

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
WATER DISTRICT**



Meeting Agenda

Tuesday, November 4, 2025

Closed Session - 6:15 PM

Regular Meeting - 6:30 PM

**City Council Chambers
9700 Seventh Ave., Hesperia, CA 92345
City Clerk's Office: (760) 947-1007**

City Council Members

**Allison Lee, Mayor
Cameron Gregg, Mayor Pro Tem
Brigit Bennington, Council Member
Chris Ochoa, Council Member
Josh Pullen, Council Member**

**Rachel Molina, City Manager
Pam K. Lee, City Attorney**



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1026. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

To leave a Public Comment by phone, call and leave a recorded message at (760) 947-1026 up to 5:30 pm on the day of the scheduled meeting. City Council meetings may be viewed live or after the event on the City's website at www.cityofhesperia.us.

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT**

9700 7th Avenue, Council Chambers, Hesperia, CA 92345

As a courtesy, please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

Prior to action of the Council, 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.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

CLOSED SESSION - 6:15 PM

Roll Call

*Mayor Allison Lee
Mayor Pro Tem Cameron Gregg
Council Member Brigit Bennington
Council Member Chris Ochoa
Council Member Josh Pullen*

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Water Rights
Agency Negotiator: Rachel Molina, City Manager
Negotiating Parties: Connie Hunt
Under Negotiation: Price and Terms of Water Rights

CALL TO ORDER - 6:30 PM

- A. Invocation**
- B. Pledge of Allegiance to the Flag**
- C. Roll Call**

Mayor Allison Lee

Mayor Pro Tem Cameron Gregg
Council Member Brigit Bennington
Council Member Chris Ochoa
Council Member Josh Pullen

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of City Hall Employee of the Quarter Recognition to Kimberly Estela, Registered Veterinary Technician, by Veronica Puente, Animal Services Supervisor.

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Individuals wishing to speak during General Public Comments or on a particular numbered item are requested to submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the joint agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

JOINT CONSENT CALENDAR

1. Page 7 Consideration of the Draft Minutes from the Special Meeting held Monday, October 20, 2025, and the Draft Minutes from the Regular Meeting held Tuesday, October 21, 2025

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Monday, October 20, 2025, and the Draft Minutes from the Regular meeting held Tuesday, October 21, 2025.

Staff Person: Assistant City Clerk Jessica Giber

Attachments: [Draft SPECIAL CC Min 2025-10-20](#)

[Draft CC Min 2025-10-21](#)

2. Page 15 Warrant Run Report (City- Successor Agency- Housing Authority- Community Development Commission- Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll

report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Staff Person: Assistant City Manager Casey Brooksher

Attachments: [SR Warrant Run 11-4-2025](#)
[Attachment 1 - Warrant Run](#)

3. Page 17 Fiscal Year 2024-25 Final Budget Amendments

Recommended Action:

It is recommended that the following resolutions be adopted, amending the respective Fiscal Year (FY) 2024-25 Budgets for the City of Hesperia and the Hesperia Water District:

- 1) City of Hesperia No. 2025-41
- 2) Hesperia Water District HWD 2025-11

Staff Person: Assistant City Manager Casey Brooksher

Attachments: [SR FY 24-25 Final Budget Amendments 11-4-2025](#)
[Resolution 2025-41](#)
[Resolution HWD 2025-11](#)

CONSENT ORDINANCES

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

4. Page 21 Specific Plan Amendment SPLA25-00004; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2025-04 approving Specific Plan Amendment SPLA25-00004.

Staff Person: Associate Planner Leilani Henry

Attachments: [SR Specific Plan Amendment SPLA25-00004 10-21-2025](#)
[Ordinance 2025-04](#)
[Attachment 2 - Exhibit A SPLA25-00004](#)
[Attachment 3 - Planning Commission Staff Report \(9-11-2025\)](#)

5. Page 35 Development Code Amendment DCA25-00003; Applicant: City of Hesperia; Area affected: City-wide.

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2025-05 approving Development Code Amendment DCA25-00003, modifying development standards associated with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Staff Person: Senior Planner Edgar Gonzalez

Attachments: [SR Development Code Amendment DCA25-00003 10-21-2025](#)
[Ordinance 2025-05](#)
[Attachment 2 - Exhibit A Amended Language](#)
[Attachment 3 - HCD Comment Letter](#)
[Attachment 4 - Planning Commission Staff Report \(9-11-2025\)](#)

6. Page 75

Draft Objective Design Standards for Multi-Family and Mixed-Use Development

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2025-06 approving Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002) to incorporate Objective Design Standards (ODS) for multi-family and mixed-use residential projects by reference into the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan (MSFCSP) and to make other modifications to the Development Standards to ensure consistency.

Staff Person: Principal Planner Ryan Leonard

Attachments: [SR Objective Design Standards for Multi-Family and Mixed-Use 10-21-2025](#)
[Ordinance 2025-06](#)
[Attachment 2 - Objective Design Standards for Multifamily and Mixed-Use](#)
[Attachment 3 - Objective Design Standards Checklist](#)
[Attachment 4 - DCA25-00002 and SPLA25-00002](#)

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Jessica Giber, Assistant City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, October 30, 2025 at 5:30 p.m. pursuant to California Government Code §54954.2.

Jessica Giber, Assistant City Clerk

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.

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City of Hesperia Meeting Minutes - Draft State of the City Address

Marriott Courtyard Ballroom
9619 Mariposa Rd.
Hesperia CA, 92345

Tuesday, October 20, 2025

11:30 AM

SPECIAL MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT
9619 Mariposa Rd, Marriott Courtyard Ballroom, Hesperia, CA 92345

CALL TO ORDER – 12:05 PM

- A. Invocation
- B. Pledge of Allegiance to the Flag
- C. Roll Call

Present: 5 - Mayor Lee, Mayor Pro Tem Gregg, Council Member Bennington, Council Member Ochoa and Council Member Pullen

ANNOUNCEMENTS/PRESENTATIONS

- 1. Chamber of Commerce Update

NEW BUSINESS

- 1. State of the City Address by the Mayor

PUBLIC COMMENTS (For items listed on the agenda)

There were no public comments.

ADJOURNMENT

The meeting was adjourned at 1:40 p.m.

Jessica Giber
Assistant City Clerk

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City of Hesperia Meeting Minutes – Draft City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, October 21, 2025

6:30 PM

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT**

CLOSED SESSION – 5:30PM

Conference with Legal Counsel - Potential Litigation:
Government Code Section 54956.9(d)2

1.Four (4) Cases

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. CA Arroyo Fund, Inc., et al. v. City of Hesperia, et al. (SBSC Case No. CIVSB 2225409)
2. LCTH Investment, LP, et al. v. City of Hesperia, et al. (SBSC Case No. CIVSB 2303245)
3. LCTH Investment, LP, et al. v. City of Hesperia, et al. (SBSC Case No. CIVSB 2303246)
4. LCTH Investment, LP, et al. v. City of Hesperia, et al. (SBSC Case No. CIVSB 2310835)
5. Desert-Candle, LP, et al. v. City of Hesperia, et al. (SBSC Case No. CIVSB 2504950)

CALL TO ORDER - 6:32 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 5 – Mayor Lee, Mayor Pro Tem Gregg, Council Member Bennington, Council Member Ochoa, and Council Member Pullen

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of Certificate of Recognition to Kaine Koltoniuk, a Sultana High School student and Career Technical Educational Ambassador representing Hesperia during the State of the County presentation on September 17, 2025.

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

The following people commented:

Stephanie James via voicemail

Jeff Raffensperger

Gina Whelan

Kim Koonce

Jessica Troupe

Kim Jones

Kathey Henderson

Sam Garcia

Robert Davie

JOINT CONSENT CALENDAR

A motion was made by Bennington, seconded by Pullen that the Joint Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Lee, Gregg, Bennington, Ochoa, and Pullen

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, October 7, 2025

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, October 7, 2025.

Sponsors: Assistant City Clerk Jessica Giber

2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Sponsors: Assistant City Manager Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended August 31, 2025.

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District

Sponsors: Assistant City Manager Casey Brooksher

4. General Pump Company Contract Amendment

Recommended Action:

It is recommended that the Chair and Board of Directors of the Hesperia Water District (HWD) authorize the City Manager to approve an amendment of \$700,000 to the existing contract with General Pump Company, for a revised not-to-exceed contract amount of \$2,365,032, and adopt Resolution HWD 2025-12 amending the Fiscal Year (FY) 2025-26 Budget by an additional \$607,000 for water well maintenance, repair services, and repairs to Well 14A and 5A.

Sponsors: Director of Public Works/City Engineer Cassandra Sanchez

PUBLIC HEARING

5. Specific Plan Amendment SPLA25-00004; Applicant: City of Hesperia; Area affected: City wide

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2025-04 approving Specific Plan Amendment SPLA25-00004.

Sponsors: Associate Planner Leilani Henry

A motion was made by Gregg, seconded by Ochoa, that this item be approved. The motion carried by the following vote:

Aye: 5 - Lee, Gregg, Bennington, Ochoa and Pullen

Nay: 0

6. Development Code Amendment DCA25-00003; Applicant: City of Hesperia; Area affected: City wide

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2025-05 approving Development Code Amendment DCA25-00003, modifying development standards associated with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

Sponsors: Senior Planner Edgar Gonzalez

A motion was made by Bennington, seconded by Ochoa, that this item be approved. The motion carried by the following vote:

Aye: 5 - Lee, Gregg, Bennington, Ochoa and Pullen

Nay: 0

7. Draft Objective Design Standards for Multi-Family and Mixed-Use Development

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2025-06 approving Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002) to incorporate Objective Design Standards (ODS) for multi-family and mixed-use residential projects by reference into the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan (MSFCSP) and to make other modifications to the Development Standards to ensure consistency.

Sponsors: Principal Planner Ryan Leonard

A motion was made by Ochoa, seconded by Bennington, that this item be approved. The motion carried by the following vote:

Aye: 5 - Lee, Gregg, Bennington, Ochoa and Pullen

Nay: 0

8. 2025 General Plan Update-Circulation Element

Recommended Action:

The Planning Commission recommends that the City Council adopt Resolution Nos. 2025-42 and 2025-43 to: 1) Certify the Addendum as complete in compliance with the California Environmental Quality Act (CEQA); and 2) Adopt the 2025 Circulation Element as amended.

Sponsors: Principal Planner Ryan Leonard

A motion was made by Gregg, seconded by Pullen, that this item be approved as amended to add to the Circulation Element the Eucalyptus interchange and Lemon Street bridge. The motion carried by the following vote:

Aye: 5 - Lee, Gregg, Bennington, Ochoa and Pullen

Nay: 0

Al Vogler commented on this item.

NEW BUSINESS

9. California Proposition 50 - Authorizes Temporary Changes to Congressional District Maps

Recommended Action:

It is recommended that the City Council receive and file this report which provides background and factual information regarding Proposition 50, scheduled for the November 4, 2025, Special Election in California.

Sponsors: Assistant to the City Manager Tammy Pelayes

Receive and file item.

The following people commented:

12 Residents via voicemail

Monique Allen

Andrew Hodge

Melissa Ochoa

Alexis Clairborne

Derek Marshall

April Anderson

Kathey Henderson

Bonnie Gonzalez

Sam Garcia

Bob Nelson

Jessica Trapp

Monse Zamora

Barbara Fredette

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Mayor, Mayor Pro Tem and Council Members reported on various events and Committees.

Council Member Ochoa appointed Jacqueline Escobar to the City Council Advisory Committee.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

City Manager thanked staff and council.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

Jessica Giber, Assistant City Clerk

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City of Hesperia

STAFF REPORT



DATE: November 4, 2025

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Water District

FROM: Rachel Molina, City Manager

BY: Casey Brooksher, Assistant City Manager
Keith Cheong, Senior Accountant
Verenise Fierros, Accountant

SUBJECT: Warrant Run Report (City – Successor Agency – Housing Authority – Community Development Commission – Water)

RECOMMENDED ACTION

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

BACKGROUND

The Warrant Run totals represented below are for the period September 27, 2025 through October 10, 2025.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$783,290.35	\$343,405.10	\$83,497.00	\$1,210,192.45
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	0.00	159.89	0.00	159.89
Community Development Commission	0.00	0.00	0.00	0.00
Water	2,480,093.78	156,915.27	0.00	2,637,009.05
Totals	\$3,263,384.13	\$500,480.26	\$83,497.00	\$3,847,361.39

CITY GOAL SUPPORTED BY THIS ITEM

Financial Health – Maintain a balanced budget and adequate reserves.

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
9/27/2025-10/10/2025

Attachment 1

FUND #	FUND NAME	W/E 10/3/2025	W/E 10/10/2025	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable							
100	GENERAL	\$ 88,501.50	\$ 194,980.34	\$ 283,481.84	\$ -	\$ 14,458,557.50	\$ 12,668,905.67
105	PENSION OBLIGATION TRUST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
106	OPEB TRUST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
110	SILVERWOOD	\$ -	\$ 13,082.75	\$ 13,082.75	\$ -	\$ 39,544.25	\$ 6,617.66
200	HESPERIA FIRE DISTRICT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
204	MEASURE I - RENEWAL	\$ 15,738.17	\$ 23,042.30	\$ 38,780.47	\$ -	\$ 334,668.06	\$ 13,687.41
207	LOCAL TRANSPORT-SB 325	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
209	GAS TAX-RMRA	\$ -	\$ 1,915.60	\$ 1,915.60	\$ -	\$ 1,976.49	\$ -
210	HFPD (PERS)	\$ -	\$ -	\$ -	\$ -	\$ 1,896,318.00	\$ 1,755,819.00
241	CFD 2021-1 Resid Maint. & Serv	\$ -	\$ 625.00	\$ 625.00	\$ -	\$ 1,265.00	\$ -
242	CFD 2022-1 Non-Resd Maint & Serv	\$ -	\$ 1,273.00	\$ 1,273.00	\$ -	\$ 1,913.00	\$ -
243	CFD 2023-1 Silverwood Maint	\$ -	\$ 1,352.00	\$ 1,352.00	\$ -	\$ 1,992.00	\$ -
251	CDBG	\$ 19,279.20	\$ 5,867.96	\$ 25,147.16	\$ -	\$ 283,917.84	\$ 241,353.78
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
255	AB3229 SUPPLEMENTAL LAW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
256	ENVIRONMENTAL PROGRAMS GRANT	\$ -	\$ 8,313.43	\$ 8,313.43	\$ -	\$ 11,805.68	\$ 19,287.16
262	SB 1383 LOCAL ASSISTANCE GRANT	\$ 3,333.32	\$ -	\$ 3,333.32	\$ -	\$ 27,129.57	\$ -
263	STREETS MAINTENANCE	\$ 6,636.48	\$ 25,234.50	\$ 31,870.98	\$ -	\$ 648,155.21	\$ 611,739.60
300	DEV. IMPACT FEES - STREET	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,388.61
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ -	\$ -	\$ -	\$ 3,723.62	\$ -
306	DEV. IMPACT FEES - 2018-STREETS	\$ 92.40	\$ 13,918.96	\$ 14,011.36	\$ -	\$ 335,537.79	\$ 512,127.44
307	DIF 2018-DRAINAGE FACILITIES	\$ -	\$ -	\$ -	\$ -	\$ 26,353.00	\$ -
309	DIF 2018-CITY HALL FACILITIES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
312	DIF 2018-POLICE FACILITIES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
313	DIF A-04 DRAINAGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 498.79
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ 1,125,308.97	\$ 1,110,410.40
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
404	2023 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
504	CITY WIDE STREETS - CIP	\$ -	\$ -	\$ -	\$ -	\$ 242,389.21	\$ 2,595,364.72
509	CITY FACILITIES CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
800	EMPLOYEE BENEFITS	\$ 100,837.58	\$ 255,398.86	\$ 356,236.44	\$ -	\$ 2,929,723.67	\$ 2,980,178.36
801	TRUST/AGENCY	\$ 145.00	\$ 201.00	\$ 346.00	\$ 83,497.00	\$ 767,679.47	\$ 468,747.20
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ 1,113.10	\$ 41,105.51
807	CFD 2005-1	\$ -	\$ 3,521.00	\$ 3,521.00	\$ -	\$ 1,154,368.67	\$ 1,018,250.47
808	HFPD (TRANSITION)	\$ -	\$ -	\$ -	\$ -	\$ 335,635.00	\$ 317,435.02
815	PLAN REVIEW TRUST - FRONTIER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	CITY	\$ 234,563.65	\$ 548,726.70	\$ 783,290.35	\$ 83,497.00	\$ 24,629,075.10	\$ 24,383,916.80
163	REDEVELOP OBLIG RETIREMENT-2018	\$ -	\$ -	\$ -	\$ -	\$ 6,784,043.96	\$ 7,922,197.73
	SUCCESSOR AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 6,784,043.96	\$ 7,922,197.73
370	HOUSING AUTHORITY	\$ -	\$ -	\$ -	\$ -	\$ 4,409.12	\$ 6,339.17
	HOUSING AUTHORITY	\$ -	\$ -	\$ -	\$ -	\$ 4,409.12	\$ 6,339.17
170	COMMUNITY DEVELOPMENT COMMISSION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	COMMUNITY DEVELOPMENT COMMISSION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
700	WATER OPERATING	\$ 1,367,778.59	\$ 155,107.57	\$ 1,522,886.16	\$ -	\$ 11,616,438.32	\$ 3,712,284.51
703	WATER CAPITAL REHAB AND REPLACE	\$ -	\$ -	\$ -	\$ -	\$ 206,832.53	\$ -
705	WATER PENSION OBLIGATION TRUST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 750,000.00
701	WATER CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000.00	\$ 16,473.00
710	SEWER OPERATING	\$ 490,801.49	\$ 6,255.99	\$ 497,057.48	\$ -	\$ 7,174,186.56	\$ 1,973,332.33
711	SEWER CAPITAL	\$ 457,612.90	\$ -	\$ 457,612.90	\$ -	\$ 616,737.90	\$ 931,759.89
720	RECLAIMED WATER OPERATIONS	\$ 2,298.37	\$ 238.87	\$ 2,537.24	\$ -	\$ 13,332.82	\$ 24,508.13
	WATER	\$ 2,318,491.35	\$ 161,602.43	\$ 2,480,093.78	\$ -	\$ 20,627,528.13	\$ 7,408,357.86
	ACCOUNTS PAYABLE TOTAL	\$ 2,553,055.00	\$ 710,329.13	\$ 3,263,384.13	\$ 83,497.00	\$ 52,045,056.31	\$ 39,720,811.56
REG. PAYROLL							
	City	\$ -	\$ 343,405.10	\$ 343,405.10	\$ -	\$ 2,237,492.78	\$ 2,186,354.72
	Housing Authority	\$ -	\$ 159.89	\$ 159.89	\$ -	\$ 1,121.72	\$ 1,619.75
	Water	\$ -	\$ 156,915.27	\$ 156,915.27	\$ -	\$ 1,109,111.64	\$ 1,074,813.07
	PAYROLL TOTAL	\$ -	\$ 500,480.26	\$ 500,480.26	\$ -	\$ 3,347,726.14	\$ 3,262,787.54

