution No. 2008-053, making the environmental findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, certifying the final environmental impact report, and adopting a mitigation monitoring and reporting plan adopting the Hesperia Main Street and Freeway Corridor Specific Plan.
- (43) Not used.
- (44) Trip Generation Manual, Volume III, 7th Edition, Institute of Transportation Engineers.

SPL09-10151 & TPM09-10141 (PM-19187)

Attachment "A"



ATTACHMENT 6

RESOLUTION NO. PC-2009-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ON 55.0 ACRES FROM REGIONAL COMMERCIAL TO PUBLIC/INSTITUTIONAL OVERLAY AND ON 5.0 ACRES FROM REGIONAL COMMERCIAL TO NEIGHBORHOOD COMMERCIAL, LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND U.S. HIGHWAY 395 (SPL09-10151)

WHEREAS, Carl Ross has filed an application requesting approval of SPL09-10151 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 160.0 gross acres within the Regional Commercial (RC) and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Main Street and U. S. Highway 395 and consists of Assessor's Parcel Number 3064-571-01; and

WHEREAS, the Application, as contemplated, proposes to change the zoning of 55.0 acres from the Regional Commercial (RC) to the Public/Institutional Overlay (PIO) and change the zoning of 5.0 acres from Regional Commercial (RC) to the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, Carl Ross has also filed an application requesting approval of Tentative Parcel Map TPM09-10141 (PM-19187), to create six parcels from the 160.0 gross acre site; and

WHEREAS, The site is currently vacant and has been partially disturbed by off-road vehicle use, past roadway improvements, and drainage within the northwest corner of the site. Main Street and U. S. Highway 395 are along the northern and western boundary of the site, respectively. All surrounding properties are currently vacant. A mobile home park and recreational vehicle park exists to the northeast; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) on the City's Land Use map. All surrounding properties are also within the PMU General Plan Land Use designation; and

WHEREAS, the subject property is currently within the Regional Commercial (RC) and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Neighborhood Commercial and Regional Commercial District of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the north are also affected by the Wash Protection Overlay. The properties to the south and east are within the Regional Commercial District, and the properties to the west are within the Neighborhood Commercial, Regional Commercial, and Commercial Industrial Business Park Districts of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the west are also impacted by the Wash Protection Overlay; and

WHEREAS, an environmental Initial Study for the proposed project was completed on April 8, 2009, and no significant adverse impacts were identified. Negative Declaration ND-2009-04 was subsequently prepared; and

WHEREAS, on April 23, 2009, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced April 23, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2009-04 and the initial study which supports the Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed zone change will have a significant effect on the environment.
- (b) The site of the proposed change in district classification is suitable for any of the land uses permitted within the proposed zone district, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed zone district.
- (c) The existing zone district does not permit retail and service uses supportive of a college campus and the proposed Public/Institutional Overlay provides for the proposed Victor Valley College facilities. Therefore, the proposed change in zone district classification is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (d) The proposed change in zone district classification will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia, because the proposal will allow commercial uses capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

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 Specific Plan Amendment SPL09-10151, amending the Official Zoning Map 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 23rd day of April 2009

Chair, Planning Commission

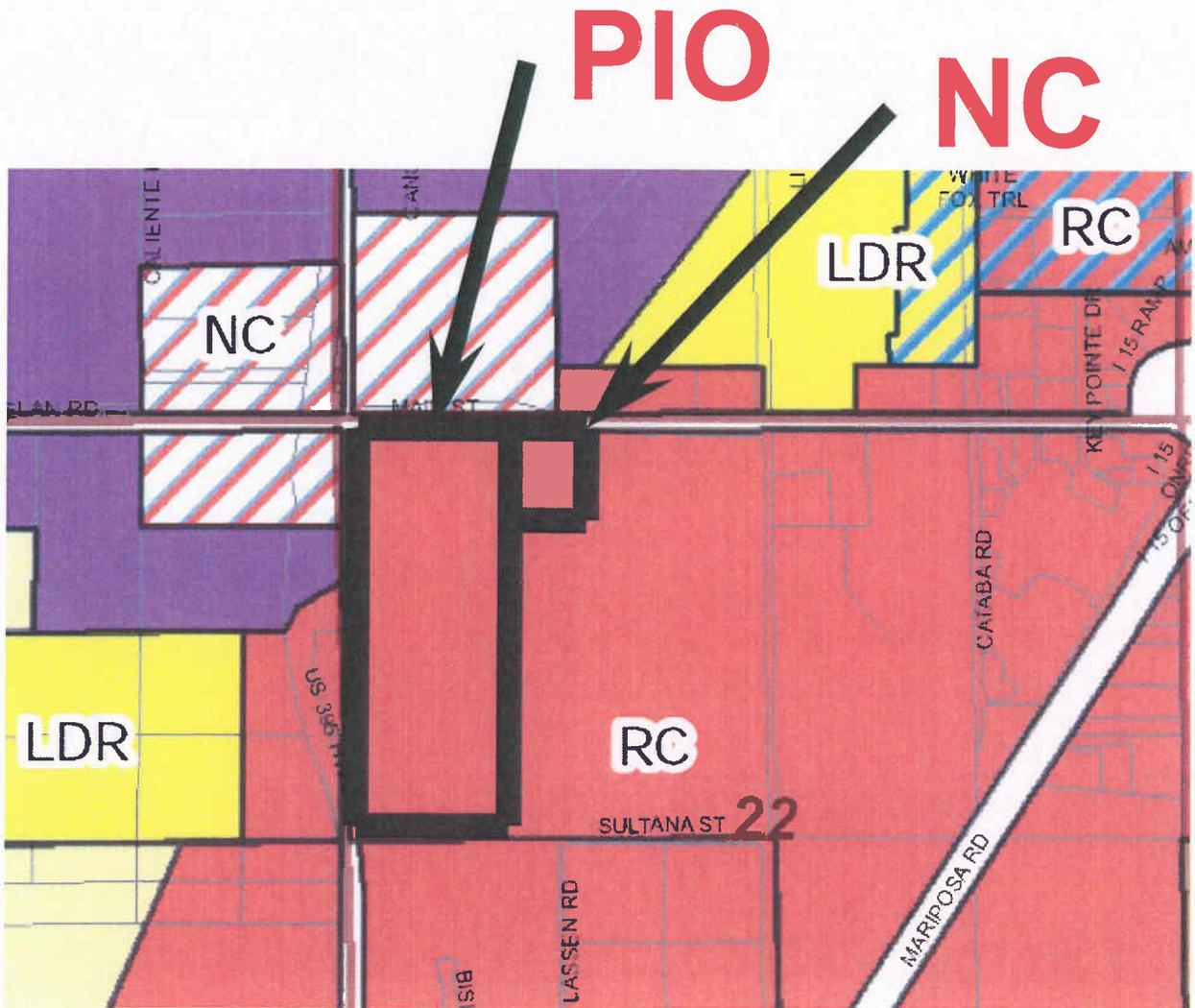
ATTEST:

Eva Heter, Secretary, Planning Commission

EXHIBIT "A"

SPL09-10151

Carl Ross



ATTACHMENT 7

RESOLUTION NO. PC-2009-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE PARCEL MAP TO CREATE SIX PARCELS FROM 160.0 GROSS ACRES LOCATED ON THE SOUTHEAST CORNER OF MAIN STREET AND U. S. HIGHWAY 395 (TPM09-10141)