City of Hesperia

STAFF REPORT



DATE: November 4, 2025
TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District
FROM: Rachel Molina, City Manager
BY: Casey Brooksher, Assistant City Manager
SUBJECT: Fiscal Year 2024-25 Final Budget Amendments

RECOMMENDED ACTION

It is recommended that the following resolutions be adopted, amending the respective Fiscal Year (FY) 2024-25 Budgets for the City of Hesperia and the Hesperia Water District:

- 1) City of Hesperia No. 2025-41
- 2) Hesperia Water District HWD 2025-11

BACKGROUND

During the annual budget process, staff prepare estimates of year-end expenditures, which are reflected in the Revised Budget. The Revised Budget is discussed during the Budget Workshops in May and is also included in the annual budget document. While the Revised Budget is reviewed at that time, appropriation adjustments are not requested until after the close of the prior fiscal year. This approach allows any year-end closing or audit adjustments to be incorporated into the final fourth-quarter appropriation requests presented to the City Council.

In accordance with the City Council's financial policy direction, staff have reviewed expenditures through the end of FY 2024-25 and determined that the City of Hesperia and the Hesperia Water District will require year-end budget adjustments.

ISSUES/ANALYSIS

An analysis of expenditures through the end of FY 2024-25 indicates that the following budget amendment requests should be considered:

SB 1383 Local Assistance Grant (262)

- **CalRecycle Grant Funds – City Manager \$162**

In FY 2022-23, the City received \$136,396 in grant funds from the Department of Resources Recycling and Recovery (CalRecycle) to support local recycling and clean-up programs. The grant allowed the City up to two years to spend the funds. As noted during the FY 2024-25 Mid-Year Review, the City was unable to expend the grant proceeds fully and was required to return the unspent balance. At that time, the City Council approved a Mid-Year budget amendment of \$71,714, based on the projected reimbursement amount. The final payback, however, exceeded that projection by \$162. As this was the primary expenditure for FY 2024-25, there were no budget savings available to absorb the overage, which now requires a budget amendment.

.DIF 2018 – City Hall Facilities (309)

▪ Interest Expense – \$22,991

The DIF-Public Services/City Hall Facilities Loan from the General Fund accrues interest at the Local Agency Investment Fund (LAIF) rate. The interest expense incurred in FY 2024-25 exceeded the budgeted amount by \$22,991 due to Federal Reserve rate increases, which, in turn, led to higher quarterly LAIF rates. The FY 2024-25 Budget estimated a 4% LAIF rate, and the actual was 4.5%. A budget amendment of \$22,991 is requested to cover the additional interest expense.

Hesperia Water District (700/701/710)

▪ Silverwood Infrastructure Assets Purchase – \$6,332,931

On May 20, 2025, the City Council and the Board of Directors of the Hesperia Water District approved an agreement for the acquisition of wastewater infrastructure assets constructed by Silverwood Development Phase 1, LLC. These assets include sewer lift stations, force mains, and other conveyance systems that will enhance operational efficiency within the City's wastewater network. Initially, the purchase was intended to be split into two equal payments during FY 2024-25 and FY 2025-26. However, during the ongoing FY 2024-25 annual audit process, it was determined that the full amount of \$6,332,931 must be recognized in FY 2024-25. This budget amendment request allocates the cost as follows:

- \$3,332,931 – Water Operating Administration (700-4070)
- \$2,000,000 – Water Capital Administration (701-4070)
- \$1,000,000 – Sewer Operating Administration (710-4270)

This change in recognition does not affect the cash projections included in the FY 2025-26 Budget.

CITY GOAL SUPPORTED BY THIS ITEM

Financial Health - Maintain a balanced budget and adequate reserves

FISCAL IMPACT

The proposed Final Fiscal Year 2024-25 Budget Amendments have been incorporated into the FY 2025-26 Budget. As discussed during the budget workshops and the annual budget adoption, there are adequate revenues and reserve balances to cover each of the proposed amendments. Furthermore, approval of these amendments will not affect the cash projections included in the FY 2025-26 Budget. Upon City Council approval of the Final Budget Amendments for FY 2024-25, staff can proceed with preparation of the Annual Comprehensive Financial Report (ACFR).

ALTERNATIVE(S)

Provide an alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2025-41
2. Resolution No. HWD 2025-11

RESOLUTION NO. 2025-41

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA,
CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25 CITY OF HESPERIA
BUDGET TO FUND CERTAIN RELATED EXPENDITURES**

WHEREAS, the City Council of the City of Hesperia adopted the Fiscal Year (FY) 2024-25 Budget on June 4, 2024; and

WHEREAS, the City Council of the City of Hesperia has authorized various amendments to the FY 2024-25 Budget throughout the year; and

WHEREAS, the City Council of the City of Hesperia has reviewed the proposed FY 2024-25 final budget amendments information and analysis and has found it acceptable.

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

Section 1. That the recitals above are true and correct and adopted as findings.

Section 2. That the City Council of the City of Hesperia approves the FY 2024-25 final budget amendments.

Section 3. That the City Council of the City of Hesperia approves the budget amendments with the following expenditure appropriations from the funds noted below:

▪ SB 1383 Local Assistance Grant (262) – CalRecycle Grant	\$ 162
▪ DIF 2018-City Hall Facilities (309) – Interest Expense	22,991
Total	\$23,153

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 4th day of November 2025.

Allison Lee, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk

RESOLUTION NO. HWD 2025-11

**A RESOLUTION OF THE HESPERIA WATER DISTRICT OF THE CITY OF
HESPERIA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25
HESPERIA WATER DISTRICT BUDGET TO FUND CERTAIN RELATED
EXPENDITURES**

WHEREAS, the Board of Directors of the Hesperia Water District adopted the Fiscal Year (FY) 2024-25 Budget on June 4, 2024; and

WHEREAS, the Board of Directors of the Hesperia Water District has authorized various amendments to the FY 2024-25 Budget throughout the year; and

WHEREAS, the Board of Directors of the Hesperia Water District has reviewed the proposed FY 2024-25 final budget amendment information and analysis and have found it acceptable.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HESPERIA WATER DISTRICT AS FOLLOWS:

Section 1. That the recitals above are true and correct and adopted as findings.

Section 2. That the Board of Directors of the Hesperia Water District approve the FY 2024-25 final budget amendments.

Section 3. That the Board of Directors approve the budget amendment with the following expenditure appropriations from the fund noted below:

▪ Water Operating Administration (700-4070)	\$3,332,931
▪ Water Capital Administration (701-4070)	2,000,000
▪ Sewer Operating Administration (710-4270)	1,000,000
▪ Total	<u>\$6,332,931</u>

Section 4. That the Board Secretary shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 4th day of November 2025.

Allison Lee, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk

City of Hesperia STAFF REPORT



DATE: October 21, 2025

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager **SECOND READING AND ADOPTION**

BY: Nathan Freeman, Director of Development Services
Ryan Leonard, Principal Planner
Leilani Henry, Associate Planner

SUBJECT: Specific Plan Amendment SPLA25-00004; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2025-04 approving Specific Plan Amendment SPLA25-00004.

BACKGROUND

The proposed Specific Plan Amendment will remove the existing exception to the maximum allowable building height within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan (MSFCSP). Specifically, this exception allows building height increases at a rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet for properties located west of Interstate 15.

In addition, the amendment will increase the standard maximum building height from 60 feet to 65 feet for all properties located within the CIBP zone of the MSFCSP.

The purpose of this amendment is to ensure building height regulations are consistent with City goals, adjacent land uses, and community character, while maintaining adequate functionality for modern industrial operations.

ISSUES/ANALYSIS

Current Maximum Building Height Standards: Within the CIBP zone of the MSFCSP, the maximum building height is generally limited to 60 feet, subject to the following exceptions:

- 1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.
- 2) For properties that are located west of Interstate 15, building height is limited to 60 feet at the front setback line, thereafter, the height may be increased at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet.

In comparison, maximum building heights in other zones within the MSFCSP, Hesperia Municipal Code, and unincorporated San Bernardino County are as listed in the following charts.

Main Street and Freeway Corridor Specific Plan Maximum Allowed Building Height	
Regional Commercial	65 feet (45 feet within 100 feet from Residential)
Neighborhood Commercial, Office Commercial and Auto Sales Commercial	45 feet
Office Park	75 feet (45 feet within 100 feet from Residential)
Very low, Low, Medium, and High Density Residential	35 feet (10-foot increase with an additional 10-foot setback in HDR)

Maximum Building Height Per the Hesperia Municipal Code	
Residential and Agricultural Zones	30 – 35 feet
Commercial zones (1, 2, & 3)	35 feet
Industrial	50 feet

Unincorporated San Bernardino County	
Rural Residential and Single Family Residential ¹	35 feet

¹ Rural Residential and Single-Family Residential zones within Unincorporated San Bernardino County are located adjacent to properties zoned CIBP within the City.

Justification: Over the past several years, the City has experienced a substantial increase in industrial project applications within the CIBP zone, located on the west side of Interstate 15. Staff reviewed these projects and found that the maximum building height proposed in recent years was 51 feet, with an overall average of approximately 47 feet. The proposed Specific Plan Amendment is intended to maintain consistency within the CIBP zone and prevent the potential development of a building significantly taller, up to three times higher, than existing and anticipated future developments.

Environmental: Approval of the Development Code Amendment and Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and Specific Plan Amendment are also exempt under Section 16.12.415(B)(10) of the City's CEQA Guidelines, as they do not propose to increase the density or intensity allowed by the General Plan.

Planning Commission Review: On September 11, 2025, the Planning Commission voted 4-0 (with Chair Roger Abreo absent) to forward this item to the City Council with a recommendation for approval. During the Planning Commission hearing, no one spoke in favor or opposition to the subject Specific Plan Amendment.

Conclusion: The proposed Specific Plan Amendment will establish clear and consistent building height standards within the CIBP zone. By eliminating the current height exception and setting a reasonable maximum height of 65 feet, the Specific Plan Amendment ensures compatibility with surrounding land uses, preserves the intended character of the area, and prevents future developments from significantly exceeding the scale of existing and anticipated projects. The proposed amendment aligns with the City's goals for balanced growth while maintaining the flexibility necessary to support industrial operations.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development - Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

There is no fiscal impact to the General Fund associated with this report.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2025-04
2. Exhibit "A"
3. Planning Commission Staff Report with attachments

ORDINANCE NO. 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO REMOVE THE EXISTING EXCEPTION TO THE MAXIMUM ALLOWABLE BUILDING HEIGHT AND INCREASE MAXIMUM ALLOWABLE BUILDING HEIGHT LIMITATIONS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (SPLA25-00004)

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

WHEREAS, on September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the City of Hesperia has initiated an application for Specific Plan Amendment SPLA25-00004 described herein (hereinafter referred to as the "Application"); and

WHEREAS, the application proposes to remove the existing exception that allows increased building height based on front yard setback increases for properties located west of Interstate 15, which currently permits building heights of up to 150 feet; within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan; and increase the maximum building height from 60 feet to 65 feet while maintaining the existing requirement that building height be limited to 45 feet within the portion of a lot located within 100 feet of an adjacent residential zone; and

WHEREAS, the amendment will establish clear, consistent, and reasonable building height standards within the CIBP zone, ensuring compatibility with surrounding land uses, preserving the intended character of the community, and preventing development of significantly taller buildings that would exceed the scale of existing and anticipated projects; and

WHEREAS, the City finds it necessary to amend the development standards within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan to remove the building height exemption and increase maximum allowable building height limitations; and

WHEREAS, the City Council finds that approval of Specific Plan Amendment SPLA25-00004 is consistent with the City's General Plan, promotes orderly development, and serves the public health, safety, and welfare; and

WHEREAS, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment does not include any new development. As future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance. In addition, the proposed Specific Plan Amendment would not introduce any new significant environmental impacts that were not previously analyzed in the General Plan Environmental Impact Report; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, on October 21, 2025, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, the City Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan as it will enhance the quality of life by providing a visually pleasing environment and promote the public health, safety, and welfare.

Section 3. The proposed Specific Plan Amendment is necessary because the existing regulations within the MSFCSP allow building heights in the CIBP zone that may result in visual, compatibility, and land use conflicts with surrounding residential neighborhoods and other adjacent land uses. Taller buildings can create adverse impacts related to scale, massing, privacy, and shading that are not compatible with the community character envisioned for the area. The proposed Specific Plan Amendment, by reducing the maximum allowable building height, will ensure that new development within the CIBP zone is designed at an appropriate scale and intensity, thereby maintaining compatibility with surrounding residential neighborhoods and preserving the visual quality of the corridor. These development standards are necessary to protect public health, safety, and general welfare by minimizing land use conflicts, reducing visual dominance of larger structures, and ensuring a more consistent and balanced built environment.

Section 4. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA25-00004, to remove the existing exception that allows increased building height based on front yard setback increases for properties located west of Interstate 15, which currently permits building heights of up to 150 feet; within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan; and increase the maximum building height from 60 feet to 65 feet while maintaining the existing requirement that building height be limited to 45 feet within the portion of a lot located within 100 feet of an adjacent residential zone as shown on Exhibit "A."

Section 5. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 4th day of November 2025.