WHEREAS, Carl Ross has filed an application requesting approval of Tentative Parcel Map TPM09-10141 (PM-19187) described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 160.0 gross acres within the Regional Commercial (RC) and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Main Street and U. S. Highway 395 and consists of Assessor's Parcel Number 3064-571-01; and

WHEREAS, the Application, as contemplated, proposes to create six parcels from the 160.0 gross acre site; and

WHEREAS, Carl Ross has also filed an application requesting approval of Specific Plan Amendment SPL09-10151, to change the zoning of 55.0 acres from the Regional Commercial (RC) to the Public/Institutional Overlay (PIO) and change the zoning of 5.0 acres from Regional Commercial (RC) to the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, The site is currently vacant and has been partially disturbed by off-road vehicle use, past roadway improvements, and drainage within the northwest corner of the site. Main Street and U. S. Highway 395 are along the northern and western boundary of the site, respectively. All surrounding properties are currently vacant. A mobile home park and recreational vehicle park exists to the northeast; and

WHEREAS, the subject property is currently designated Planned Mixed Use (PMU) on the City's Land Use map. All surrounding properties are also within the PMU General Plan Land Use designation; and

WHEREAS, the subject property is currently within the Regional Commercial (RC) and the Wash Protection Overlay District of the Main Street and Freeway Corridor Specific Plan. The properties to the north are within the Neighborhood Commercial and Regional Commercial District of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the north are also affected by the Wash Protection Overlay. The properties to the south and east are within the Regional Commercial District, and the properties to the west are within the Neighborhood Commercial, Regional Commercial, and Commercial Industrial Business Park Districts of the Main Street and Freeway Corridor Specific Plan. A portion of the properties to the west are also impacted by the Wash Protection Overlay; and

WHEREAS, an environmental Initial Study for the proposed project was completed on April 8, 2009, and no significant adverse impacts were identified. Negative Declaration ND-2009-04 was subsequently prepared; and

WHEREAS, on April 23, 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 23, 2009, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2009-04, the initial study which supports the Negative Declaration, and the conditions which have been applied to the Application, the Planning Commission finds that there is no substantial evidence that the proposed subdivision will have a significant effect on the environment.
- (b) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is consistent with the intent of the Planned Mixed Use (PMU) designation of the adopted land use element.
- (c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (d) The site is physically suitable for the type of development because there are no known physical constraints to commercial development and the site has adequate area to accommodate the proposed parcels.
- (e) The site is physically suitable for the proposed density of development because the parcels are adequate in size and shape and all Development Code regulations for the permitted uses can be met, with approval of Specific Plan Amendment SPL09-10151.
- (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.

- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

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 Tentative Parcel Map TPM09-10151 (PM-19187), subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

ADOPTED AND APPROVED on this 23rd day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Tentative Parcel Map TPM09-10141 (PM-19187):

Approval Date: May 19, 2009
Effective Date: July 3, 2009
Expiration Date: July 3, 2012

This list of conditions apply to a Tentative Parcel Map to create six parcels from 160.0 gross acres within the Regional Commercial, Public Institutional, and Neighborhood Commercial Districts of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Main Street and U. S. Highway 395 (Applicant: Carl Ross; APN(s): 3064-571-01).

This approval shall become null and void if a Parcel Map is not recorded within three (3) years of the effective date. An extension of time may be granted upon submittal of the required application and fee prior to the expiration date.

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

PRIOR TO RECORDATION OF THE PARCEL MAP:

- 1. Map (Commercial). A Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Map Standards. (E)
2. Incorporation of Special Map Requirements. Non-vehicular access shall be delineated on the Parcel Map for the entire length of the westerly and northerly property line for Parcel 1. (E)
3. Flood Control Criteria. A Final hydrology report shall be submitted to the Engineering Department for review and approval. All easements, overlay districts and proposed structures shall be shown on the Composite Development Plan along with any setback requirements to protect future structures from flooding. (E)
4. Title Report. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
5. Plan Check Fees. A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP, Improvement Plans requested studies, and CFD annexation must be submitted as a package. (E)

- _____ 6. **All Easements of Record.** It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
- _____ 7. **Access Easement(s).** The Developer shall grant an Access Easement if required to provide reciprocal access to and from parcels. Said easements shall be indicated on the Map. (E)
- _____ 8. **Off-Site Offers of Dedication and Easements.** Should off-site offers of dedication or easements be required for off-site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)
- _____ 9. **Irrevocable Offers of Dedication and Easements.** The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map. This includes Southern California Edison easements.
- _____ 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)

PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP:

- _____ 11. **Recordation of Map.** Map shall be recorded with the San Bernardino County Recorder's Office. (E)
- _____ 12. **Utilities.** Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. A "Fire Fly" automatic meter reader to be included on all meter connections. (E)

- _____ 13. **Utility Relocation / Undergrounding.** If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)
- _____ 14. **Drainage Study.** The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. The Developer shall design street improvements, as identified in the Hydrology study or per the City's Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY:

- _____ 15. **Approval of All Required Improvement Plans.** All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

PRIOR TO OCCUPANCY OF ANY UNIT:

- _____ 16. **CDP Conformance.** All "Special Requirements" as outlined on the approved CDP (Composite Development Plan) shall be completed, inspected and approved through the appropriate department. (E)
- _____ 17. **As-Built Plans.** The Developer shall provide as-built plans. (E)
- _____ 18. **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)
- _____ 19. **Electronic Copies.** The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
- _____ 20. **Specific Plan Amendment.** These conditions are contingent upon Specific Plan Amendment SPL09-10151 becoming effective. (P)
- _____ 21. **CFD Annexation.** The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

- _____ 22. **Fish & Game Fee.** The applicant shall submit a check to the City in the amount of \$2,043.00 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
- _____ 23. **Street Name Approval.** The developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division. In addition, Mesa Linda Street shall be designated Mesa Linda Avenue. (B)

NOTE TO DEVELOPER. THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW.

| | | |
|-------|---------------------------------------|----------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1414 |
| (F) | Fire Prevention Division | 947-1012 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |



DATE: April 23, 2009
TO: Planning Commission
FROM: Scott Priester, AICP, Director of Development Services
SUBJECT: Determination of Conformity – 2009-10 Capital Improvement Program

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2009-28, finding that the proposed 2009-10 Capital Improvement Program as shown on Exhibit "A" is in conformance with the Hesperia General Plan, and direct that this finding be reported to the City Council, Hesperia Community Redevelopment Agency, and Hesperia Water and Fire Protection districts.

BACKGROUND

Every year, a Capital Improvement Program (CIP) is annually adopted jointly by the City of Hesperia, Hesperia Community Redevelopment Agency, and Hesperia Water and Fire Protection districts. This CIP outlines the significant expenditures to be made for developing new or improving existing infrastructure in areas of transportation, storm drain and water facilities as well as public facilities such as police and fire stations, and other buildings and uses. The CIP implements the City-adopted master plans or policy documents, among those being the General Plan Circulation Element, the Water and Sewer Master Plans, the Redevelopment Plan, and the Public Safety Needs Report.

California Government Code Section 65103(c), part of the Planning and Zoning law, establishes the local "Planning Agency" (in Hesperia's case the Planning Commission) as the body responsible to review the CIP and determine if it conforms and is consistent with the City's General Plan prior to its adoption.