Allison Lee, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk

“EXHIBIT “A” SPLA25-00004

The following are modifications to Chapters 9 section G Commercial Industrial Business Park Zone of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4. Development Standards

4.3 Maximum Building Height

The maximum building height shall be ~~60~~ 65 feet, with the following exceptions:

(1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.

~~(2) For properties that are located west of the Interstate 15, building height is limited to 60 feet at the front setback line, thereafter, height may be increased at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet.~~

City of Hesperia

STAFF REPORT



DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner
Leilani Henry, Associate Planner

SUBJECT: Specific Plan Amendment SPLA25-00004; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-11 recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA25-00004.

BACKGROUND

Proposal: The proposed Specific Plan Amendment will remove the existing exception to the maximum allowable building height within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan (MSFCSP). Specifically, this exception allows building height increase at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet for properties located west of Interstate 15.

In addition, the amendment will increase the standard maximum building height from 60 feet to 65 feet for all properties located within the CIBP zone of the MSFCSP.

The purpose of this amendment is to ensure building height regulations are consistent with City goals, adjacent land uses, and community character, while maintaining adequate functionality for modern industrial operations.

ISSUES/ANALYSIS

Current Maximum Building Height Standards:

The MSFCSP currently allows the following for CIBP: The maximum building height shall be 60 feet, with the following exceptions:

- (1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.
- (2) For properties that are located west of the Interstate 15, building height is limited to 60 feet at the front setback line, thereafter, height may be increased at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet”.

In comparison, maximum building height in other zones within the MSFCSP, Hesperia Municipal Codes, and unincorporated San Bernardino County are as listed in the following charts.

Main Street and Freeway Corridor Specific Plan Maximum Allowed Building Height	
Regional Commercial	65 (45 feet within 100 feet from Residential)
Neighborhood, Office and Auto Sales Commercial	45
Office Park	75 (45 feet within 100 feet from Residential)
Very low, Low, Medium and High Density Residential	35 (10-foot increase with an additional 10-foot setback in HDR)

Maximum Building Height Per the Hesperia Municipal Code	
Residential and Agricultural Zones	30 – 35
Commercial zones (1, 2, & 3)	35
Industrial	50

San Bernardino County	
Rural Living and Single Residential	35

Justification:

Over the past several years, the City has experienced an increase in industrial development applications within the CIBP zone, located on the west side of Interstate 15. Staff reviewed these projects and found that the maximum building height proposed in recent years was 51 feet, with an overall average of approximately 47 feet. The proposed Specific Plan amendment is intended to maintain consistency within the CIBP zone and prevent the potential development of a building significantly taller than existing and anticipated future developments.

Environmental:

Approval of the Development Code Amendment and Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and Specific Plan Amendment are also exempt under Section 16.12.415(B)(10) of the City's CEQA Guidelines, as they do not propose to increase the density or intensity allowed by the General Plan.

Conclusion:

The proposed Specific Plan Amendment will establish clear and consistent building height standards within the CIBP zone of the Main Street and Freeway Corridor Specific Plan. By eliminating the current height exception and setting a reasonable maximum of 65 feet, the amendment ensures compatibility with surrounding land uses, preserves the intended character of the area, and prevents future developments from significantly exceeding the scale of existing and anticipated projects. The amendment aligns with the City's goals for balanced growth while maintaining the flexibility necessary to support industrial operations.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development: Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

None.

ALTERNATIVE(S)

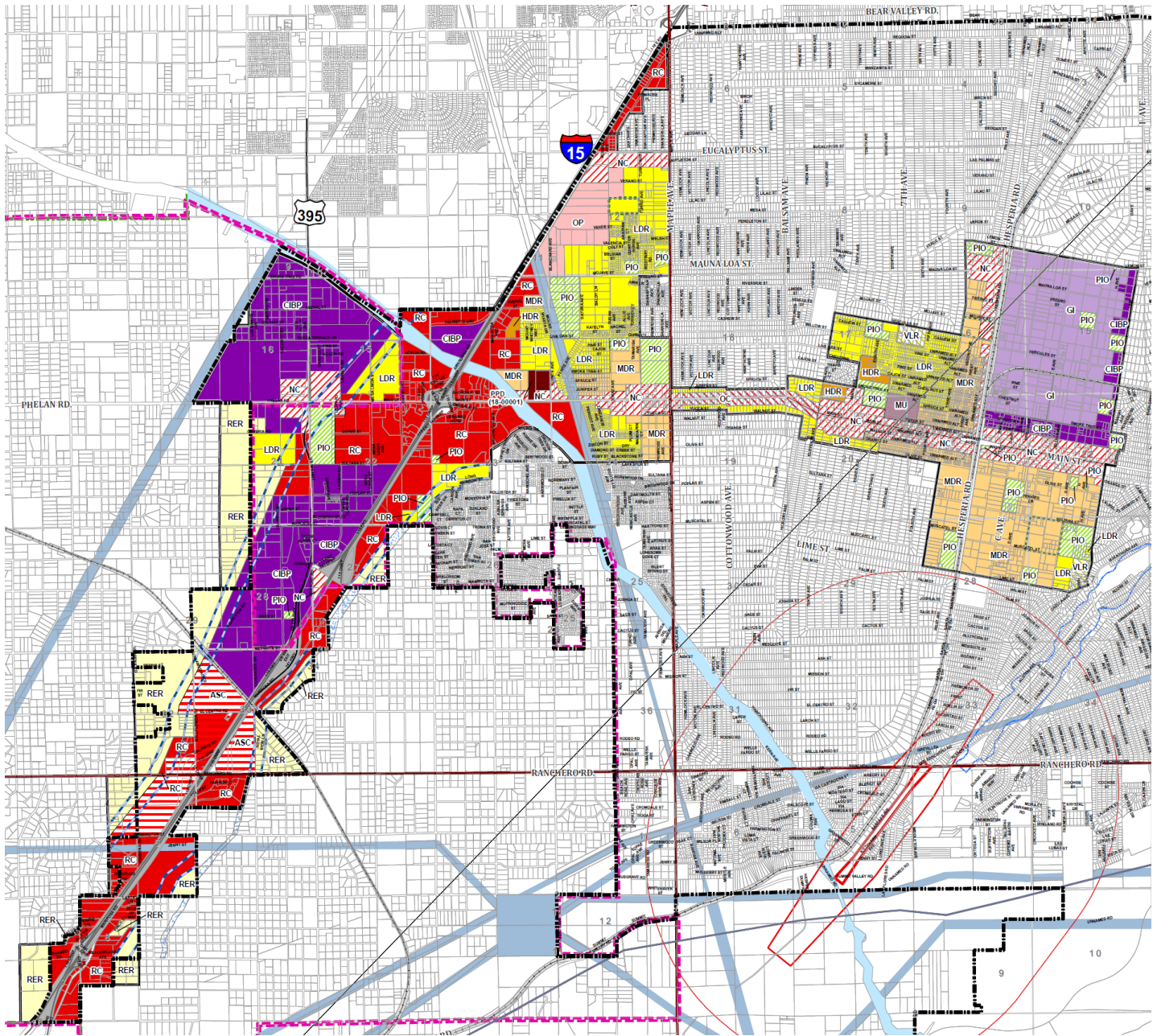
1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Main Street and Freeway Corridor Specific Plan Land Uses Map
2. Resolution No. PC-2025-11
3. Exhibit "A"

ATTACHMENT 1

MSECSP LAND USE MAP



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA25-00004

LOCATION:
CITY-WIDE

APN(S):
CITY-WIDE

PROPOSAL:

CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO REMOVE EXISTING PROVISION ALLOWING BUILDING HEIGHT TO INCREASE UP TO 150 FEET BASED ON ADDITIONAL FRONT YARD SETBACK FOR PROPERTIES LOCATED WEST OF INTERSTATE 15; AND INCREASING THE MAXIMUM BUILDING HEIGHT FROM 60 FEET TO 65 FEET WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



ATTACHMENT 2

RESOLUTION NO. PC-2025-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA RECOMMENDING THAT THE CITY COUNCIL INTRODUCE AND PLACE ON FIRST READING AN ORDINANCE APPROVING SPECIFIC PLAN AMENDMENT SPLA25-00004 TO AMEND THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN REGARDING MAXIMUM BUILDING HEIGHT STANDARDS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE (SPLA25-00004)

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

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the applicant, the City of Hesperia, proposes Specific Plan Amendment SPLA25-00004 to revise building height regulations within the Commercial Industrial Business Park (CIBP) zone by (1) eliminating the existing height exception that allows building heights up to 150 feet west of Interstate 15 based on additional front yard setback, and (2) increasing the standard maximum building height from 60 feet to 65 feet; and

WHEREAS, the purpose of this amendment is to establish consistent building height regulations, ensure compatibility with surrounding land uses, maintain community character, and allow adequate functionality for industrial operations; and

WHEREAS, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment does not include any new development. As future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance. In addition, the proposed Specific Plan Amendment would not introduce any new significant environmental impacts that were not previously analyzed in the General Plan Environmental Impact Report; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPLA25-00004, to amend the development standards within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan by removing the existing provision allowing building height to increase up to 150 feet based on additional front yard setback for properties located west of Interstate 15; and increasing the maximum building height within the CIBP zone from 60 feet to 65 feet.as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 11th day of September 2025.



Roger Abreo, Chair, Planning Commission
Sylvie Stearns Vice
Chair

ATTEST:



Maricruz Montes, Secretary, Planning Commission

“EXHIBIT “A”

SPLA25-00004

The following are modifications to Chapters 9 section G Commercial Industrial Business Park Zone of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4. Development Standards

4.3 Maximum Building Height

The maximum building height shall be ~~60~~ 65 feet, with the following exceptions:

(1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.

~~(2) For properties that are located west of the Interstate 15, building height is limited to 60 feet at the front setback line, thereafter, height may be increased at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet.~~

City of Hesperia

STAFF REPORT



DATE: October 21, 2025

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager **SECOND READING AND ADOPTION**

BY: Nathan Freeman, Director of Development Services
Ryan Leonard, Principal Planner
Edgar Gonzalez, Senior Planner

SUBJECT: Development Code Amendment DCA25-00003; Applicant: City of Hesperia;
Area affected: City-wide.

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2025-05 approving Development Code Amendment DCA25-00003, modifying development standards associated with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

BACKGROUND

On May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with ADUs. To date, the City Council has adopted four amendments to the existing ADU regulations to ensure compliance with State law.

Staff has identified required changes to the ADU Ordinance as well as other opportunities to improve the existing ordinance (as discussed below). The proposed Development Code Amendment will modify the City's existing ADU Ordinance to fully comply with the State ADU law.

An ADU is an additional detached or attached dwelling unit that provides complete independent living facilities for one or more people and is located on a lot with an existing or proposed primary dwelling unit. An ADU can be up to 1,200 square feet, is fully self-contained (including sanitation), and does not share internal access with the primary dwelling unit.

A JADU is not classified as a separate housing unit; therefore, it is permitted within any existing or proposed single-family residence. It must be entirely contained within the primary dwelling and may not exceed 500 square feet in size. Junior ADU's must include an efficiency kitchen, can have internal access to the primary dwelling unit, and can share sanitation facilities (such as a restroom) with the primary unit. The City's existing Development Code (specifically Section 16.12.360 of the Development Code) currently allows Junior ADUs and ADUs in all single-family, multi-family, and mixed-use zoning designations.

Planning Commission Review: On September 11, 2025, the Planning Commission deliberated and discussed the proposed Development Code Amendment. After discussion, the Planning Commission voted 4-0 (Chair, Roger Abreo was absent) to forward this item to the City Council with a recommendation for approval. No residents spoke either in favor of or in opposition to the code amendment at the public hearing.

ISSUES/ANALYSIS

The City of Hesperia received a comment letter from the California Department of Housing and Community Development's (HCD) on June 19, 2025, regarding the City's ADU Ordinance (Attachment 1). Their response provides findings and clarifications on several provisions that do not comply with State ADU and JADU laws under Government Code Sections 66310 - 66342. HCD directed the City to revise the ordinance to address the following issues:

1. Add specific language for the approval and denial of an ADU application.
2. Allow all types of ADU combinations including a converted ADU, a detached new-construction ADU and a JADU on single-family lots for a total of up to three ADUs on single family lots.
3. Increase the allowable number of detached ADUs on multi-family lots to up to eight for existing or proposed multi-family buildings.
4. Clarify the applicable building code for ADUs.
5. Remove the maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs within multi-family dwellings.
6. Clarify the language for conversion of JADUs, which may be created in enclosed areas like attached garages.

The City proposes the following amendments to Section 16.12.360 of the Development Code, pertaining to ADUs, in response to HCD's findings, except for Comment No. 2 (regarding ADU combinations) and Comment No. 5 (regarding removal of maximum size restrictions).

Section 16.12.360, subdivision (C)(b) will be amended to include specific language stating that the City shall either "approve or deny" an application for an ADU or JADU within sixty (60) days of receiving a complete application, in compliance with Government Code section 66317. This revision replaces existing language that states the City will "act on" such applications, ensuring consistency with state law requirements.

The City has elected not to amend the Ordinance in response to comment No. 2, which recommends explicit authorization for all combinations of ADUs and JADUs on single-family residential lots and up to a total of three ADUs on single-family lots. Government Code Section 66323(a) (formerly subsection (e)(1) of Government Code Section 65852.2) provides that the City shall "ministerially approve an application ... to create any of the following." It does not say "all of the following," nor does it say, "one or more of the following," nor is there an "and" after the final item to indicate inclusivity. A plain reading does not require the inference HCD contends the law requires. Sections 66323(a)(1) and (a)(2) together indicate that applicants are entitled to ministerial approval for only one ADU and one JADU per single-family lot. Section (a)(2) specifically allows an ADU under that subsection to be combined with a JADU under (a)(1), not another ADU, which limits applicants to one ADU and one JADU rather than multiple ADUs. HCD's interpretation that "any" in Section 66323 allows approval of all combinations disregards this caveat and renders the legislature's language meaningless. The statute's structure and word choice show the intent was not to compel approval of two ADUs plus a JADU, but rather to allow ministerial approval of a single ADU and JADU combination. In addition, HCD's interpretation is inconsistent with the legislative history for Assembly Bill 68 from 2019 (AB68), which is the bill where the Section 66323 ADUs were originally added to California law. In the various legislative summaries related to AB68, the intent was to allow one attached ADU or one detached ADU. HCD's current interpretation is also inconsistent with HCD's own previous interpretation of this language. In December 2020, HCD published an ADU Handbook that addressed this exact issue and stated that these options could not be combined, directly contradicting the position HCD subsequently has taken, even though the statutory language did not change. Considering these clear contradictions, HCD's interpretation of state ADU law on this issue would not receive

deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. (*Kaanaana v. Barrett Bus. Servs., Inc.*, 11 Cal. 5th 158, 178 (2021); *State Bldg. & Constr. Trades Council of California v. Duncan*, 162 Cal. App. 4th 289, 303 (2008).) The Ordinance will retain its existing limitations accordingly, the City affirms that Hesperia Municipal Code Sections 16.12.360 D.2. and F.2. are compliant as adopted and respectfully disagree with HCD's Finding.

Section 16.12.360, subdivision (D)(3)(b) will be amended to be compliance with Government Code section 66323, which will allow up to eight (8) detached ADUs on lots containing existing multi-family dwellings, not to exceed the total number of existing units.

Section 16.12.360, subdivision (D)(11) will be amended to specify that the design and construction of all ADUs and JADUs within single-family or multi-family dwellings must comply with the California Residential Code and the California Building Code. This revision will ensure clarity for property owners and developers regarding applicable construction requirements for both ADUs and JADUs.

Section 16.12.360, subdivision (D)(12) will be added to prohibit ADUs from converting enclosed garages or carports that are required to meet the minimum parking standards for existing or proposed multi-family dwellings, unless permitted by the Government Code. This revision ensures that the City's regulations align with current state law for multi-family properties while maintaining compliance with local parking requirements.