ISSUES/ANALYSIS

The proposed CIP for Fiscal Year 2009-10 has been prepared by staff. In general, it contains 27 funded projects which are broken down into five categories: Streets (14), Drainage (2), Water and Sewer (5) and Other (for public facilities)(6). Many of the projects listed are a continuation from the prior year. This is not uncommon for such large projects that are developed over several years, as the multiple steps of design, property acquisition, bidding and ultimate construction can't be completed in one year's time. Staff will present the proposed CIP during the meeting, and respond to any questions the Commission may have.

In review of the project list, staff believes they are consistent with the numerous goals and policies contained in the City's adopted General Plan, including the following specific elements:

1. Land Use Element - Facilities to be designed and/or constructed are to be located on property with a proper Land Use and zoning designation for such use;
2. Safety Element – Projects are proposed which address drainage and flooding, as well as additional fire facilities to provide adequate response time for development;

3. Circulation Element – Facilities to be designed and/or constructed are part of the City's planned network of roadways necessary to serve the City.

The proposed CIP was reviewed by the City Council on February 17, 2009, and by the City Council Advisory Committee on March 4, 2009. At that time, the CIP contained 32 projects totaling \$89.6 million. Both bodies gave concurrence that the CIP as proposed is the correct approach and should be pursued if funding is determined to be available. Since that time, the list has been refined to 27 projects totaling \$91.7 million. A final determination of the CIP's acceptance will be made when the City Council considers its final adoption as part of the budget process in June.

Environmental: This conformity finding is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Therefore, no further action is necessary at this time. Subsequent CEQA review of the individual projects contained within the CIP will occur prior to the time physical construction begins.

FISCAL IMPACT

The proposed Capital Improvement Program costs approximately \$91.7 million. These costs will be funded from a variety of revenue sources, including the General Fund, Redevelopment project area bond funds, Development Impact Fees, Water and Fire District funds, and State and Federal grants. Full funding will be demonstrated before they are carried out by the respective agency.

ALTERNATIVES

None

ATTACHMENTS

1. Resolution No. PC-2009-28, with Exhibit "A" (Proposed 2009-10 Capital Improvement Program).
2. Adopted 2008-09 Capital Improvement Program

ATTACHMENT 1

RESOLUTION NO. PC-2009-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, MAKING A DETERMINATION OF CONFORMITY OF THE PROPOSED 2009-10 CITY OF HESPERIA, HESPERIA COMMUNITY REDEVELOPMENT AGENCY, AND HESPERIA WATER AND FIRE PROTECTION DISTRICTS' CAPITAL IMPROVEMENT PROGRAM WITH THE HESPERIA GENERAL PLAN.

WHEREAS, a Capital Improvement Program (CIP) is annually adopted jointly by the City of Hesperia, Hesperia Community Redevelopment Agency, and Hesperia Water and Fire Protection districts; and

WHEREAS, said CIP outlines the significant expenditures to be made for transportation, storm drain and water facilities as well as public facilities; and

WHEREAS, Pursuant to Government Code Section 65103(c), the Planning Commission is responsible to review said Capital Improvement Program for consistency with the City's General Plan prior to its adoption; and

WHEREAS, the proposed CIP for Fiscal Year 2009-10 has been prepared and was reviewed by the City Council on February 17, 2009 and by the City Council Advisory Committee on March 4, 2009; and

WHEREAS, the City Council Advisory Committee and City Council have determined that the projects listed further the goals of the City; and

WHEREAS, this conformity finding is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3); and

WHEREAS, on April 23, 2009, the Planning Commission of the City of Hesperia conducted a hearing pertaining to the proposed conformity determination, 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 23, 2009 hearing, including public testimony and written and oral staff reports, this Commission specifically finds that the proposed 2009-10 Capital

Improvement Program is consistent with the goals and policies contained in the adopted General Plan of the City of Hesperia, including the following specific elements:

1. Land Use Element – Public Facilities to be designed and/or constructed are to be located on property properly designated for such use;
2. Safety Element – Projects are proposed which address drainage and flooding, as well as additional fire facilities to provide adequate response time to development and police;
3. Circulation Element - Facilities to be designed and/or constructed are consistent with, or part of the City's planned network of roadways necessary to serve the City.

Section 3. The Planning Commission hereby concurs that the action under this Resolution is not a project under the California Environmental Quality Act because it does not have the potential to have a direct or indirect effect on the environment.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby finds that the proposed 2009-10 Capital Improvement Program as shown on Exhibit "A" is in conformance with the Hesperia General Plan, and directs that this finding be reported to the City Council, Community Redevelopment Agency, and Hesperia Water and Fire Protection district boards.

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

ADOPTED AND APPROVED on this 23rd day of April 2009.

Chair, Planning Commission

ATTEST:

Eva Heter, Secretary, Planning Commission

2008/2009 - 2012/2013 CAPITAL IMPROVEMENT PROGRAM
EXHIBIT "A"

DRAFT 3/26/09

12:55:05 PM

| CO# | Project Name | FY 08-09
Actual | Approved FY
08-09 | Proposed FY
09-10 | FY 10-11 | FY 11-12 | FY 12-13 |
|-----------------------------|---|---------------------------|-----------------------------------|------------------------------------|-----------------------------|--|--------------------------------------|
| STREETS CIP PROJECTS | | | | | | | |
| 7046 | Ranchero Road Under Crossing:
-Design/Environmental
-Right-of-Way
-Construction | 280,000
1,000,000
- | 300,000
5,000,000
1,000,000 | 160,000
5,100,000
10,000,000 | Construction | | |
| 7085 | Widen Seventh Ave - Main St to Willow St | 135,801 | 335,000 | 0 | | | |
| 7086 | Ranchero Road I-15 Interchange (Project Approval and Environmental Document (PA&ED))
-Design
- ROW
-Mariposa/Caliente Construction
- Bridge Construction | 180,000
912,000 | 562,000
3,000,000 | 2,400,000
3,000,000 | Construction
Bridge Cons | Construction
Bridge Cons | |
| 7093 | Intersection at Main Street and C Avenue
-Design (Study to Council)
-ROW Acquisition
-Construction | N/A | | xxxx | ROW Acquis | ROW Acquis.
Construction | |
| 7094 | Ranchero Rd Improvements-7 th Ave to Mariposa, Phase 1- Design & ROW Identification (w/ County)
- ROW Acquisition
- Construction | 250,000 | 750,000 | 550,000 | Design/ROW
ROW Acquis | Construction | Construction |
| 7095 | 7 th Avenue Roadway Improvements – Willow to Bear Valley Road
- Design and ROW Identification
- ROW Acquisition | 0 | 500,000 | 350,000 | | ROW Acquis. | |
| 7096 | Aqueduct Crossing Improvements-Widen Bridge at Main Street – Phase 1
- Design and ROW Identification
- ROW Acquisition
- Construction | 100,000 | 500,000 | 300,000
300,000 | | Construction | |
| 7097 | New Aqueduct Crossing – Bridge at Escondido Ave – Phase 1
- Design & ROW Identification (Phase 1)
- ROW Acquisition (Phase 2)
- Construction (Phase 2) | 0 | 300,000 | | | Design/ROW
ROW Acquis
Construction | |
| 7098 | Muscotel Street Interchange and Joshua Street Modification Phase 1 – Project Study Report/Project Development Support (PSR/PDS)
- PA & ED - Phase 2
- Design - Phase 2
- ROW Acquisition - Phase 3
- Peripheral Street construction - Phase 3 | 153,000 | 475,000 | 160,000
300,000 | PA&ED
Design | Design | Design
ROW Acquis
Construction |
| 7100 | Intersection at Main St and Rock Springs Road
-Design
-ROW Acquisition
-Construction | 20,000 | 20,000
1,500,000 | 30,000
1,000,000
500,000 | ROW Acquis | | |
| 7101 | Traffic Signal Upgrade-Main St and Third Ave
-Design/Build | 100,000 | 100,000 | - | | | |
| 7102 | Township Improvements and Development
-Design (concept + Phase 1 - PS&E)
-Construction (Spruce/Smoke Tree) Phase 1
-Design (PS&E) Phase 2
-Construction - Phase 2
-Design (PS&E) - Phase 3
-Construction - Phase 3 | 90,000
2,817,000 | 5,600,000 | 3,683,000
500,000 | Const Ph2
Design Ph3 | Const Ph2
Design Ph3 | Const Ph3 |
| 7103 | 2007-08 Street Improvement Project | 9,389,000 | 8,080,000 | 0 | PLANNING COMMISSION | | |