The City has elected not to amend the Ordinance in response to comment No. 5, which recommends removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs with multi-family dwellings. Though the City has elected not remove the maximum size restrictions, the City has added a new Subdivision (D)(13) to reflect the City's intent to ministerially approve ADUs meeting the requirements of Government Code Section 66323. The City believes this approach is justified for a few reasons. First, while HCD's interpretation of Section 66323 is one possible interpretation, it is not binding legal authority on local agencies and results in an illogical result. For example, HCD's interpretation would arguably allow a property owner to build an ADU of unlimited size, subject only to certain height limitations and 4-foot side and rear setback limits, which could conceivably result in an ADU that is larger than the primary residence on the property. Additionally, under a hyper technical reading of Section 66323, the City could arguably impose an 800 square foot maximum square foot limitation on the ADUs contemplated under Section 66323, under the rationale that an 800 square foot limitation on the total area is a development standard authorized for detached single-family ADUs under Subsection 66323(b). Based on such a hyper technical reading, the City's maximum square foot limitation of 1,200 square feet would be less restrictive than the 800 square foot limitation the City could impose. Lastly, by adding in the new Subdivision (D)(13), the City has formalized its intent to comply with the approval requirements of Section 66323, as interpreted by the City. This revision preserves the City's desire to maintain a total area limitation on ADUs, subject to the requirements of the Government Code, as it now exists or may be amended, and eliminates the need for further revisions to the City's ADU Ordinance if a different interpretation is eventually made by California courts.

Section 16.12.360, subdivision (F)(1) will be amended to state that enclosed uses within a single-family residence, such as attached garages, are considered part of the proposed or existing single-family residence for the purpose of constructing a JADU. This clarification aligns the Ordinance with Government Code section 66333, subdivision (d) and provides precise guidance to applicants.

For reference, attached are red-line strikeouts illustrating the changes to the Ordinance in comparison to the City's existing ADU regulations.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as a Development Code Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation. Additionally, approval of ADUs is a ministerial activity and exempt from application of CEQA in accordance with Section 21080 of the Public Resources Code and Section 15300.1 of the State CEQA Guidelines.

Conclusion: The Ordinance is consistent with the goals, policies and objectives of the General Plan and will bring the City's ADU regulations into compliance with State law.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development - Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

There are no fiscal impacts identified with this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance 2025-05
2. Exhibit "A" – Amended language for DCA
3. HCD Comment Letter
4. September 11, 2025, Planning Commission Staff Report

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT, MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) (DCA25-00003).

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

WHEREAS, on May 19, 2020, the City Council adopted Ordinance No. 2020-04 establishing development standards associated with Accessory Dwelling Units (ADUs); and

WHEREAS, on June 1, 2021, the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and ensuring consistency with State requirements; and

WHEREAS, on August 16, 2022, the City Council adopted Ordinance No. 2022-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, on November 19, 2024, the City Council adopted Ordinance No. 2024-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, on May 6, 2025, the City Council adopted Ordinance No. 2025-01 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, the City proposes additional amendments to Section 16.12.360 of the City of Hesperia Development Code, pertaining to Accessory Dwelling Units (ADUs) (the “ADU Ordinance”), as further set forth in Exhibit “A” attached hereto and incorporated herein by reference, and finds that the amendments comply with Government Code Sections 66310 through 66342; and

WHEREAS, the amendments to the ADU Ordinance set forth in Exhibit “A” are proposed in response to findings issued by the California Department of Housing and Community Development (HCD) in a letter dated June 19, 2025; and

WHEREAS, the City has considered the findings in HCD’s letter and has determined not to amend the ADU Ordinance in response to Comment No. 2, relating to the types and total number of ADU combinations allowed, and Comment No. 5, relating to the removal of maximum size restrictions for specific types of ADUs; and

WHEREAS, the City of Hesperia has elected not to amend the Ordinance in response to HCD Comment No. 2, which recommends explicit authorization for all combinations of ADUs and JADUs on single-family residential lots for a total of three units, and in support of such election the City Council further finds as follows pursuant to Government Code Section 66326(b)(2)(B):

- A. There is no case law addressing this issue, so there is no authoritative interpretation of Government Code Section 66323 (formerly subsection (e)(1) of Government Code Section 65852.2) to support HCD’s position.

- B. Government Code Section 66323(a) (formerly subsection (e)(1) of Government Code Section 65852.2) says that the City shall “ministerially approve an application ... to create any of the following.” It does not say “all of the following,” nor does it say “one or more of the following,” nor is there an “and” after the final item to indicate that the list is inclusive. A plain reading does not require the inference HCD contends the law requires.
- C. Section 66323(a)(1) requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if each of the listed factors apply. Section 66323(a)(2) requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, and permits a local agency to impose certain conditions listed in the statute. This section also specifically notes that an ADU in this section “may be combined with a junior accessory dwelling unit described in paragraph (1)”.
- B. In concluding that the City’s ordinance does not comply, HCD interprets the phrase “any combination” in Section 66323(a) to mean that a property owner may be entitled to all of the ADU combinations contemplated in Section 66323 (a)(1) and (2) as opposed to either the combination of units allowed in Subsection (a)(1) or those allowed in Subsection (a)(2). That conclusion ignores the caveat in Section 66323(a)(2) identified above. If the intent of this section is to permit “any” combination of the ADUs enumerated, it would be unnecessary for the Legislature to include the caveat. The language of Subsection (a)(1) and Subsection (a)(2), taken together, indicate that an applicant may only receive ministerial approval for one ADU and one JADU. This aligns with the specific provision allowing an ADU approved under (a)(2) to be combined only with a JADU approved under (a)(1), not with another ADU. An applicant is only entitled to ministerial approval of an ADU under one section or the other, not both.
- C. HCD’s findings also ignore the plain text of the statute. The Legislature did not need to use the terms “or” or “one of” to set limits on what ADUs shall be ministerially approved. The Legislature included those limits based on the (a)(2) caveat. The statute was not intended to be used to justify compelling ministerial approval of a combination of two ADUs and one JADU. Otherwise, the specific language about combining an (a)(1) JADU with an (a)(2) ADU would be meaningless. Applying HCD’s own logic, the omission of the words “each” or “all” from the statute indicates that the Legislature only intended to permit ministerial approval of one option out of the menu of four options, not all of them together.
- D. The City’s interpretation of Section 66323 is also consistent with the legislative history of Section 66323, as originally adopted (before renumbering) in Assembly Bill 68. Multiple legislative analyses prepared by the California Legislature provide that the intent was to allow, in addition to the contemplated JADU, either one attached single-family ADU or one detached single family, not one of each. For example, the AB 68 bill analysis dated April 1, 2019 from the Assembly Committee on Housing and Community Development, to permit “On a lot with a proposed or existing single-family home, allow: (i) one ADU that is substantially within a proposed or existing structure or the same footprint as an existing

structure; or (ii) one detached ADU that is substantially within a proposed or existing structure or the same footprint as an existing structure.” Additionally, the most recent AB 68 bill analysis dated September 9, 2019 from the Senate Floor Amendments, stated “ This [AB 68] bill instead requires ministerial approval of one ADU and one JADU per lot that is within an existing structure, as specified; one detached ADU within a proposed or existing structure or the same footprint as the existing structure, along with one JADU, as specified; multiple ADUs within existing multifamily structures; or two detached ADUs on a multifamily lot, as specified.” Lastly, HCD’s current interpretation is also inconsistent with HCD’s own previous interpretation of this language. In December 2020, HCD published an ADU Handbook that addressed this exact issue and stated that these options could not be combined, directly contradicting the position HCD subsequently has taken, even though the statutory language did not change.

- E. In light of these clear contradictions, HCD’s interpretation of state ADU law on this issue would not receive deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. (*Kaanaana v. Barrett Bus. Servs., Inc.*, 11 Cal. 5th 158, 178 (2021); *State Bldg. & Constr. Trades Council of California v. Duncan*, 162 Cal. App. 4th 289, 303 (2008).) The most reasonable reading of the statute indicates the applicant is entitled to ministerial approval of one ADU and a JADU. Therefore, the City respectfully disagrees with HCD’s findings and believes Hesperia Municipal Code sections 16.12.360 D.2. and F.2. are compliant as adopted.

WHEREAS, the City of Hesperia has elected not to amend the Ordinance in response to HCD Comment No. 5, which recommends the removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs within multi-family dwellings as being in violation of the requirement that ADUs meeting the requirements of Section 66323 be ministerially approved and not subject to additional development standards imposed by the local agency and in support of that election, the City Council finds as follows:

- A. In lieu of removing the maximum size restrictions, the City has added a new Subdivision (D)(13) to the ADU Ordinance to reflect the City’s intent to ministerially approve ADUs meeting the requirements of Government Code Section 66323. The City finds this approach is justified for a few reasons. First, while HCD’s interpretation of Section 66323 is one possible interpretation, it is not binding legal authority on local agencies and results in an illogical result. For example, HCD’s interpretation would arguably allow a property owner to build an ADU of unlimited size, subject only to certain height limitations and 4-foot side and rear setback limits, which could conceivably result in an ADU that is larger than the primary residence on the property. Additionally, under a hyper technical reading of Section 66323, the City could arguably impose an 800 square foot maximum square foot limitation on the ADUs contemplated under Section 66323, under the rationale that an 800 square foot limitation on the total area is a development standard authorized for detached single-family ADUs under Subsection 66323(b). Based on such a hyper technical reading, the City’s maximum square foot limitation of 1,200 square feet would be less restrictive than the 800 square foot limitation the City could impose.
- B. Lastly, by adding in the new Subdivision (D)(13), the City has formalized its intent to comply with the approval requirements of Section 66323, as interpreted by the

City. This revision preserves the City's desire to maintain a total area limitation on ADUs, subject to the requirements of the Government Code, as it now exists or may be amended, and eliminates the need for further revisions to the City's ADU Ordinance if a different interpretation is eventually made by California courts.

WHEREAS, the City Council finds that the proposed amendments relating to Accessory Dwelling Unit regulations are necessary updates to bring the City's Development Code into compliance with State law; and

WHEREAS, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment; the proposed Amendment is also exempt from the requirements of CEQA by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan; and approval of ADUs is a ministerial activity and exempt from the application of CEQA in accordance with Section 21080 of the Public Resources Code and Section 15300.1 of the state CEQA Guidelines; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, on October 21, 2025, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendment and concluded said hearing on that date; and

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all the facts and recitals set forth above in this Ordinance are true and correct and incorporated herein by this reference.

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

Section 3. The proposed development code amendment is necessary to bring the City's Development Code into compliance with State law.

Section 4. Based on the findings and conclusions set forth in this Ordinance, the City Council hereby adopts Development Code Amendment DCA25-00003, amending the Accessory Dwelling Unit regulations as shown on Exhibit "A."

Section 5. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 4th day of November 2025.

Allison Lee, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk

EXHIBIT “A”

The following are modifications to Article X of Chapter 16.12 (additions are underlined in red text and deletions are shown with ~~red and strikethrough~~):

16.12.360 Accessory dwelling units.

- A. Purpose. The purpose of this section is to expand the variety of housing opportunities in the City of Hesperia by implementing State Government Code Sections 66310-66342 as they pertain to accessory dwelling units and junior accessory dwelling units. Implementation of these regulations will ensure that accessory dwelling units and junior accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the city's residential zoning districts.
- B. Definitions.
 - a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - c. "Junior accessory dwelling unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size and contained entirely within an existing or proposed single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made pursuant to the provisions and limitations of this article.
 - a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).
 - b. The city shall ~~act on~~ approve or deny the application to create an ADU or a Junior ADU within sixty (60) days from the date that the city receives a completed application, unless either:
 - (i) The Applicant requests for a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or
 - (ii) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the city may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit the city acts on the permit application to

create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

D. General Standards.

1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.
2. A Junior Accessory Dwelling unit may only be permitted on lots that are zoned for agricultural or single family and that contain an existing or proposed single-family dwelling.
3. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:
 - a. Lots with an existing or proposed single-family residence may be permitted one accessory dwelling, and one junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
 - b. Lots with existing multi-family units may convert non-habitable space within an existing multi-family structure into accessory dwelling units. The number of these types of units shall ~~allow at least be limited to~~ one accessory dwelling or up to twenty-five (25) percent of the existing multi-family dwelling units, ~~whichever is greater. In addition, no more than two detached accessory dwelling units may be permitted.~~ A detached accessory dwelling may be converted from non-habitable space, or newly constructed.
 - c. Multiple detached accessory dwelling units are allowed within multi-family lots in accordance with the following:
 - (i) Within an existing multi-family development, up to a maximum of eight (8) detached ADUs may be constructed provided that the total number of ADUs does not exceed the number of existing units on the lot.
 - (ii) Within a proposed multi-family development, up to a maximum of two (2) detached ADUs may be constructed.
4. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.
5. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.
6. The accessory dwelling unit shall provide complete and independent living facilities.
7. The accessory dwelling unit shall not be used for a rental term of less than thirty (30) consecutive days.
8. The accessory dwelling unit may not be sold or conveyed separately from the primary dwelling unit unless all of the following apply:
 - (i) The accessory dwelling unit was built or developed by a qualified nonprofit corporation. For the purposes of this section, a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section

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- 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- (ii) There is an enforceable restriction on the use of the land on which the ADU is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of this section, a qualified buyer means very-low and low-income households as defined in Section 16.20.195.
 - (iii) The property is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies: a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property; a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence; and affordability restrictions on the sale and conveyance of the property that ensures the property will be preserved for very-low income or low-income housing for forty-five (45) years for owner-occupied housing and will be sold or resold to a qualified buyer.
 - (iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with the grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - (v) If requested by a utility providing service to the primary residence, the accessory dwelling unit has separate water, sewer, or electrical connection to that utility.
9. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
10. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.
11. The design and construction of each ADU within single-family or multi-family dwellings shall conform to all applicable provisions of the California Residential Code and the California Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
12. An ADU shall not convert the required parking for an existing or proposed multi-family dwelling within an enclosed garage or carport without the concurrent replacement of the existing required parking elsewhere on the property in accordance with the size, placement, and design standards of the Development Code, unless otherwise provided by California Government Code Sections 66310-66342.
13. Notwithstanding any other provision in this Section 16.12.360, the City shall ministerially approve an application for a JADU and/or one or more ADUs if the proposed unit meets the requirements of Government Code Sections 66323.

E. Design and Development Standards—Accessory Dwelling Units.

1. The accessory dwelling unit may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing or proposed multi-family structure.
2. A detached accessory unit shall not exceed one thousand two hundred (1,200) square feet of livable floor area (excludes garage and any accessory structure) on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of one thousand six hundred (1,600) square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.12.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.
3. Independent access to an attached accessory dwelling unit is required and shall not be located on the same wall plane elevation as the access to the primary dwelling.
4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit.
5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.
6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached eight hundred (800) square-foot accessory dwelling unit with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards
8. A detached accessory dwelling unit created on a lot with an existing or proposed single-family or multi-family dwelling may not exceed sixteen (16) feet in height. However, a detached accessory dwelling unit may be up to eighteen (18) feet in height if it is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Furthermore, a detached accessory dwelling unit may be up to two additional feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. A detached accessory dwelling unit created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed eighteen (18) feet in height. An accessory dwelling unit that is attached to the primary dwelling may not exceed twenty-five (25) feet in height or exceed two stories.

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9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
 10. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.
 11. The accessory dwelling unit shall be architecturally compatible with the design of the primary unit and shall match with the same colors and materials of the primary unit.
 12. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

F. Junior Accessory Dwelling Units.

1. Purpose - This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
2. Development Standards - Junior accessory dwelling units shall comply with the following standards:
 - a) Lots with an existing or proposed single family residence may be permitted ~~one accessory dwelling unit and~~ one junior accessory dwelling unit.
 - b) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. Lots that are not connected to sewer facilities shall meet the Lahontan Regional Water Quality Control Board regulations pertaining to minimum septic tank capacity.
 - c) A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size and shall be contained entirely within a single family residence.
 - d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - e) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence. If a permitted junior accessory dwelling unit does not include a separate bathroom, then an interior entry to the main living area shall be provided.
 - g) A junior accessory dwelling unit shall not convert the required parking for the primary residential structure located within an attached garage without the concurrent replacement of the existing required parking within an enclosed garage

elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.

- h) A deed restriction, in a form to be approved and provided by the city, must be recorded and filed with the city, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than thirty (30) consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12, § 3(Exh. A), 6-20-17; Ord. No. 2020-04, § 3(Exh. A), 5-19-20; Ord. No. 2021-01, 3(Exh. A), 6-1-21; Ord. No. 2022-13, § 3(Exh. A), 9-6-2022; Ord. No. 2024-13, § 3(Exh. A), 12-3-24; Ord. No. 2025-01, § 3(Exh. A), 5-20-25)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannan Street
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
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June 19, 2025

Ryan Leonard, Principal Planner
Department of Planning
City of Hesperia
9700 7th Ave.
Hesperia, CA 92345

Dear Ryan Leonard:

RE: Review of Hesperia's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, §§ 66310 - 66342)

Thank you for submitting the City of Hesperia (City) ADU Ordinance No. 2024-13 (Ordinance), adopted December 3, 2024, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than July 18, 2025.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. Chapter 16.12.360.C.b. – *Application Procedure* – The Ordinance states, “The City shall act on the application to create an ADU or a Junior ADU within 60 days from the date that the City receives a completed application...” However, Government Code Section 66317 (a) states, “The permitting agency shall either **approve or deny** the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application”, not merely act upon them. Therefore, the City must amend its ordinance to accurately reflect permitting requirements for local agencies.
2. Chapter 16.12.360; subdivision D.3.a, subdivision F.2.a. – *Unit Combination* - The Ordinance states, “Lots with an existing or proposed single-family residence may be permitted one (1) accessory dwelling, and one (1) junior accessory dwelling unit...”, limiting lots with single-family residences to one ADU and one junior accessory dwelling (JADU).

However, Government Code section 66323, subdivision (a), states, "Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following: (1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling...(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single family dwelling or existing space of a single-family dwelling or accessory structure." Paragraph (2) permits "[o]ne detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks." The use of the term "any" followed by a list of permitted ADU types indicates that any of these ADU types can be combined on a lot zoned for single-family dwellings.

This permits a homeowner to create one converted ADU; one detached, new construction ADU; and one JADU. Thus, if the local agency approves an ADU that is created from existing (or proposed) space, and the owner subsequently applies for a detached ADU (or vice versa) that meets the size and setback requirements of this section, the local agency cannot deny the application, nor deny a permit for a JADU under this section. This section also requires the ministerial approval of detached ADUs in combination with units created in portions of multifamily primary dwellings that are not used as habitable space. Therefore, the City must amend the Ordinance to provide for all ADU combinations described in Government Code section 66323.

3. Chapter 16.12.360.D.3.b – *Unit Allowance, Multi-family* - The Ordinance states that, for lots with existing multi-family units: "no more than two (2) detached accessory dwelling units may be permitted." However, Senate Bill (SB) 1211 (Chapter 296, § 3, Statutes of 2024) amended Government Code section 66323. Subdivision (a)(4)(A)(ii) and (iii), now allows for the following:
 - o (ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.
 - o (iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

Therefore, the City must amend its ordinance to allow up to eight detached ADUs in the circumstances outlined for lots with existing or proposed multi-family dwellings.

4. Chapter 16.12.360.D.11 – *Building Code* – The Ordinance states, “The design and construction of each ADU shall conform to all applicable provisions of the Building Code.” However, the Ordinance does not clarify whether the phrase “Building Code” refers to local, state, or either type of Building Code regulations. Additionally, the Ordinance does not distinguish between Building Code and Residential Code regulations, which apply to ADUs developed on lots with single-family dwellings and duplexes.¹ the City should amend the ordinance to make clear which “Building Code” standards apply to each type of ADU development.
5. Chapter 16.12.360.E.2 – *Detached ADU Floor Area* – The Ordinance states, “A detached accessory unit shall not exceed one thousand two hundred (1,200) square feet of livable floor area (excludes garage and any accessory structure) on any parcel.” This appears to reference the maximum detached ADU size imposed by Government Code section 66314, subdivision (d)(5). However, detached ADUs built pursuant to Government Code section 66323, subdivision (a)(4) may not be subject to size requirements imposed by other sections of the Government Code.² As this section does not impose any size requirements on these ADUs, the City must amend its Ordinance to note this exception.
6. Chapter 16.12.360.F.1 – *JADU Configuration* – The Ordinance states, “Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence...” In addition to this requirement, state law clarifies that, for purposes of this requirement, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.³ As a result, the City should amend this section of its Ordinance to better illustrate what is considered “part of the proposed or existing single-family residence.”

The City has two options in response to this letter.⁴ The City can either amend the Ordinance to comply with State ADU Law⁵ or adopt the Ordinance without changes and include findings in its resolution adopting the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.⁶ If the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.⁷

¹ California Residential Code, section R101.2

² Gov. Code, § 66323, subd. (b).

³ Gov. Code, § 66333, subd. (d).

⁴ Gov. Code, § 66326, subd. (c)(1).

⁵ Gov. Code, § 66326, subd. (b)(2)(A).

⁶ Gov. Code, § 66326, subd. (b)(2)(B).

⁷ Gov. Code, § 66326, subd. (c)(1).

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Reshma Sen at Reshma.Sen@hcd.ca.gov if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Candelaria".

Jamie Candelaria
Section Chief
Housing Policy Development Division



DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services
Ryan Leonard, Principal Planner

BY: Edgar Gonzalez, Senior Planner

SUBJECT: Development Code Amendment DCA25-00003; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-12 recommending that the City Council introduce and place on first reading an ordinance approving DCA25-00003, modifying development standards associated with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (Junior ADUs).

BACKGROUND

On May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs). To date, the City Council has adopted four amendments to the existing ADU regulations to ensure compliance with State law.

Staff have identified the required changes to the ADU Ordinance as well as other opportunities to improve the existing ordinance, as discussed below. The proposed Development Code Amendment will modify the City's existing ADU Ordinance to fully comply with the State ADU Law.

An Accessory Dwelling Unit (ADU) is an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary dwelling unit. An ADU can be up to 1,200 square feet, is fully self-contained (including sanitation), and does not share internal access with the primary dwelling unit.

A Junior Accessory Dwelling Unit (JADU) is not classified as a separate housing unit, therefore it is permitted within any existing or proposed single-family residence. It must be entirely contained within the primary dwelling and may not exceed 500 square feet in size. Junior ADU's must include an efficiency kitchen, can have internal access to the primary dwelling unit, and can share sanitation facilities (such as a restroom) with the primary unit. The City's existing Development Code (specifically section 16.12.360 of the Development Code) currently allows Junior ADUs and ADUs in all single family, multi-family, and mixed-use zoning designations.

ISSUES/ANALYSIS

The City of Hesperia received a comment letter from the California Department of Housing and Community Development's (HCD) on June 19, 2025, regarding the City's Accessory Dwelling Unit (ADU) Ordinance (Attachment 1). Their response provides findings and clarifications on several provisions that do not comply with State ADU and JADU laws under Government Codes 66310 - 66342. HCD has directed the City to revise the ordinance to address the following issues:

1. Add specific language for approval and denial of an ADU application.
2. Allow all types of ADU combinations including a converted ADU, a detached new-construction ADU and a JADU on single-family lots for a total of up to three ADUs on single family lots.
3. Increase the allowable number of detached ADUs on multifamily lots to up to eight for existing or proposed multifamily buildings.
4. Clarification on the type of building code that is applicable to ADUs.
5. Removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs with multi-family dwellings.
6. Clarification on the language for conversion of JADUs, which may be created in enclosed areas like attached garages.

The City proposes the following amendments to Section 16.12.360 of the City of Hesperia Development Code, pertaining to Accessory Dwelling Units (ADUs) in response to findings issued by the California Department of Housing and Community Development (HCD), except for comment No. 2 relating to the types of ADU combinations allowed and comment No. 5 relating to the removal of maximum size restrictions for specific types of ADUs.

Section 16.12.360, subdivision (C)(b) will be amended to include specific language to state that the City shall either "approve or deny" an application for an ADU or JADU within sixty (60) days of receiving a complete application, in compliance with Government Code section 66317. This revision replaces existing language that states the City will "act on" such applications, ensuring consistency with state law requirements.

The City has elected not to amend the Ordinance in response to comment No. 2, which recommends explicit authorization for all combinations of ADUs and JADUs on single-family residential lots and up to a total of three ADUs on single family lots. Government Code Section 66323(a) (formerly subsection (e)(1) of Government Code Section 65852.2) says that the City shall "ministerially approve an application ... to create any of the following." It does not say "all of the following," nor does it say, "one or more of the following," nor is there an "and" after the final item to indicate that the list is inclusive. A plain reading does not require the inference HCD contends the law requires. Section 66323(a)(1) and (a)(2) together indicate that applicants are entitled to ministerial approval for only one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU) per single-family lot. Section (a)(2) specifically allows an ADU under that subsection to be combined with a JADU under (a)(1), not another ADU, which limits applicants to one ADU and one JADU rather than multiple ADUs. HCD's interpretation that "any" in Section 66323 allows approval of all combinations disregards this caveat and renders the legislature's language meaningless. The statute's structure and word choice show the intent was not to compel approval of two ADUs plus a JADU, but rather to allow ministerial approval of a single ADU and JADU combination. In addition, HCD's interpretation is inconsistent with the legislative history for Assembly Bill 68 from 2019 (AB68), which is the bill where the Section 66323 ADUs were originally added to California law. In the various legislative summaries related to AB68, it is clear that the intent was to allow one attached ADU or one detached ADU. HCD's current interpretation is also inconsistent with HCD's own previous interpretation of this language.

In December 2020, HCD published an ADU Handbook that addressed this exact issue and stated that these options could not be combined, directly contradicting the position HCD subsequently has taken, even though the statutory language did not change. Considering these clear contradictions, HCD's interpretation of state ADU law on this issue would not receive deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. (*Kaanaana v. Barrett Bus. Servs., Inc.*, 11 Cal. 5th 158, 178 (2021); *State Bldg. & Constr. Trades Council of California v. Duncan*, 162 Cal. App. 4th 289, 303 (2008).) The Ordinance will retain its existing limitations accordingly, the City affirms that Hesperia Municipal Code Sections 16.12.360 D.2. and F.2. are compliant as adopted and respectfully disagree with HCD's Finding.

Section 16.12.360, subdivision (D)(3)(b) will be amended to be in compliance with Government Code section 66323, which will allow up to eight (8) detached ADUs on lots containing existing multi-family dwellings, not to exceed the total number of existing units.

Section 16.12.360, subdivision (D)(11) will be amended to specify that the design and construction of all ADUs and JADUs within single-family or multi-family dwellings must comply with the California Residential Code and the California Building Code. This revision will ensure clarity for property owners and developers regarding applicable construction requirements for both ADUs and JADUs.

Section 16.12.360, subdivision (D)(12) will be added to prohibit ADUs from converting enclosed garages or carports that are required to meet the minimum parking standards for existing or proposed multi-family dwellings, unless prohibited by the Government Code. This revision ensures that the City's regulations align with current state law for multi-family properties while maintaining compliance with local parking requirements.

The City has elected not to amend the Ordinance in response to comment No. 5, which recommends removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs with multi-family dwellings. Though the City has elected not to remove the maximum size restrictions, the City has added a new Subdivision (D)(13) to reflect the City's intent to ministerially approve ADUs meeting the requirements of Government Code Section 66323. The City believes this approach is justified for a few reasons. First, while HCD's interpretation of Section 66323 is one possible interpretation, it is not binding legal authority on local agencies and results in an illogical result. For example, HCD's interpretation would arguably allow a property owner to build an ADU of unlimited size, subject only to certain height limitations and 4 foot side and rear setback limits, which could conceivably result in an ADU that is larger than the primary residence on the property. Additionally, under a hyper technical reading of Section 66323, the City could arguably impose an 800 square foot maximum square foot limitation on the ADUs contemplated under Section 66323, under the rationale that an 800 square foot limitation on the total area is a development standard authorized for detached single-family ADUs under Subsection 66323(b). Based on such a hyper technical reading, the City's maximum square foot limitation of 1,200 square feet would be less restrictive than the 800 square foot limitation the City could impose. Lastly, by adding in the new Subdivision (D)(13), the City has formalized its intent to comply with the approval requirements of Section 66323, as interpreted by the City. This revision preserves the City's desire to maintain a total area limitation on ADUs, subject to the requirements of the Government Code, as it now exists or may be amended, and eliminates the need for further revisions to the City's ADU Ordinance if a different interpretation is eventually made by California courts.

Section 16.12.360, subdivision (F)(1) will be amended to state that enclosed uses within a single-family residence, such as attached garages, are considered part of the proposed or existing single-family residence for the purpose of constructing a JADU. This clarification aligns the Ordinance with Government Code section 66333, subdivision (d) and provides precise guidance to applicants.

For reference, attached are red-line strikeouts illustrating the changes to the Ordinance in comparison to the City's existing ADU regulations.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as a Development Code Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation. Additionally, approval of ADUs is a ministerial activity and exempt from application of CEQA in accordance with Section 21080 of the Public Resources Code and Section 15300.1 of the State CEQA Guidelines.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development: Facilitate balanced growth to ensure cohesive community development and pursue economic development.

Conclusion: The Ordinance is consistent with the goals, policies and objectives of the General Plan and will bring the City's ADU regulations into compliance with State law.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. HCD Comment Letter
2. Resolution No. PC-2025-12, with Exhibit "A"

ATTACHMENT 2

RESOLUTION NO. PC-2025-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) (DCA25-00003).

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

WHEREAS, on May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs); and

WHEREAS, on June 1, 2021, the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements; and

WHEREAS, on August 16, 2022, the City Council adopted Ordinance No. 2022-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, on November 19, 2024, the City Council adopted Ordinance No. 2024-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, on May 6, 2025, the City Council adopted Ordinance No. 2025-01 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, the City proposes additional amendments to Section 16.12.360 of the City of Hesperia Development Code, pertaining to Accessory Dwelling Units (ADUs) (the “ADU Ordinance”), as further set forth in Exhibit “A” attached hereto and incorporated herein by reference, and finds that the amendments comply with Government Code Sections 66310 through 66342; and

WHEREAS, the amendments to the ADU Ordinance set forth in Exhibit “A” are proposed in response to findings issued by the California Department of Housing and Community Development (HCD) in a letter dated June 19, 2025; and

WHEREAS, the City has considered the findings in HCD’s letter and has determined not to amend the ADU Ordinance in response to Comment No. 2, relating to the types and total number of ADU combinations allowed, and Comment No. 5, relating to the removal of maximum size restrictions for specific types of ADUs; and

WHEREAS, the City of Hesperia has elected not to amend the Ordinance in response to HCD Comment No. 2, which recommends explicit authorization for all combinations of ADUs and JADUs on single-family residential lots for a total of three units, and in support of such election the Planning Commission further finds as follows pursuant to Government Code Section 66326(b)(2)(B):

- A. There is no case law addressing this issue, so there is no authoritative interpretation of Government Code Section 66323 (formerly subsection (e)(1) of Government Code Section 65852.2) to support HCD’s position.

- B. Government Code Section 66323(a) (formerly subsection (e)(1) of Government Code Section 65852.2) says that the City shall “ministerially approve an application ... to create any of the following.” It does not say “all of the following,” nor does it say “one or more of the following,” nor is there an “and” after the final item to indicate that the list is inclusive. A plain reading does not require the inference HCD contends the law requires.
- C. Section 66323(a)(1) requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one accessory dwelling unit and one junior accessor dwelling unit per lot with a proposed or existing single-family dwelling if each of the listed factors apply. Section 66323(a)(2) requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, and permits a local agency to impose certain conditions listed in the statute. This section also specifically notes that an ADU in this section “may be combined with a junior accessory dwelling unit described in paragraph (1)”.
- B. In concluding that the City’s ordinance does not comply, HCD interprets the phrase “any combination” in Section 66323(a) to mean that a property owner may be entitled to all of the ADU combinations contemplated in Section 66323 (a)(1) and (2) as opposed to either the combination of units allowed in Subsection (a)(1) or those allowed in Subsection (a)(2). That conclusion ignores the caveat in Section 66323(a)(2) identified above. If the intent of this section is to permit “any” combination of the ADUs enumerated, it would be unnecessary for the Legislature to include the caveat. The language of Subsection (a)(1) and Subsection (a)(2), taken together, indicate that an applicant may only receive ministerial approval for one ADU and one JADU. This aligns with the specific provision allowing an ADU approved under (a)(2) to be combined only with a JADU approved under (a)(1), not with another ADU. An applicant is only entitled to ministerial approval of an ADU under one section or the other, not both.
- C. HCD’s findings also ignore the plain text of the statute. The Legislature did not need to use the terms “or” or “one of” to set limits on what ADUs shall be ministerially approved. The Legislature included those limits based on the (a)(2) caveat. The statute was not intended to be used to justify compelling ministerial approval of a combination of two ADUs and one JADU. Otherwise, the specific language about combining an (a)(1) JADU with an (a)(2) ADU would be meaningless. Applying HCD’s own logic, the omission of the words “each” or “all” from the statute indicates that the Legislature only intended to permit ministerial approval of one option out of the menu of four options, not all of them together.
- D. The City’s interpretation of Section 66323 is also consistent with the legislative history of Section 66323, as originally adopted (before renumbering) in Assembly Bill 68. Multiple legislative analyses prepared by the California Legislature provide that the intent was to allow one attached single-family ADU or one detached single family ADU (plus the contemplated JADU), not one of each. Lastly, HCD’s current interpretation is also inconsistent with HCD’s own previous interpretation of this language. In December 2020, HCD published an ADU Handbook that addressed

this exact issue and stated that these options could not be combined, directly contradicting the position HCD subsequently has taken, even though the statutory language did not change.