2008/2009 - 2012/2013 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | FY 08-09
Actual | Approved FY
08-09 | Proposed FY
09-10 | FY 10-11 | FY 11-12 | FY 12-13 |
|--------------------------------------|--|----------------------|----------------------|---------------------------------|---|---------------------------------|---------------------|
| 7104 | Railroad Crossing Eucalyptus/Lemon/ Mojave -
-Concept Feasibility Design (Phase 1)
- Phase 2 Design
- Phase 3 ROW Acquisition | 116,000 | 140,000 | 0
400,000
500,000 | Design Ph2 | Design Ph2
ROW Acquis
Ph3 | |
| 7105 | Main Street Corridor-Design (395 to 11 th Ave) All
Phases
- Phase 1 ROW Acquisition (I-15 to Maple)
- Phase 1 Construction
- Phase 2 ROW Acquisition (Maple to 11 th)

- Phase 2 Construction
- Phase 3 ROW Acquisition (395 to I-15)

- Phase 3 Construction
- Phase 4 Reconstruct 11th to I | 160,000
0 | 850,000
750,000 | 500,000
750,000
3,000,000 | ROW Acq Ph2

Const Ph2
ROW Acquis
Ph3 | Const Ph3 | Const Ph4 |
| 7106 | Main Street/Hesperia Interchange
- Phase 1 Feasibility Design
- Phase 2 – ROW Acquisition | 45,000 | 250,000 | 0 | Design | ROW AcqPh2 | |
| 7108 | Industrial Park Lead Track Project
-Design/Environmental
-ROW Acquisition
-Construction | 620,000 | 750,000
500,000 | 750,000
500,000
2,000,000 | Construction | | |
| 7110 | Bear Valley Road Widening (Mariposa to 600 ft E) | 0 | 300,000 | 300,000 | | | |
| 7111 | Rock Springs Road Reconstruction
- Design
- Construction | 100,000
1,659,000 | 100,000
1,659,000 | 0 | | | |
| 7114 | Annual Street Improvement Project (Pave/Slurry) | 9,200,000 | 10,660,000 | 6,277,000 | Pave/Slurry | Pave/Slurry | Pave/Slurry |
| XXXX | Hesperia Road Improvement Project - West side to
get 2 lanes
- Phase 1 Design
- Phase 2 Construction | N/A | 0 | 0 | Design | Const Ph2 | |
| xxxx | Traffic Signal at Smoke Tree & Seventh | N/A | 0 | 250,000 | | | |
| xxxx | Maple Avenue Reconstruction (Ranchero - Main) | N/A | 0 | ESP | | Construction | |
| TOTAL OF STREETS CIP PROJECTS | | \$ 27,326,801 | \$ 43,981,000 | \$ 43,560,000 | | | |
| DRAINAGE CIP PROJECTS | | | | | | | |
| 7087 | H-01 Drainage Facility - Section 2 (Main St to Fourth
Avenue)
- Design (Completed)
-ROW Acquisition and Construction | 8,752,000 | 9,400,000 | 0 | | | |
| 7090 | H-01 Drainage Facility – Section 1 (Maple Ave to Main
St),
- Design
- ROW Acquisition
- Construction | 0 | 250,000 | 0 | Design | ROW Acquis
Construction | Construction |
| 7091 | H-01 Drainage Facility – Section 3A (Fourth Ave to
Third Ave) and 3B (Third Ave to Railroad Tracks)

- Design (3A and 3B)
- ROW Acquisition
- Construction (3A)
- Construction (3B) | 20,000 | 400,000 | 150,000
100,000 | Const 3A | | Const 3B |
| XXXX | H-01 Drainage Facility – Section 4 (Railroad Tracks to
"I" Avenue)
- Design
-ROW Acquisition
-Construction | N/A | 0 | 0
0 | | Design
ROW Acquis | Construction
5-6 |

2008/2009 - 2012/2013 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | FY 08-09
Actual | Approved FY
08-09 | Proposed FY
09-10 | FY 10-11 | FY 11-12 | FY 12-13 |
|----------------------------|---|---------------------|------------------------|----------------------|--------------|----------------------------|-------------------------|
| 7092 | A-04 Drainage Facility – Section 2 (Mojave St to Mesa) | N/A | 0 | | | | Construction |
| XXXX | A-04 Drainage Facility – Section 1 (Main to Live Oak)
- Design (crossing only)
- ROW Acquisition
-Construction (crossing only) | N/A | 0 | 50,000 | | ROW Acquis
Construction | |
| XXXX | A-04 Drainage Facility – Section 3 (Mesa to Bear Valley Road)
- Design
- ROW Acquisition
-Construction | | | 0 | | ROW Acquis | Construction |
| | TOTAL OF DRAINAGE CIP PROJECTS | \$ 8,772,000 | \$ 10,050,000 | \$ 300,000 | | | |
| OTHER CITY PROJECTS | | | | | | | |
| XXXX | Fire Station 306 (Ranchero Rd./Oxford)
- Phase 1 Design
- Phase 2 Property Acquisition
- Phase 3 Construction | | | 0 | | Design Ph1 | Design Ph2
Const Ph3 |
| XXXX | Fire Station 308 (Ranchero Rd./Maple)
- Phase 1 Design
- Phase 2 Property Acquisition (FY 13-14)
- Phase 3 Construction (FY 14-15) | | | 0 | | | Design |
| 6521 | Fire Station 304 Interim Expansion (Eucalyptus)
- Design
- Construction | 50,000
- | 50,000
950,000 | 1,340,000 | | | |
| 6514 | Fire Stations 301/305 Site Study and Design (WLC) | 412,000 | 612,000 | 200,000 | | | |
| 6515 | Downtown Park–Northwest Corner of Juniper St & 8 th
-Design (Completed 2007)
-Construction - Phase 1
-Construction - Phase 2 (Bathrooms/concession) | 300,000 | 1,250,000 | 0 | | Const Ph2 | |
| 6516 | New Police Station
-Property Acquisition-Phase 1 (Completed 2007)
-Design - Phase 2
-Construction - Phase 2 | 0
1,760,000 | 1,100,000
1,760,000 | 0
15,000,000 | | Const Ph2 | |
| 6517 | Fire Station 301 Construction/Property
- Property Acquisition (Completed 2007)
- Construction | 1,000,000 | 4,000,000 | 5,000,000 | | | |
| 6518 | Fire Station 305 Construction | 2,500,000 | 7,110,000 | 5,000,000 | | | |
| 6519 | Fire Station 302 (Lemon)
-Property Acquisition
-Design
-Construction | 0 | 500,000 | 0 | Acquisition | Design
Construction | Construction |
| 6520 | High Desert County Government Center
-Design
-Construction | 1,820,000 | 1,820,000 | 0
17,000,000 | Construction | | |
| 6522 | Code Compliance Facility
- Design (Interim)
- Construction | 0 | 125,000 | 0 | Design | | Construction |
| XXXX | Community Center
- Design
- Construction | | | 0 | | Design
Construction | Construction |
| | TOTAL OTHER CITY CIP PROJECTS | \$ 7,842,000 | \$ 19,277,000 | \$ 43,540,000 | | | |