- E. In light of these clear contradictions, HCD's interpretation of state ADU law on this issue would not receive deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. *(Kaanaana v. Barrett Bus. Servs., Inc., 11 Cal. 5th 158, 178 (2021); State Bldg. & Constr. Trades Council of California v. Duncan, 162 Cal. App. 4th 289, 303 (2008).)* The most reasonable reading of the statute indicates the applicant is entitled to ministerial approval of one ADU and a JADU. Therefore, the City respectfully disagrees with HCD's findings and believes Hesperia Municipal Code sections 16.12.360 D.2. and F.2. are compliant as adopted.

WHEREAS, the City of Hesperia has elected not to amend the Ordinance in response to HCD Comment No. 5, which recommends removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs with multi-family dwellings as being in violation of the requirement that ADUs meeting the requirements of Section 66323 be ministerially approved and not subject to additional development standards imposed by the local agency and in support of that election, the Planning Commission finds as follows:

- A. In lieu of removing the maximum size restrictions, the City has added a new Subdivision (D)(13) to the ADU Ordinance to reflect the City's intent to ministerially approve ADUs meeting the requirements of Government Code Section 66323. The City finds this approach is justified for a few reasons. First, while HCD's interpretation of Section 66323 is one possible interpretation, it is not binding legal authority on local agencies and results in an illogical result. For example, HCD's interpretation would arguably allow a property owner to build an ADU of unlimited size, subject only to certain height limitations and 4-foot side and rear setback limits, which could conceivably result in an ADU that is larger than the primary residence on the property. Additionally, under a hyper technical reading of Section 66323, the City could arguably impose an 800 square foot maximum square foot limitation on the ADUs contemplated under Section 66323, under the rationale that an 800 square foot limitation on the total area is a development standard authorized for detached single-family ADUs under Subsection 66323(b). Based on such a hyper technical reading, the City's maximum square foot limitation of 1,200 square feet would be less restrictive than the 800 square foot limitation the City could impose.
- B. Lastly, by adding in the new Subdivision (D)(13), the City has formalized its intent to comply with the approval requirements of Section 66323, as interpreted by the City. This revision preserves the City's desire to maintain a total area limitation on ADUs, subject to the requirements of the Government Code, as it now exists or may be amended, and eliminates the need for further revisions to the City's ADU Ordinance if a different interpretation is eventually made by California courts.

WHEREAS, the Planning Commission finds that the proposed amendments relating to Accessory Dwelling Unit regulations are necessary updates to bring the City's Development Code into compliance with State law; and

WHEREAS, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment; the proposed Amendment is also exempt from the requirements of CEQA by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan; and approval of ADUs is a ministerial activity and exempt from the application of CEQA in accordance with Section 21080 of the Public Resources Code and Section 15300.1 of the state CEQA Guidelines; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA25-00003, amending the Accessory Dwelling Unit regulations as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 11th day of September 2025.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

EXHIBIT "A"

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.360 Accessory dwelling units.

- A. Purpose. The purpose of this section is to expand the variety of housing opportunities in the City of Hesperia by implementing State Government Code Sections 66310-66342 as they pertain to accessory dwelling units and junior accessory dwelling units. Implementation of these regulations will ensure that accessory dwelling units and junior accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the city's residential zoning districts.
- B. Definitions.
- a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - c. "Junior accessory dwelling unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size and contained entirely within an existing or proposed single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made pursuant to the provisions and limitations of this article.
- a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).
 - b. The city shall ~~act on~~ approve or deny the application to create an ADU or a Junior ADU within sixty (60) days from the date that the city receives a completed application, unless either:
 - (i) The Applicant requests for a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or
 - (ii) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the city may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit the city acts on the permit application to

create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

D. General Standards.

1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.
2. A Junior Accessory Dwelling unit may only be permitted on lots that are zoned for agricultural or single family and that contain an existing or proposed single-family dwelling.
3. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:
 - a. Lots with an existing or proposed single-family residence may be permitted one accessory dwelling, and one junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
 - b. Lots with existing multi-family units may convert non-habitable space within an existing multi-family structure into accessory dwelling units. The number of these types of units shall allow at least be limited to one accessory dwelling or up to twenty-five (25) percent of the existing multi-family dwelling units, ~~whichever is greater. In addition, no more than two detached accessory dwelling units may be permitted.~~ A detached accessory dwelling may be converted from non-habitable space, or newly constructed.
 - c. Multiple detached accessory dwelling units are allowed within multi-family lots in accordance with the following:
 - (i) Within an existing multi-family development, up to a maximum of eight (8) detached ADUs may be constructed provided that the total number of ADUs does not exceed the number of existing units on the lot.
 - (ii) Within a proposed multi-family development, up to a maximum of two (2) detached ADUs may be constructed.
4. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.
5. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.
6. The accessory dwelling unit shall provide complete and independent living facilities.
7. The accessory dwelling unit shall not be used for a rental term of less than thirty (30) consecutive days.
8. The accessory dwelling unit may not be sold or conveyed separately from the primary dwelling unit unless all of the following apply:
 - (i) The accessory dwelling unit was built or developed by a qualified nonprofit corporation. For the purposes of this section, a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section

214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

- (ii) There is an enforceable restriction on the use of the land on which the ADU is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of this section, a qualified buyer means very-low and low-income households as defined in Section 16.20.195.
 - (iii) The property is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies: a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property: a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence: and affordability restrictions on the sale and conveyance of the property that ensures the property will be preserved for very-low income or low-income housing for forty-five (45) years for owner-occupied housing and will be sold or resold to a qualified buyer.
 - (iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with the grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - (v) If requested by a utility providing service to the primary residence, the accessory dwelling unit has separate water, sewer, or electrical connection to that utility.
9. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
10. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.
11. The design and construction of each ADU within single-family or multi-family dwellings shall conform to all applicable provisions of the California Residential Code and the California Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
12. Unless prohibited by California Government Code Sections 66310-66342 an ADU shall not convert the required parking for an existing or proposed multi-family dwelling within an enclosed garage or carport without the concurrent replacement of the existing required parking elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.
13. Notwithstanding any other provision in this Section 16.12.360, the City shall ministerially approve an application for a JADU and/or one or more ADUs if the proposed unit meets the requirements of Government Code Sections 66323.

E. Design and Development Standards—Accessory Dwelling Units.

1. The accessory dwelling unit may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing or proposed multi-family structure.
2. A detached accessory unit shall not exceed one thousand two hundred (1,200) square feet of livable floor area (excludes garage and any accessory structure) on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of one thousand six hundred (1,600) square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.12.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.
3. Independent access to an attached accessory dwelling unit is required and shall not be located on the same wall plane elevation as the access to the primary dwelling.
4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit.
5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.
6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached eight hundred (800) square-foot accessory dwelling unit with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards
8. A detached accessory dwelling unit created on a lot with an existing or proposed single-family or multi-family dwelling may not exceed sixteen (16) feet in height. However, a detached accessory dwelling unit may be up to eighteen (18) feet in height if it is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Furthermore, a detached accessory dwelling unit may be up to two additional feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. A detached accessory dwelling unit created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed eighteen (18) feet in height. An accessory dwelling unit that is attached to the primary dwelling may not exceed twenty-five (25) feet in height or exceed two stories.

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9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
 10. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.
 11. The accessory dwelling unit shall be architecturally compatible with the design of the primary unit and shall match with the same colors and materials of the primary unit.
 12. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

F. Junior Accessory Dwelling Units.

1. Purpose - This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
2. Development Standards - Junior accessory dwelling units shall comply with the following standards:
 - a) Lots with an existing or proposed single family residence may be permitted ~~one accessory dwelling unit and~~ one junior accessory dwelling unit.
 - b) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. Lots that are not connected to sewer facilities shall meet the Lahontan Regional Water Quality Control Board regulations pertaining to minimum septic tank capacity.
 - c) A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size and shall be contained entirely within a single family residence.
 - d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - e) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence. If a permitted junior accessory dwelling unit does not include a separate bathroom, then an interior entry to the main living area shall be provided.
 - g) A junior accessory dwelling unit shall not convert the required parking for the primary residential structure located within an attached garage without the concurrent replacement of the existing required parking within an enclosed garage

elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.

- h) A deed restriction, in a form to be approved and provided by the city, must be recorded and filed with the city, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than thirty (30) consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12, § 3(Exh. A), 6-20-17; Ord. No. 2020-04, § 3(Exh. A), 5-19-20; Ord. No. 2021-01, 3(Exh. A), 6-1-21; Ord. No. 2022-13, § 3(Exh. A), 9-6-2022; Ord. No. 2024-13, § 3(Exh. A), 12-3-24; Ord. No. 2025-01, § 3(Exh. A), 5-20-25)

EXHIBIT “A”

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.360 Accessory dwelling units.

- A. Purpose. The purpose of this section is to expand the variety of housing opportunities in the City of Hesperia by implementing State Government Code Sections 66310-66342 as they pertain to accessory dwelling units and junior accessory dwelling units. Implementation of these regulations will ensure that accessory dwelling units and junior accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the city's residential zoning districts.
- B. Definitions.
 - a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - c. "Junior accessory dwelling unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size and contained entirely within an existing or proposed single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made pursuant to the provisions and limitations of this article.
 - a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).
 - b. The city shall approve or deny the application to create an ADU or a Junior ADU within sixty (60) days from the date that the city receives a completed application, unless either:
 - (i) The Applicant requests for a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or
 - (ii) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the city may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit the city acts on the permit application to

create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

D. General Standards.

1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.
2. A Junior Accessory Dwelling unit may only be permitted on lots that are zoned for agricultural or single family and that contain an existing or proposed single-family dwelling.
3. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:
 - a. Lots with an existing or proposed single-family residence may be permitted one accessory dwelling, and one junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
 - b. Lots with existing multi-family units may convert non-habitable space within an existing multi-family structure into accessory dwelling units. The number of these types of units shall allow at least one accessory dwelling or up to twenty-five (25) percent of the existing multi-family dwelling units. A detached accessory dwelling may be converted from non-habitable space, or newly constructed.
 - c. Multiple detached accessory dwelling units are allowed within multi-family lots in accordance with the following:
 - (i) Within an existing multi-family development, up to a maximum of eight (8) detached ADUs may be constructed provided that the total number of ADUs does not exceed the number of existing units on the lot.
 - (ii) Within a proposed multi-family development, up to a maximum of two (2) detached ADUs may be constructed.
4. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.
5. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.
6. The accessory dwelling unit shall provide complete and independent living facilities.
7. The accessory dwelling unit shall not be used for a rental term of less than thirty (30) consecutive days.
8. The accessory dwelling unit may not be sold or conveyed separately from the primary dwelling unit unless all of the following apply:
 - (i) The accessory dwelling unit was built or developed by a qualified nonprofit corporation. For the purposes of this section, a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

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- (ii) There is an enforceable restriction on the use of the land on which the ADU is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of this section, a qualified buyer means very-low and low-income households as defined in Section 16.20.195.
 - (iii) The property is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies: a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property: a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence: and affordability restrictions on the sale and conveyance of the property that ensures the property will be preserved for very-low income or low-income housing for forty-five (45) years for owner-occupied housing and will be sold or resold to a qualified buyer.
 - (iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with the grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
 - (v) If requested by a utility providing service to the primary residence, the accessory dwelling unit has separate water, sewer, or electrical connection to that utility.
 9. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
 10. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.
 11. The design and construction of each ADU within single-family or multi-family dwellings shall conform to all applicable provisions of the California Residential Code and the California Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
 12. Unless prohibited by California Government Code Sections 66310-66342 an ADU shall not convert the required parking for an existing or proposed multi-family dwelling within an enclosed garage or carport without the concurrent replacement of the existing required parking elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.
 13. Notwithstanding any other provision in this Section 16.12.360, the City shall ministerially approve an application for a JADU and/or one or more ADUs if the proposed unit meets the requirements of Government Code Sections 66323.

E. Design and Development Standards—Accessory Dwelling Units.

1. The accessory dwelling unit may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses,

or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing or proposed multi-family structure.

2. A detached accessory unit shall not exceed one thousand two hundred (1,200) square feet of livable floor area (excludes garage and any accessory structure) on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of one thousand six hundred (1,600) square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.12.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.
3. Independent access to an attached accessory dwelling unit is required and shall not be located on the same wall plane elevation as the access to the primary dwelling.
4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit.
5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.
6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached eight hundred (800) square-foot accessory dwelling unit with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards
8. A detached accessory dwelling unit created on a lot with an existing or proposed single-family or multi-family dwelling may not exceed sixteen (16) feet in height. However, a detached accessory dwelling unit may be up to eighteen (18) feet in height if it is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Furthermore, a detached accessory dwelling unit may be up to two additional feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. A detached accessory dwelling unit created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed eighteen (18) feet in height. An accessory dwelling unit that is attached to the primary dwelling may not exceed twenty-five (25) feet in height or exceed two stories.
9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

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10. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.
 11. The accessory dwelling unit shall be architecturally compatible with the design of the primary unit and shall match with the same colors and materials of the primary unit.
 12. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

F. Junior Accessory Dwelling Units.

1. Purpose - This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
2. Development Standards - Junior accessory dwelling units shall comply with the following standards:
 - a) Lots with an existing or proposed single family residence may be permitted one junior accessory dwelling unit.
 - b) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. Lots that are not connected to sewer facilities shall meet the Lahontan Regional Water Quality Control Board regulations pertaining to minimum septic tank capacity.
 - c) A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size and shall be contained entirely within a single family residence.
 - d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence.
 - e) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence. If a permitted junior accessory dwelling unit does not include a separate bathroom, then an interior entry to the main living area shall be provided.
 - g) A junior accessory dwelling unit shall not convert the required parking for the primary residential structure located within an attached garage without the concurrent replacement of the existing required parking within an enclosed garage elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.
 - h) A deed restriction, in a form to be approved and provided by the city, must be recorded and filed with the city, and must include the following stipulations: i)

prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than thirty (30) consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12, § 3(Exh. A), 6-20-17; Ord. No. 2020-04, § 3(Exh. A), 5-19-20; Ord. No. 2021-01, 3(Exh. A), 6-1-21; Ord. No. 2022-13, § 3(Exh. A), 9-6-2022; Ord. No. 2024-13, § 3(Exh. A), 12-3-24; Ord. No. 2025-01, § 3(Exh. A), 5-20-25)

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DATE: October 21, 2025

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager **SECOND READING AND ADOPTION**

BY: Nathan R. Freeman, Director of Development Services
Ryan Leonard, Principal Planner

SUBJECT: Draft Objective Design Standards for Multi-Family and Mixed-Use Development

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2025-06 approving Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002) to incorporate Objective Design Standards (ODS) for multi-family and mixed-use residential projects by reference into the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan (MSFCSP) and to make other modifications to the Development Standards to ensure consistency.