2008/2009 - 2012/2013 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | FY 08-09
Actual | Approved FY
08-09 | Proposed FY
09-10 | FY 10-11 | FY 11-12 | FY 12-13 |
|--|--|---------------------|----------------------|----------------------|---------------------------------------|------------------------|--------------|
| WATER CIP PROJECTS | | | | | | | |
| 8073 | Plant 19A, 19B Reservoir Improvments
-Design (Completed 2007)
-Tank Construction (1 tank)
-Recoat and Repaint 19A, 19BH (Interior/Exterior) | 3,130,000 | 4,000,000 | 30,000
1,600,000 | | | |
| 8074 | FY 2006-07 Pipeline Replacement
-Design
- Construction | 659,900 | 1,000,000 | 0 | | | |
| 8075 | Waterline replacement – EPA Hawthorne/Kern | 10,000 | 680,000 | 430,000 | | | |
| XXXX | 395 Water System Loop (Main/Mojave/Willow)
-Design
- Construction | N/A | 0 | | Design | Construction | |
| 8077 | Interstate 15 Corridor – New Water and Wastewater System
-Design
-Construction | 0
1,000,000 | 1,230,000 | 230,000
1,400,000 | Construction | Construction | |
| 8078 | Property Acquisition for (Reservoir Expansion at Sites 19A and 21), new Reservoir to Serve Freeway Corridor (5 acres) | 0 | 1,100,000 | 500,000 | | | |
| 8079 | New Construction Plant 22 Well A | 49,900 | 49,900 | 0 | | | |
| 8081 | Recoat and Repaint Reservoir Plant 30 (Exterior) | 0 | 100,000 | 120,000 | | | |
| 8082 | Water System velocity improvements Arrowhead/Tank 18/Maple
- Design
- Construction | 0 | 100,000 | | Design | Construction | |
| 8084 | New Well Site
-Property Acquisition
-Design/Test wells
-Construction | 0 | 400,000
100,000 | | Acquisition
Design
Construction | Construction | |
| XXXX | Pipeline Replacement (PT 013, 016, 030)
-Design
- Construction | N/A | -
0 | | Design | Construction | Construction |
| TOTAL OF WATER PROJECTS | | \$ 4,849,800 | \$ 8,759,900 | \$ 4,310,000 | | | |
| SEWER CAPITAL CIP PROJECTS | | | | | | | |
| 9007 | Sub-regional Wastewater Reclamation Plant (WRF-1)
- Phase 1 Property Acquisition (Completed)
-Phase 2 Design and Construction | N/A
0 | 0 | | VWRA | VWRA | Reimb |
| 9009 | Santa Fe Improvements – Sewer Upgrade (FP-1)
-Design (VWRA)
-Construction | N/A | 0 | | VWRA | Construction | |
| 9011 | Sub-regional Wastewater Reclamation Plant (WRF2)
-Property Acquisition | 1,651,678 | 1,675,000 | 0 | | | |
| 9012 | Mojave Sewer Upgrade (FP-13)
- Design
- Construction | 0 | 150,000 | 0 | Design | Construction | |
| 9013 | Live Oak Sewer Upgrade (FP-12)
- Design
- Construction | 0 | 75,000 | 0 | Design | Design
Construction | Construction |
| 9015 | Main Street Sewer (Topaz to Hickory) | \$ 502,000 | 750,000 | 0 | | | |
| XXXX | Maple Sewer (FP-8, FP-10, FP-37)
-Design
-Construction | N/A | 0 | 0 | Design
Construction | Construction | |
| TOTAL OF SEWER CAPITAL CIP PROJECTS | | \$ 2,153,678 | \$ 2,650,000 | \$ - | | | 5-8 |

Total of Water and Sewer CIP for FY 2009-10 \$ 4,310,000

ATTACHMENT 2

CAPITAL IMPROVEMENT PROGRAM (C I P)

- *Overview and Summary*
- *C I P Expenditures by Project*
- *C I P Expenditures By Fund and Project*
- *C I P Project Listing*
- *C I P Project Descriptions*

CAPITAL IMPROVEMENT PROGRAM (CIP)

OVERVIEW

The Capital Improvement Program (CIP) Summary includes the continued and new capital projects funded in the 2008-09 Budget. Information on capital projects completed in Fiscal Year (FY) 2007-08 are included to identify capital projects completed recently. Fiscal Year 2005-06 and Fiscal Year 2006-07 CIP projects are included for historical purposes on the expenditure summaries. Frequently CIP projects extend beyond one fiscal year.

The City's construction projects and major capital acquisitions, that have an extended life are included in the Capital Improvement Program. In some circumstances, studies undertaken related to anticipated future capital projects are also included. Generally, the CIP will include capital replacement projects that repair, replace, or enhance existing facilities, equipment, or infrastructure, and capital facility projects that significantly expand or add capacity to the City's existing fixed assets.

SUMMARY

The CIP projects are summarized as follows:

| <u>C I P Major Categories</u> | <u>Projects Completed in FY 2007-08*</u> | <u>Projects Continued in 2008-09 Budget</u> | <u>New Projects Included in 2008-09 Budget</u> | <u>New & Continued Projects Included in 2008-09 Budget</u> |
|-------------------------------|--|---|--|--|
| Streets C I P Projects | \$7,170,162 | \$32,759,000 | \$10,659,895 | \$43,418,895 |
| Storm Drainage | 78,000 | 10,050,000 | 0 | 10,050,000 |
| Facilities | 3,412 | 16,749,500 | 125,000 | 16,874,500 |
| Water | 1,107,107 | 8,910,000 | 500,000 | 9,410,000 |
| Sewer | <u>521,194</u> | <u>1,675,000</u> | <u>975,000</u> | <u>2,650,000</u> |
| Total C I P Projects | \$8,879,875 | \$70,143,500 | \$12,259,895 | \$82,403,395 |

*Note – May include projects that are not yet completed but have been suspended and will resume in future years.