BACKGROUND

Historically, the City has regulated the design of multi-family development through a discretionary process. Multi-family projects have been subject to a Site Plan Review application, reviewed by the Development Review Committee (DRC) and acted upon during a publicly noticed DRC hearing. Similarly, mixed-use projects have required a Conditional Use Permit, reviewed by the DRC and acted upon by the Planning Commission at a noticed hearing.

Over the past several years, the State of California has enacted numerous housing bills aimed at increasing housing supply and reducing barriers to production. These laws require that certain eligible residential projects be reviewed ministerially (i.e. administratively), without discretionary review or a public hearing. Generally, these provisions apply to multi-family developments with three or more units and mixed-use projects where at least two-thirds of the floor area is residential.

State law allows cities to impose objective development and design standards on eligible housing projects. Objective standards are measurable, verifiable, and free from subjective interpretation. The City's existing development standards, such as building setbacks to property lines and height limits, do not involve discretion or subjective judgment and are considered objective. However, the City's Design Guidelines, currently contained in the Municipal Code and Main Street Freeway Corridor Specific Plan (MSFCSP) use terms such as "should" or "encourage," which are discretionary in nature and therefore cannot be applied to ministerial projects.

In response to recent state housing law(s), the City contracted with PlaceWorks, Inc. to prepare Objective Design Standards (ODS) that support the City's updated Housing Element and 2025 General Plan Update. The ODS are intended to streamline the approval of multi-family and mixed-use development projects while providing a framework for clear, enforceable and predictable design requirements.

To prepare the ODS, City staff, in coordination with PlaceWorks, conducted two workshops with the Planning Commission on May 23, 2024, and August 14, 2025. During these workshops, the Commission reviewed the draft ODS, discussed its provisions, and provided direction and feedback to staff.

On September 11, 2025, the Planning Commission voted 4-0 (with Commissioner Abreo absent) to forward this item to the City Council with a recommendation for approval. During the hearing, no one spoke in favor or opposition to the project.

ISSUES/ANALYSIS

The ODS have been created as a stand-alone document, incorporated by reference into the City's Development Code and MSFCSP (Attachment 2). The ODS provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multi-family and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design, based on clear and measurable requirements rather than subjective interpretation. Importantly, the ODS were drawn heavily from the City's existing Design Guidelines, ensuring continuity with established community character while also complying with state law.

With this document, applicants, developers, and City staff have a clear and concise reference for the City's minimum design expectations. These standards are written as minimum standards for site and structure design but also offer various recommendations and guidelines for quality and character. However, this document does not replace the City's existing development standards. Proposed projects must also comply with all applicable building permit requirements, zoning code requirements, and other development standards found in the Development Code.

Applicability: The standards apply to new construction for multi-family and mixed-use developments. The standards do not apply to the new construction of single-family dwellings, or renovations and routine maintenance of residential developments.

Opt-Out Provision: Applicants may request to opt out of ODS compliance in favor of review under the City's existing Design Guidelines. However, by opting out, projects forfeit the protections of the Housing Accountability Act and are subject to discretionary review, a public hearing, and potential denial.

Structure of the ODS: The ODS is divided into the following chapters:

Chapter 1-Purpose and Administration

This Chapter of the ODS establishes the purpose of ODS, applicability, administration, and provisions for deviations. Generally, the ODS will apply to new construction for multi-family and mixed-use developments. The standards do not apply to the new construction of single-family dwellings, or renovations and routine maintenance of residential developments.

This chapter also describes how the ODS interface with Specific Plans, clarifying that Specific Plan standards take precedence in cases of conflict. Procedures for requesting deviations and provisions for opting out of the ODS in favor of discretionary review under the City's existing Design Guidelines are also included.

Chapter 2-Site Planning

This chapter establishes standards for the overall layout of a development. It addresses building orientation toward public streets, clustering of buildings to create neighborhood-scale environments, pedestrian and vehicular circulation, driveway placement, and parking location. The standards emphasize safe and attractive pedestrian connections, integration of buildings with public rights-of-way, careful siting of parking areas to reduce visual impact and compatibility with surrounding development.

Chapter 3-Open Space

This chapter expands upon the City's existing Municipal Code requirements for private and common open space by providing greater clarity and refinement. While the Development Code currently requires that multi-family projects provide a minimum amount of open space per unit, the ODS further expands upon those requirements by distinguishing between major amenities (such as pools, clubhouses, rooftop terraces, or community gardens) and minor amenities (such as barbeque areas, dog runs, or playgrounds).

The standards require that new projects not only meet minimum square footage thresholds but also provide a specific number and mix of amenities based on the total number of dwelling units proposed. For example, larger developments must incorporate at least one major amenity in addition to multiple minor amenities. The purpose of these standards is to ensure that open spaces are functional, appropriately sized, and meaningfully designed for recreation and social interaction.

Chapter 4-Mass and Scale

This chapter regulates building form and proportions to prevent monotonous design and improve neighborhood compatibility. Standards require façade modulation, variation in rooflines, articulation of long building elevations, and transitional massing adjacent to single-family neighborhoods. Corner buildings must include enhanced design features, such as distinctive roof forms or additional glazing, to create focal points and reinforce neighborhood character.

Chapter 5-Materials and Details

This chapter governs the quality and application of building materials, colors, and finishes. Standards require the use of durable materials applied uniformly on all visible building elevations, with clear transitions between material types. Entrances, windows, and architectural details must be designed to create a cohesive and human-scaled appearance.

Chapter 6-Utilities, Services, Lighting, and Fences

This chapter addresses functional but often overlooked components of site design. Standards require trash enclosures, loading areas, and mechanical equipment to be fully screened and integrated into the overall site plan. Exterior lighting must provide safety while minimizing glare and spillover onto adjacent properties. Perimeter walls and fences must be designed for compatibility with building architecture and surrounding neighborhoods.

Chapter 7-Mixed-Use Standards

This chapter provides specialized standards for both vertical and horizontal mixed-use projects. It emphasizes the integration of residential and commercial uses by requiring active ground-floor design, transparent storefronts, pedestrian-oriented entries, and clear separation of residential and commercial parking areas. The standards ensure that mixed-use projects function effectively, activate the street environment, and contribute positively to the City's economic and social vitality.

Chapter 8-Definitions

This chapter provides clear definitions of terms and phrases used throughout the ODS. By clarifying key terminology, the definitions help avoid ambiguity and ensure that both applicants and staff interpret the standards consistently.

Objective Design Standards Checklist

Provides a user-friendly compliance checklist to be submitted with project applications. Applicants must certify that their projects meet each applicable objective standard, and staff will use the checklist to verify consistency during the review process.

Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002)

In addition to adopting the ODS, staff is proposing a series of modifications to the City's Development Code and the MSFCSP. These amendments are necessary to incorporate the ODS as a stand-alone regulatory document by reference, to align the City's zoning regulations with the recently adopted 2025 General Plan Update, and to ensure consistency with State housing law requirements. The proposed amendments are summarized below. A redline strikeout version of the changes is provided in Attachment 3.

- Updates to 16.12.460 to clarify that multi-family developments consisting of three or more units may be approved through an Administrative Review without public notice. This process applies when land use decisions are based upon objective standards or policies previously adopted by the City. Under this procedure, the Development Review Committee serves as the reviewing authority and may render a decision without providing notice to surrounding property owners or other interested parties.
- Updates to Section 16.16.320 of the Development Code to reflect that 15-30 dwelling units per acre are allowed in the Multiple Family (R3) zone consistent with the 2025 General Plan Update.
- Updates to Section 16.16.320 of the Development Code to reflect that multi-family development or mixed-use development up to 30 dwelling units per acre is an allowed use in the General Commercial (C2) zone consistent with the 2025 General Plan Update. In addition, pursuant to State law, group homes for six or fewer persons are permitted.
- Revised Section 16.16.120 to increase the maximum building height in the R3 zone from 35 feet to 45 feet to accommodate higher density developments.
- Revised Chapter 7 of the Main Street and Freeway Corridor Specific Plan to increase the maximum density from 25 to 30 units per acre. Revised language in the Multiple Family (R3) zone increases the maximum density of residential development from 15 dwelling units per acre to 30 dwelling units per acre. The zone is also amended to allow 100 percent residential development and to permit group homes for six or fewer persons. The development of

residential uses is allowed by right east of the 15 freeway; and conditionally permitted as either a standalone or as a mixed-use development west of the 15 freeway, south of El Centro Road.

- Various sections were updated to remove typos, outdated references, and clarify language where necessary.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development - Facilitate balanced growth to ensure cohesive community development and pursue economic development.

ENVIRONMENTAL

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the adoption of the Objective Design Standards and associated Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 which will supplement development standards as it relates to design, and do not affect permitted uses or density/intensity, are exempt per Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In addition, the proposed Objective Design Standards and associated Development Code Amendment and Specific Plan Amendment do not require additional review under CEQA pursuant to Section 15168(c)(2) as they are consistent with the Addendum to the 2010 General Plan EIR prepared for the 2025 General Plan Update certified on June 12, 2025, and would not result in new impacts. The adoption of the Objective Design Standards implements the adopted General Plan Housing Element (Program 14); as the creation of Objective Design Standards and no further environmental analysis is required.

CONCLUSION

Adoption of the ODS, together with the related Development Code and Specific Plan amendments, is a key step to implementing the 2025 General Plan Update and fulfilling required programs in the Housing Element. These actions establish clear, measurable, and legally defensible criteria for multi-family and mixed-use residential development, ensuring compliance with state housing law while reinforcing the City's longstanding commitment to high-quality design. The ODS replace subjective guidelines with objective standards that provide predictability for applicants, efficiency in project review, and assurance that new development will enhance community character and livability in Hesperia.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2025-06
2. Exhibit A- Objective Design Standards for Multi-family and Mixed-Use Development
3. Objective Design Standards Checklist
4. Exhibit B- Development Code Amendment DCA25-00002 and Specific Plan Amendment SPLA25-00002

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT (DCA25-00002) AND SPECIFIC PLAN AMENDMENT (SPLA25-00002) INCORPORATING OBJECTIVE DESIGN STANDARDS (ODS) FOR MULTIFAMILY AND MIXED-USE RESIDENTIAL PROJECTS BY REFERENCE INTO THE HESPERIA MUNICIPAL CODE AND THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (MSFCSP) AND MAKING OTHER MODIFICATIONS TO THE DEVELOPMENT STANDARDS TO ENSURE CONSISTENCY.

WHEREAS, on July 15, 2025, the City Council of the City of Hesperia adopted Resolution No. 2025-29 thereby adopting the 2025 General Plan Update to the City's Land Use and Health and Safety Elements, currently applicable to development in the City.

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

WHEREAS, on September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, on May 2, 2023, the City Council adopted the 2021-2029 Housing Element (6th Cycle Housing Element Update) which includes several program actions that require the City to amend the Development Code and update the General Plan to allow for up to 30 dwelling units per acre (du/ac) in the Multi-Family (R3) zone; to allow 100-percent residential development ranging from 20 to 30 du/ac in the General Commercial (C-2) zone; and to allow for up to 30 du/ac in the Regional Commercial (RC) zone within the Main Street and Freeway Corridor Specific Plan.

WHEREAS, the State of California has adopted numerous bills, including, but not limited to, Senate Bill 167 ("SB 167"), Senate Bill 35 ("SB 35"), Senate Bill 330 ("SB 330") and Assembly Bill 2162 ("AB 2162"), which limit or restrict discretionary review of certain qualifying residential projects; and

WHEREAS, State Housing Law continues to evolve, and multi-family affordable housing projects meeting certain criteria are required to be ministerially approved; and

WHEREAS, cities are permitted to apply only "objective design standards," which are intended to provide clear, quantifiable, objective standards for those qualifying projects; and

WHEREAS, the City's adopted 2021-2029 Housing Element contains housing programs aimed at facilitating additional housing, including developing objective design standards to comply with SB 330 (Program 14); and

WHEREAS in an effort to comply with housing streamlining laws and Program 14 of the Housing Element, an amendment to the City's Zoning Ordinance and Chapters 7, 8, and 9 of the Main Street and Freeway Corridor Specific Plan to incorporate the Objective Design Standards by reference is proposed and attached hereto as Exhibit "B" of this Ordinance and the Multifamily and Mixed-Use Objective Design Standards are attached hereto as Exhibit "A"; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the adoption of the Objective Design Standards and associated Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002, which will supplement development standards as

it relates to design, and do not affect permitted uses or density/intensity, is exempt per Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In addition, the proposed Objective Design Standards and associated Development Code Amendment and Specific Plan Amendment do not require additional review under CEQA pursuant to Section 15168(c)(2) as they are consistent with the Addendum to the 2010 General Plan EIR prepared for the 2025 General Plan Update certified on June 12, 2025, and would not result in new impacts. The adoption of the Objective Design Standards implements the adopted General Plan Housing Element (Program 14); as the creation of Objective Design Standards and no further environmental analysis is required; and

WHEREAS, the Planning Commission held two workshops on May 23, 2024, and August 14, 2025, to review and discuss critical components of the Objective Design Standards; and

WHEREAS, on September 1, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Objective Design standards and related Development Code Amendment and Specific Plan Amendment and concluded said hearing on that date; and

WHEREAS, on October 21, 2025, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Objective Design standards and related Development Code Amendment and Specific Plan Amendment and concluded said hearing on that date; and

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

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to this City Council during the above-referenced October 21, 2025, hearing, including public testimony and written and oral staff reports, this City Council specifically finds as follows:

- (a) Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the adoption of the Objective Design Standards and associated Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 which will supplement development standards as it relates to design, and do not affect permitted uses or density/intensity, are exempt per Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..
- (b) Based upon substantial evidence presented to the City Council, including written and oral staff reports, the City Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan as it updates key development standards as required in Program 14 of the City's Housing Element to provide Objective Design Standards for multifamily and mixed-use housing developments.

- (c) The proposed Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 are necessary because the City's existing Design Guidelines currently contained in the Development Code and Main Street and Freeway Corridor Specific Plan are not objective and quantifiable, as required by State law. The Development Code Amendment and Specific Plan Amendment will provide objective design standards for multifamily and mixed-use housing developments. These standards address adverse visual impacts and aim to provide for high-quality architecture and site planning principles to future residential developments in the City.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA25-00002 and Specific Plan Amendment SPLA25-00002 as shown in Exhibit "B" and the Objective Design Standards for Multifamily and Mixed-Use Developments as shown in Exhibit "A".

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 4th day of November 2025.

Allison Lee, Mayor

ATTEST:

Jessica Giber, Assistant City Clerk



MULTIFAMILY & MIXED-USE

OBJECTIVE DESIGN STANDARDS

CITY OF HESPERIA | CA
DRAFT - AUGUST 27, 2025

Page 83



ACKNOWLEDGMENTS



Prepared for:

Prepared by:  **PLACEWORKS**

Adopted: **Ordinance: Month Day, Year**

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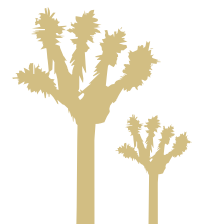


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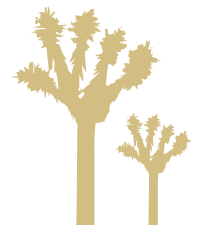
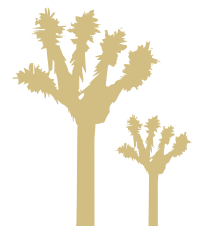


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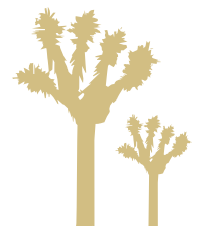
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1.0

PURPOSE

- 1.1 Introduction
- 1.2 Purpose
- 1.3 Who Is This Document For?
- 1.4 Where Do These Standards Apply?
- 1.5 Document Organization
- 1.6 Administration
- 1.7 Deviations
- 1.8 Development Scale Definitions





1.1 INTRODUCTION

Development and design standards regulate development intensity, style, size, and orientation. Objective design standards (ODS) are measurable, verifiable, and quantifiable, supporting consistent housing design in the community. Ultimately, the standards contained in this document will provide for a predictable and equitable path for new multifamily and mixed-use developments in the City of Hesperia.