Streets C I P Projects - \$43,418,895 (2008-09 Budget)

- 2008-09 Street Improvement Project - \$10,659,895 is included in the 2008-09 Budget for the ninth year of the major Citywide Street Residential Improvement Program, as well as \$8,080,000 to complete the FY 2007-08 Street Improvement Program. The program history is as follows:

| | <u>Expenditures</u> | <u>Miles Paved</u> | <u>Slurry Seal Miles</u> |
|---|----------------------------|--------------------|--------------------------|
| 2000-01 Street Improvement Project | \$ 2,226,573 | 18.0 | 0 |
| 2001-02 Street Improvement Project | \$ 2,148,349 | 19.4 | 0 |
| 2002-03 Street Improvement Project | \$ 1,993,142 | 16.5 | 0 |
| 2003-04 Street Improvement Project | \$ 2,033,719 | 17.1 | 0 |
| 2004-05 Street Improvement Project | \$ 3,166,412 | 18.2 | 12.4 |
| 2005-06 Street Improvement Project | \$ 6,221,264 | 51.1 | 14.2 |
| 2006-07 Street Improvement Project | \$11,379,826 | 57.0 | 11.0 |
| 2007-08 Street Improvement Project | <u>\$20,920,267</u> | <u>57.0</u> | <u>4.0</u> |
| Eight Year Total | \$50,089,552 | 254.3 | 41.6 |
|
 | | | |
| 2008-09 Street Improvement Project | <u>\$10,659,895</u> | <u>35.6</u> | <u>0</u> |
| Nine Year Total | \$60,749,447 | 289.9 | 41.6 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

- **Ranchero Road Related Projects – 3 Projects \$10,050,000** – Included in the 2008-09 Budget are three projects related to the Ranchero Road Corridor with the largest being the Ranchero Road Interchange project. The three projects are as follows:

| | |
|--|---------------------|
| • Ranchero Road Undercrossing | \$ 6,300,000 |
| • Ranchero Road I-15 Interchange Project Approval and Environmental Document | 3,000,000 |
| • Ranchero Road Improvement – 7 th Avenue to Mariposa Road | <u>750,000</u> |
| | \$10,050,000 |

- **Fourteen Other Streets Projects – 14 Projects \$14,629,000** – Included in the 2008-09 Budget are 14 other continuing streets projects. These projects include traffic signal and paving projects as well as aqueduct crossing and township improvements.

| | |
|--|----------------------|
| • Township Improvements and Redevelopment – (Spruce/Smoke Tree) | \$ 5,600,000 |
| • Rock Springs Road Reconstruction | 1,759,000 |
| • Main Street Corridor Design – 395 to 11 th Avenue | 1,600,000 |
| • New Traffic Signal – Main Street & Rock Springs Road | 1,520,000 |
| • Industrial Park Lead Track Project | 1,250,000 |
| • 7 th Avenue Roadway Improvements – Willow to Bear Valley Road | 500,000 |
| • Aqueduct Crossing Improvements – Widen Bridge at Main Street | 500,000 |
| • Muscatel Street Overpass, Phase 1 – Project Study Report/Project | 475,000 |
| • Widen Seventh Avenue – Main Street to Willow Street | 335,000 |
| • New Aqueduct Crossing – Bridge at Escondido Avenue | 300,000 |
| • Bear Valley Road Widening – Mariposa Road to 600 feet east | 300,000 |
| • Main Street/Hesperia Interchange Feasibility Design | 250,000 |
| • Railroad Crossing Feasibility Study – Eucalyptus/Lemon/Mojave | 140,000 |
| • Traffic Signal Upgrade – Main Street and Third Avenue | <u>100,000</u> |
| | \$ 14,629,000 |

- **Storm Drainage C I P Projects - 3 Projects \$10,050,000** – Included in the 2008-09 Budget are three drainage projects as follows:

| | |
|--|---------------------|
| • H-01 Drainage Facility – (Section 2) Main Street to Smoke Tree Street | \$ 9,400,000 |
| • H-01 Drainage Facility – (Section 3) 4 th Avenue to the Railroad Tracks | 400,000 |
| • H-01 Drainage Facility – (Section 1) Maple Avenue to Main Street | <u>250,000</u> |
| | \$10,050,000 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

Facilities C I P Projects - 9 Projects \$16,874,500 – The following nine projects totaling \$16,874,500 will be continued or initiated in Fiscal Year 2008-09 as follows:

| | |
|--|----------------|
| • Fire Station – 305 | \$ 7,000,000 |
| • Fire Station – 301 | 4,000,000 |
| • High Desert County Government Center | 1,387,500 |
| • Downtown Park | 1,250,000 |
| • New Police Station | 1,000,000 |
| • Fire Station – 304 Expansion | 1,000,000 |
| • Fire Station Site Study and Design | 612,000 |
| • Fire Station – 302 | 500,000 |
| • Code Compliance Facility | <u>125,000</u> |
| | \$16,874,500 |

Water C I P Projects - 9 Projects \$9,410,000

- Pipeline Replacement Program - \$1,000,000 has been budgeted as a carryover for the FY 2006-07 waterline replacement program.

- One 2008-09 New Water Infrastructure Project - \$500,000 is included for a new well site. The project is to identify potential sites for future wells in the City.

- Seven Other Projects Continued in the 2008-09 Budget - 7 water projects for \$7,910,000 will be continued in Fiscal Year 2008-09 as follows:

| | |
|---|----------------|
| • Plant 19 Reservoir Improvement | \$ 4,000,000 |
| • Interstate 15 Corridor – New Water System Design | 1,230,000 |
| • Property Acquisition for Reservoir Expansion Sites 19A & 21 | 1,100,000 |
| • Mojave Corporation Yard Expansion | 700,000 |
| • Waterline Replacement – Juniper Street and Chestnut Street | 680,000 |
| • Recoat and Repaint Reservoir Plant 30 | 100,000 |
| • Water System Velocity Improvements Arrowhead/Tank 18/Maple | <u>100,000</u> |
| | \$ 7,910,000 |

Sewer C I P Projects - 4 Projects \$2,650,000

The following four Sewer C I P projects totaling \$2,650,000 will be continued or initiated in Fiscal Year 2008-09 as follows:

| | |
|---|---------------|
| • Sub-regional Wastewater Reclamation Plant WRP-2 | \$ 1,675,000 |
| • Main Street Sewer (Topaz to Hickory) | 750,000 |
| • Mojave Sewer Upgrade | 150,000 |
| • Live Oak Sewer Upgrade | <u>75,000</u> |
| | \$ 2,650,000 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2005-06
Actual | 2006-07
Actual | 2007-08
Budget | 2007-08
Revised | 2008-09
Budget |
|--|---|-------------------|-------------------|----------------------|----------------------|----------------------|
| <u>New Streets Projects in FY 2008-09</u> | | | | | | |
| 7114 | 2008-09 Street Improvement Project | 0 | 0 | 0 | 0 | \$ 10,659,895 |
| | Sub-Total New 2008-09 Streets C I P Projects | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 10,659,895 |
| <u>Streets CIP Projects Continued in FY 2008-09</u> | | | | | | |
| 7046 | Ranchero Road Undercrossing -Design, Right-of-Way, Construction | \$ 146,410 | \$ 179,369 | \$ 8,200,000 | \$ 150,000 | \$ 6,300,000 |
| 7085 | Widen Seventh Avenue – Main Street to Willow Street | 59,095 | 29,690 | 4,360,000 | 3,916,785 | 335,000 |
| 7086 | Ranchero Road I-15 Interchange Project Approval and Environmental Document Design, Right-of-Way, Construction | 2,845 | 327,869 | 10,164,625 | 9,302,541 | 3,000,000 |
| 7094 | Ranchero Road Improvements – Seventh Avenue to Mariposa Road, Phase 1 – Engineering & Right-of-Way Identification | 0 | 0 | 500,000 | 50,000 | 750,000 |
| 7095 | 7th Avenue Roadway Improvements – Willow to Bear Valley Road – Design & Right-of-Way Identification | 0 | 0 | 500,000 | 0 | 500,000 |
| 7096 | Aqueduct Crossing Improvements – Widen Bridge at Main Street – Design and Right-of-Way Acquisition | 0 | 0 | 300,000 | 0 | 500,000 |
| 7097 | New Aqueduct Crossing – Bridge at Escondido Avenue – Design | 0 | 0 | 300,000 | 0 | 300,000 |
| 7098 | Muscatel Street Overpass, Phase 1 – Project Study Report/Project Development Study (PSR/PDS) | 0 | 18,608 | 470,000 | 130,000 | 475,000 |
| 7100 | New Traffic Signal – Main Street & Rock Springs Road - Construction, Design | 0 | 42,409 | 1,130,000 | 71,000 | 1,520,000 |
| 7101 | Traffic Signal Upgrade - Main Street and Third Avenue | 0 | 2,000 | 214,000 | 121,000 | 100,000 |
| 7102 | Township Improvements and Redevelopment - Construction (Spruce/Smoke Tree) | 0 | 20,008 | 3,500,000 | 350,000 | 5,600,000 |
| 7103 | 2007-08 Street Improvement Project | 0 | 0 | 20,920,267 | 9,805,834 | 8,080,000 |
| 7104 | Railroad Crossing Feasibility Study Eucalyptus/Lemon/Mojave | 0 | 0 | 250,000 | 100,000 | 140,000 |
| 7105 | Main Street Corridor Design (395 to 11th) | 0 | 0 | 750,000 | 0 | 1,600,000 |
| 7106 | Main Street/Hesperia Interchange Feasibility Design | 0 | 0 | 500,000 | 0 | 250,000 |
| 7108 | Industrial Park Lead Track Project Design, ROW Acquisition, Construction | 0 | 0 | 1,250,000 | 0 | 1,250,000 |
| 7110 | Bear Valley Road Widening - Mariposa Road to 600 feet east | 0 | 0 | 300,000 | 0 | 300,000 |
| 7111 | Rock Springs Road Reconstruction Project | 0 | 0 | 0 | 0 | 1,759,000 |
| | Sub-Total Streets CIP Projects Continued in FY 2008-09 | \$ 208,350 | \$ 619,953 | \$ 53,608,892 | \$ 23,997,160 | \$ 32,759,000 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2005-06
Actual | 2006-07
Actual | 2007-08
Budget | 2007-08
Revised | 2008-09
Budget |
|---|--|---------------------|---------------------|----------------------|----------------------|----------------------|
| <u>Streets CIP Projects Completed in FY 2007-08 and Temporarily Suspended Projects that will Resume in Future Years</u> | | | | | | |
| 7065 | Eucalyptus Interchange | 0 | 0 | 0 | \$ 1,798,824 | 0 |
| 7089 | 2006-07 Street Improvement Project | 0 | \$ 7,303,099 | \$ 1,512,465 | 3,671,338 | 0 |
| 7093 | Intersection at Main Street and C Avenue - Design, Right-of-Way Acquisition | 0 | 10,506 | 66,500 | 50,000 | 0 |
| 7107 | Juniper/Smoketree/8th Avenue Project (Park) | 0 | 0 | 1,500,000 | 1,650,000 | 0 |
| Sub-Total Streets CIP Projects Completed in FY 2007-08 and Temporarily Suspended Projects that will Resume in Future Years | | \$ 0 | \$ 7,313,605 | \$ 3,078,965 | \$ 7,170,162 | \$ 0 |
| <u>Streets C I P Projects Completed in FY 2006-07</u> | | | | | | |
| 7056 | Paving Mesquite - Maple to Escondido | 0 | 340,760 | 0 | 0 | 0 |
| 7080 | Highway 395 Study and Design (SANBAG Project) | 0 | 225,000 | 0 | 0 | 0 |
| 7081 | Ranchero Road I-15 Interchange Project Study Report (PSR) | 73,051 | 10,355 | 0 | 0 | 0 |
| Sub-Total Streets C I P Projects Completed in FY 2006-07 | | \$ 73,051 | \$ 576,115 | \$ 0 | \$ 0 | \$ 0 |
| <u>Streets Projects Completed in FY 2005-06</u> | | | | | | |
| 7084 | 2005-06 Street Improvement Project | \$ 6,221,264 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Sub-Total Streets Projects Completed in 2005-06 | | \$ 6,221,264 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Summary Streets C I P Projects | | \$ 6,502,665 | \$ 8,509,673 | \$ 56,687,857 | \$ 31,167,322 | \$ 43,418,895 |
| <u>Storm Drainage C I P Projects</u> | | | | | | |
| 7087 | H-01 Drainage Facility – (Section 2) Main Street to Smoke Tree Street | \$ 77,305 | \$ 280,988 | \$ 5,100,000 | \$ 2,900,000 | \$ 9,400,000 |
| 7090 | H-01 Drainage Facility – Section 1 (Maple Avenue to Main Street) – Design and Right-of-Way Acquisition | 0 | 0 | 750,000 | 75,000 | 250,000 |
| 7091 | H-01 Drainage Facility – Section 3 (4th Avenue to the Railroad Tracks) – Design and Right-of-Way Acquisition | 0 | 0 | 350,000 | 0 | 400,000 |
| 7092 | A-04 Drainage Facility – Mojave Street to Mesa Avenue - Construction | 0 | 0 | 4,600,000 | 78,000 | 0 |
| 7088 | Drainage Repairs G and 1st Street | 326,658 | 0 | 0 | 0 | 0 |
| Total Storm Drainage C I P Projects | | \$ 403,963 | \$ 280,988 | \$ 10,800,000 | \$ 3,053,000 | \$ 10,050,000 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2005-06
Actual | 2006-07
Actual | 2007-08
Budget | 2007-08
Revised | 2008-09
Budget |
|--|--|---------------------|---------------------|----------------------|----------------------|----------------------|
| Facilities Projects | | | | | | |
| 6514 | Fire Station Site Study and Design | \$ 119,250 | \$ 149,307 | \$ 899,000 | \$ 215,000 | \$ 612,000 |
| 6515 | Downtown Park - Northwest Corner of Juniper Street and 8th Avenue - Design & Construction | 23,041 | 103,921 | 2,215,000 | 3,000,000 | 1,250,000 |
| 6516 | New Police Station - Property Identification, Acquisition, Design and Construction | 0 | 10,000 | 2,600,000 | 500,000 | 1,000,000 |
| 6517 | Fire Station 301 Construction/Property | 0 | 150,375 | 3,600,000 | 0 | 4,000,000 |
| 6518 | Fire Station 305 Construction | 0 | 0 | 6,700,000 | 0 | 7,000,000 |
| 6519 | Fire Station 302 Property Acquisition, Design, Construction | 0 | 0 | 1,500,000 | 0 | 500,000 |
| 6520 | High Desert County Government Center | 0 | 0 | 0 | 100,000 | 1,387,500 |
| 6521 | Fire Station 304 Expansion Project | 0 | 0 | 950,000 | 30,000 | 1,000,000 |
| 6522 | Code Compliance Facility | 0 | 0 | 0 | 0 | 125,000 |
| 6510 | Hesperia Branch Library | 5,497,649 | 2,302,669 | 0 | 3,412 | 0 |
| 6511 | Hesperia Civic Plaza | 13,065,246 | 4,547,163 | 0 | 0 | 0 |
| Total Facilities Projects | | \$18,705,186 | \$ 7,263,435 | \$ 18,464,000 | \$ 3,848,412 | \$ 16,874,500 |
| <u>New Water CIP Projects in FY 2008-09</u> | | | | | | |
| 8084 | New Well Site | 0 | 0 | 0 | 0 | 500,000 |
| Sub-Total New 2008-09 Water CIP Projects | | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 500,000 |
| <u>Water CIP Projects Continued in FY 2008-09</u> | | | | | | |
| 6506 | Mojave Corporation Yard Expansion | \$ 105,086 | \$ 25,306 | \$ 4,000,000 | \$ 6,200,000 | \$ 700,000 |
| 8073 | Plant 19 Reservoir Improvements Design, Tank Construction (2 Tanks) | 0 | 72,820 | 3,273,000 | 150,000 | 4,000,000 |
| 8074 | FY 2006-07 Pipeline Replacement | 0 | 595,624 | 6,030,170 | 3,782,475 | 1,000,000 |
| 8075 | Waterline Replacement –Juniper Street & Chestnut Street, Design & Construction (between 7th Avenue & 3rd Avenue) | 0 | 21 | 1,000,000 | 0 | 680,000 |
| 8077 | Interstate 15 Corridor – New Water System Design | 0 | 0 | 1,000,000 | 240,000 | 1,230,000 |
| 8078 | Property Acquisition for Reservoir Expansion @ Sites 19A & 21, New Reservoir to Serve Freeway Corridor | 0 | 375,736 | 1,100,000 | 0 | 1,100,000 |
| 8081 | Recoat and Repaint Reservoir Plant 30 | 0 | 0 | 100,000 | 0 | 100,000 |
| 8082 | Water System Velocity Improvements Arrowhead/Tank 18/Maple | 0 | 0 | 412,000 | 0 | 100,000 |
| Sub-Total Water CIP Projects Continued in FY 2008-09 | | \$ 105,086 | \$ 1,069,507 | \$ 16,915,170 | \$ 10,372,475 | \$ 8,910,000 |
| <u>Water CIP Projects Completed in FY 2007-08</u> | | | | | | |
| 8061 | Zone J Separation Project Phase 2 | \$ 429,856 | 0 | \$ 100,000 | 0 | 0 |
| 8070 | FY 2005-06 Pipeline Replacement Program | 1,610,231 | 5,113,436 | 239,000 | 352,988 | 0 |
| 8071 | Equip Well No's 29, 31 and 32 | 140,872 | 2,404,727 | 400,000 | 514,119 | 0 |
| 8079 | New Construction Plant 22 Well A | 0 | 387,354 | 300,000 | 120,000 | 0 |
| 8080 | Annual Pipeline Design Project (50,000 Ft) | 0 | 0 | 200,000 | 120,000 | 0 |
| Sub -Total Water CIP Projects Completed in FY 2007-08 | | \$ 2,180,959 | \$ 7,905,517 | \$ 1,239,000 | \$ 1,107,107 | \$ 0 |

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2005-06
Actual | 2006-07
Actual | 2007-08
Budget | 2007-08
Revised | 2008-09
Budget |
|---|--|---------------------|---------------------|-----------------------|----------------------|----------------------|
| Water C I P Projects Completed in FY 2006-07 | | | | | | |
| 8076 | Four New Well Sites - Property | 0 | \$ 186,976 | 0 | 0 | 0 |
| | Sub-Total Water C I P Projects Completed in FY 2006-07 | \$ 0 | \$ 186,976 | \$ 0 | \$ 0 | \$ 0 |
| Water C I P Projects Completed in FY 2005-06 | | | | | | |
| 8063 | Two New 5.0 MG Reservoirs | \$ 3,609,030 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 8065 | Construction of Wells | 434,282 | 0 | 0 | 0 | 0 |
| 8066 | FY 2004-05 Pipeline Replacement Program | 2,464,465 | 0 | 0 | 0 | 0 |
| 8067 | Equip Well 19A | 275,199 | 0 | 0 | 0 | 0 |
| | Sub-Total Water C I P Projects Completed in FY 2005-06 | \$ 6,782,976 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Water C I P Projects (Note #1) | | \$ 9,069,021 | \$ 9,162,000 | \$ 18,154,170 | \$ 11,479,582 | \$ 9,410,000 |
| Sewer C I P Projects | | | | | | |
| 9007 | Sub-regional Wastewater Reclamation Plant Design and Environmental | 0 | 0 | \$ 450,000 | \$ 127,604 | 0 |
| 9009 | Santa Fe Improvements - Sewer Upgrade Phase I | 0 | 0 | 100,000 | 0 | 0 |
| 9010 | Escondido Bypass Lane - Design, Construction | 0 | 0 | 350,000 | 393,590 | 0 |
| 9011 | Subregional Wastewater Reclamation Plant WRP-2 | 0 | 0 | 0 | 50,000 | 1,675,000 |
| 9012 | Mojave Sewer Upgrade | 0 | 0 | 0 | 0 | 150,000 |
| 9013 | Live Oak Sewer Upgrade | 0 | 0 | 0 | 0 | 75,000 |
| 9015 | Main Street Sewer (Topaz to Hickory) | 0 | 0 | 0 | 0 | 750,000 |
| Total Sewer C I P Projects (Note #2) | | 0 | 0 | \$ 900,000 | \$ 571,194 | \$ 2,650,000 |
| Total Summary Streets C I P Projects | | | | | | |
| | | \$ 6,502,665 | \$ 8,509,673 | \$ 56,687,857 | \$ 31,167,322 | \$ 43,418,895 |
| Total Storm Drainage C I P Projects | | 403,963 | 280,988 | 10,800,000 | 3,053,000 | 10,050,000 |
| Total Facilities Projects | | 18,705,186 | 7,263,435 | 18,464,000 | 3,848,412 | 16,874,500 |
| Total Water C I P Projects (Note #1) | | 9,069,021 | 9,162,000 | 18,154,170 | 11,479,582 | 9,410,000 |
| Total Sewer C I P Projects (Note #2) | | 0 | 0 | 900,000 | 571,194 | 2,650,000 |
| Grand Total | | \$34,680,835 | \$25,216,096 | \$ 105,006,027 | \$ 50,119,510 | \$ 82,403,395 |

Note #1 - In addition to Water C I P projects, Water funds are used to partially fund streets and storm drainage projects and the Water funding is shown with those specific projects, not in this section.

Note #2 - In addition to Sewer C I P projects, Sewer funds are used to partially fund the Township Improvement Project (within the Street Projects category) and the Sewer funding is shown with that specific project, not in this section.

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 15, 2009

A. PROPOSALS:

1. Hesperia Parks & Recreation (CUP-2009-02)

Proposal: To replace an existing 69-foot high light standard with a 69-foot high light standard with wireless communications facilities at Lime Street Park.

Location: 16292 Lime Street

Planner: Paul Rull

Action: Forwarded to Planning Commission

2. Khalil Khosravi (SPR-2007-74)

Proposal: To construct a two-story, 21,047 square foot medical office building on 1.1 gross acres zoned Specific Plan (Pedestrian Commercial).

Location: On the south side of Main Street, approximately 380 feet west of Ninth Avenue.

Planner: Stan Liudahl

Action: Administrative Approval

3. Crosswalk Learning Pathways (SPR09-10158)

Proposal: A revised site plan review to establish a charter school for classrooms K thru 8th on 2.2 acres zoned I-1.

Location: 10653 G Avenue

Planner: Daniel Alcayaga

Action: Administrative Approval

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