1.2 PURPOSE

The State of California continues to experience a housing crisis and the availability and affordability of housing remains a key issue. This document provides the required, objective standards for housing development, streamlining design review and increasing transparency. Additionally, this document complies with Senate Bill (SB) 35 and SB 330, which requires jurisdictions to review new multifamily and mixed-use residential housing projects ministerially or streamlined, guided by objective design and development standards. These new laws prevent cities from denying approvals for certain multifamily housing projects based on discretionary design guidelines.

This document provides clear and useful guidelines and standards for the design, construction, review, and approval of multi-family residential and mixed-use development in Hesperia. With this document applicants, developers, and City staff have a clear and concise reference for the City's minimum design expectations. These standards are written as minimum standards for site and structure design but also offer various recommendations and guidelines for quality and character. However, this document does not replace the City's existing development standards. Proposed projects must also comply with all applicable building permit requirements, zoning code requirements, and other development standards found in the City of Hesperia's Development Code.

SB 35

- A streamlined approval process for housing projects with a specified amount of affordable housing.
- Applies to jurisdictions that haven't made enough progress in meeting their Regional Housing Needs Allocation (RHNA).
- Applications must be for infill sites and comply with existing General Plan or Zoning provisions.
- Can only apply objective zoning, subdivision, or design review standards to determine consistency.
- <https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf>

Fundamentally, this document serves to provide baseline design standards for the City of Hesperia. These standards may be expanded or revised by the City in the future. Additional design standards may be included on top of these standards to account for the distinct character of specific neighborhoods and communities throughout Hesperia.



1.3 WHO IS THIS DOCUMENT FOR?

Developers

This document will provide clear guidance for both renovation and new construction projects. The required checklist will act as a tool for property owners, developers/designers, and staff throughout the review process, ensuring that key aspects of quality design are addressed.

Property Owners

This document will provide property owners with a clear understanding of the design elements required for development projects in Hesperia. It will complement the General Plan and the Hesperia Municipal Code, establishing a set of expectations and responsibilities for property owners.

City Staff

City staff will utilize these standards to assist applicants and their representatives in the project review and approval process. The document and checklist will serve as a foundation for evaluating design quality in submitted proposals.

Review Bodies and Decision Makers

This document will provide a framework for the City of Hesperia Planning Commission, City Council, Development Review Committee, Development Services Director, and other review bodies to assess the quality of design in development applications.

1.4 WHERE DO THESE STANDARDS APPLY?

These standards apply to new construction for multi-family and mixed-use developments. For developments spanning multiple lots, these standards apply to all lots proposed for multi-family housing, mixed-use developments, and any associated amenities, open space, or utilities that would serve multi-family or mixed-use units.

These standards do not apply to the new construction of single-family dwellings, or to single-family dwellings within a development containing more than one housing type.

These standards do not apply to renovations and routine maintenance of residential (single-family, multi-family, and mixed-use) developments.

If an applicant so chooses, they may request in writing to opt out of the objective design standards in lieu of their project being reviewed against the city's architectural and site design guidelines for multifamily developments.

These standards are in addition to the standards of the underlying base zone. In the event of conflicting standards between these standards and the base zone, the more restrictive standard shall apply. For projects located in a Specific Plan or Planned Community, and there is a conflict between these standards and the Specific Plan's or Planned Community's standards, the Specific Plan or Planned Community standards shall prevail.

Proposed projects must also comply with all other applicable local and state ordinances and codes.



1.5 DOCUMENT ORGANIZATION

These Objective Design Standards serve as a stand-alone illustrated document, empowered by appropriate reference within Hesperia's City Code. These standards have been designed in a modular fashion, with differing sets of standards applying to projects at a different scale. For instance, a small development would be subject to less complex standards, while a larger project would be subject to more intensive standards.

This document is organized in a site-focused manner. Key site development standards are discussed at the beginning of the document. These include site access, building orientation, pedestrian and vehicular circulation, mixing of uses, and parking. Open space standards for both common and private open space follow.

This way, the design of the buildings subject to objective design standards follow the site planning standards. With regard to buildings, these objective design standards focus on height modulation, horizontal modulation, transitional massing, as well as a building's materials and details. Finally, this document provides standards for both vertical and horizontal mixed-use development.

1.6 ADMINISTRATION

The Planning Division shall be responsible for the administration of these objective design standards. If ambiguity arises concerning the meaning or appropriate application of provisions of these objective design standards, the Development Services Director, or his/her designee shall make the appropriate determination.

1.7 DEVIATIONS

Applicability. The Objective Design Standards apply to residential projects that, under State law, are subject to City review solely for compliance with objective standards. This includes "housing development projects" as defined in Government Code § 65589.5(h)(2).

Deviations. Deviations from the Objective Design Standards are allowed in two ways:

1. State Density Bonus Law: Projects may request waivers, concessions, or incentives pursuant to Government Code § 65915. Projects utilizing State Density Bonus Law are subject to a public hearing.
2. Limited Dimensional Deviations: Projects may deviate from up to three dimensional standards (e.g., height, length, width, depth) by no more than 10% for each standard. Projects utilizing these deviations are not subject to a public hearing.

Example:

Standard 2.4.3.a.i states:

Auto courts shall not exceed 150 feet in length.

A project may increase this maximum by 10%, up to 165 feet, by utilizing the allowable deviation.

All deviations are subject to review and approval or denial by the Director of Development Services or their designee.

Compliance is Optional (Multifamily only). Applicants of multifamily residential projects may choose not to apply the Objective Design Standards to their project, even if the project otherwise qualifies under State law for objective review. In such cases, the applicant must submit a written request to opt out. The written request shall include findings for how the project meets the purpose and intent for each topic in the Objective Design Standards Checklist. The project will then be reviewed against the City's architectural and site design guidelines for multifamily developments. Mixed-use projects are required to utilize these Objective Design Standards.

Note: By opting out, the multifamily project will not be subject to the protections or provisions of the Housing Accountability Act that apply to projects reviewed only against objective standards. In addition, the project may be subject to review by the Planning Commission.



1.8 DEVELOPMENT SCALE DEFINITIONS

Development occurs at various scales and intensities and therefore requires variations to ensure that standards are both appropriate and do not create unnecessary constraints or unachievable development. This section defines the different scales of development and how to use this document accordingly for each.

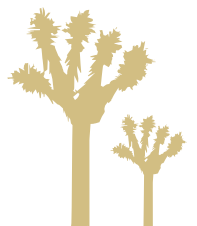
Small developments are those multifamily or mixed-use developments that are less than 1 acre in size, propose 10 or less units, and are up to 3 stories in height. Large developments are those multifamily or mixed-use developments that are either 1 acre in size or larger, or propose 11 or more units.

Table 1.1: Development Scales		
	Small	Large
Site Size	Under 1 acre and	1 acre or larger or
Unit Count	3 - 10 units and	11+ units
Height	Up to 3 stories	n/a

Table 1.2: Applicability Chart			
Standard		Small	Large
Site Planning	Site Layout	X	X
	Building Orientation	X	X
	Pedestrian Circulation	X	X
	Vehicular Circulation	X	X
	Parking	X	X
Open Space	General	X	X
	Amenities	X	X
	Private Open Space	X	X
Mass and Scale	Modulation	X	X
	Height and Roof Lines	X	X
	Transitional Massing		X
	Corner Elements		X
Materials and Details	Materials	X	X
	Facade Details	X	X
	Color and Texture	X	X
	Unit Entrances	X	X
	Doors and Windows	X	X
Utilities, Services, Lighting, and Fences	Fences, Walls, and Gates	X	X
	Exterior Lighting	X	X
	Utility and Mechanical Storage	X	X
	Refuse and Storage Areas	X	X
Mixed-use	Vertical Mixed-use	X	X
	Horizontal Mixed-use	X	X
	Structured Parking		X

2.0 SITE PLANNING

- 2.1 Site Layout
- 2.2 Building Orientation
- 2.3 Pedestrian Circulation
- 2.4 Vehicular Circulation
- 2.5 Parking





2.1 SITE LAYOUT

- a. Buildings adjacent to a public street shall have a strong street presence with public entrances oriented towards the street. Building entries shall face the primary public street with pedestrian access provided from sidewalks to all building entries, parking areas, and common open space areas. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities.
- b. A minimum of 60 percent of the street frontage shall be devoted to buildings located behind the minimum setback line. The remaining 40 percent may be devoted to parking, landscaping, and driveways.
- c. If the development contains multiple buildings, the minimum distance between buildings shall be 10 feet. However, for multiple story buildings, the distance between buildings shall be increased to 15 feet if the sides of the building that face each other include openings such as windows and doors with a direct line of sight into adjacent units.
- d. On sites with four or more residential buildings, buildings shall be clustered into groups of at least two or more buildings. Clustering can be achieved through:
 - i. Siting the longest façade of each clustered building up to 30 feet of another building.
 - ii. Siting secondary façades of each clustered building within 20 feet of another building.
 - iii. Siting corners of a building within 20 feet of the corner of another building.
- e. The design and location of the access drive(s) shall be subject to the review and approval of the City Engineer or his/her designee.

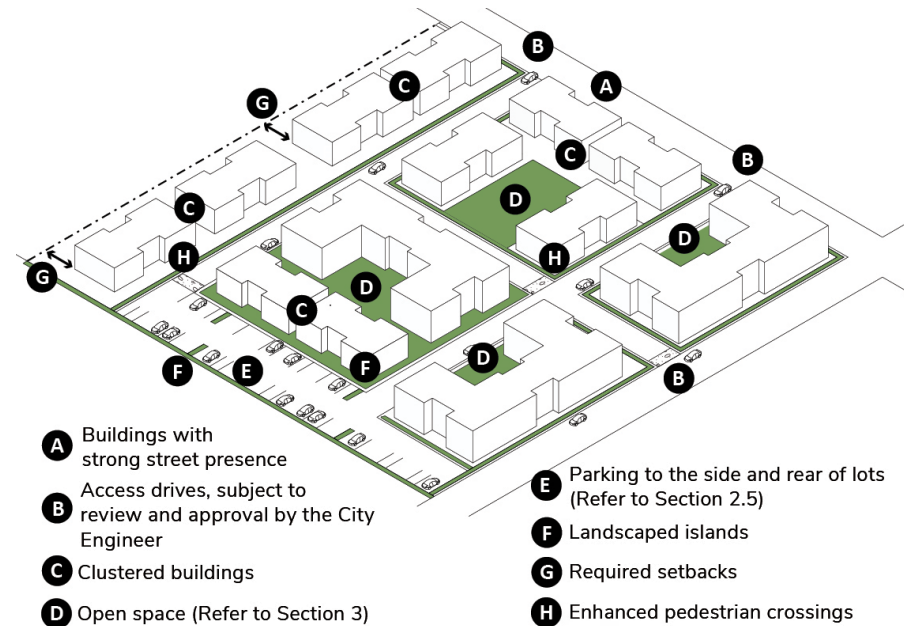


Figure 2.1. Site Layout

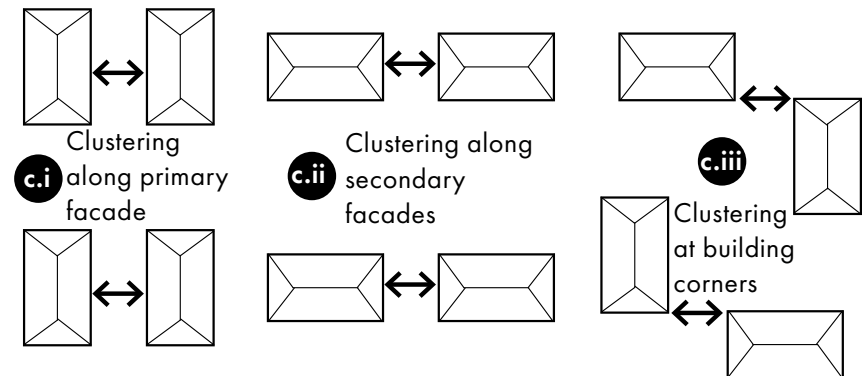


Figure 2.2. Building Clustering



- f. The street-side setback area shall feature planting landscape screens over at least 50 percent of its total area to protect the privacy of the ground floor units.
- g. If adjacent to an existing commercial or industrial use, a residential project shall locate its required parking along edges common with commercial or industrial uses. A landscaped buffer at least 5 feet in width with 6 inch curbing shall be utilized to separate the parking spaces from the property line.

2.2 BUILDING ORIENTATION

- a. Primary ground-floor common entries or individual unit entries shall be oriented towards the primary street unless the primary street is an arterial (of any type).
- b. Front doors shall orient towards and be visible from the street.
- c. Building front elevations shall feature at least one entry, porch, stoop, patio, or other living areas.
- d. Buildings located along an arterial street shall provide at least two of the following:
 - i. Pedestrian level articulation with ground floor-specific colors and materials (Refer to Section 5.1).
 - ii. Ground floor activation adjacent to the sidewalk through leasing office, common space, gym/ recreation room etc.
 - iii. Enhanced landscaping with at least 4 foot tall shrubs and evergreen trees in the front setback..

- e. All buildings within 15 linear feet of an adjacent building within and outside of the project shall orient all windows, balconies, or similar openings so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards. This can be accomplished through:
 - i. Offset windows at least 1 foot from any windows in adjacent buildings on site within 15 feet; or
 - ii. Use of clerestory windows, glass block, or opaque glass.
- f. New multi-family development shall be designed to shield residents from the heat of the sun. This shall be accomplished through at least one of the following methods:
 - i. Use of 3 foot roof overhangs on the southeast, south, southwest, and west facing façades to shade units below.
 - ii. Planting 24 gallon trees in front of windows facing southeast, south, southwest, and west, up to 20 feet from the building façade.
 - iii. Covered patios and porches for all units on the ground floor.



2.3 PEDESTRIAN CIRCULATION

- a. General.
 - i. Multi-family projects shall include pedestrian walkways. Pedestrian walkways shall link dwelling units with common open space and recreation areas, parking areas, and the street.
 - ii. Multi-family projects shall plan for and incorporate pedestrian connections to adjoining commercial projects in the project's design.
- b. Safety and Design.
 - i. Pedestrian entrances and walkways shall be adequately separated from vehicular traffic and clearly identified by landscaping and lights and easily accessible to minimize pedestrian/vehicle conflict.
 - ii. Walkways shall be constructed of firm and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, or concrete pavers. The use of asphalt for pedestrian walkways is prohibited.
 - iii. Decorative paving shall be used to delineate pedestrian crossings in parking areas.
- c. Width.
 - i. Pedestrian walkways shall be a minimum of 4 feet in width.
 - ii. If combined with a bicycle path, as a part of a dedicated public path/paseo, the minimum total walkway width shall be 14 feet.

2.4 VEHICULAR CIRCULATION

2.4.1 ACCESS

- a. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
- b. Principal vehicular access into multi-family developments shall be through an entry drive rather than a parking aisle.
- c. The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved accessways, and to eliminate traffic hazards.
- d. Textured paving or stamped concrete shall be used to cover the full length of each driveway entrance for the project not to include the public right of way.
- e. Alley improvements shall coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.

2.4.2 CIRCULATION

- a. Continuous circulation shall be provided throughout the site to the greatest extent possible.
- b. Adequate areas for maneuvering, stacking, and emergency vehicle access shall be provided.



2.4.3 AUTO COURTS AND COMMON COURTS

- a. Auto Courts provide vehicular access to multiple residences via a common driveway fronted with garages. Front doors to residences are not permitted on auto courts.
 - i. Auto courts shall not exceed 150 feet in length and shall have a minimum width of 26 feet.
 - ii. Auto courts shall not serve more than 12 individual residences. Separate pedestrian access may be provided to other auto courts.
 - iii. Primary pedestrian entrances are not permitted on auto courts.
 - iv. Auto courts shall have no through street access.
- b. Common courts provide both vehicular and pedestrian access to multiple residences. Front doors to residences and garages open to common courts.
 - i. Common courts shall not exceed 150 feet in length, unless provided with a connecting pedestrian access way, and shall have a minimum width of 26 feet.
 - ii. Common courts shall not serve more than 8 individual residences. Separate pedestrian access may be provided to other common courts.
 - iii. Common courts shall feature enhanced paving, such as patterned and/or colored pavers, brick, decorative colored concrete, stamped concrete, or permeable materials.
 - iv. A minimum of 5 percent of the common court shall be landscaped.

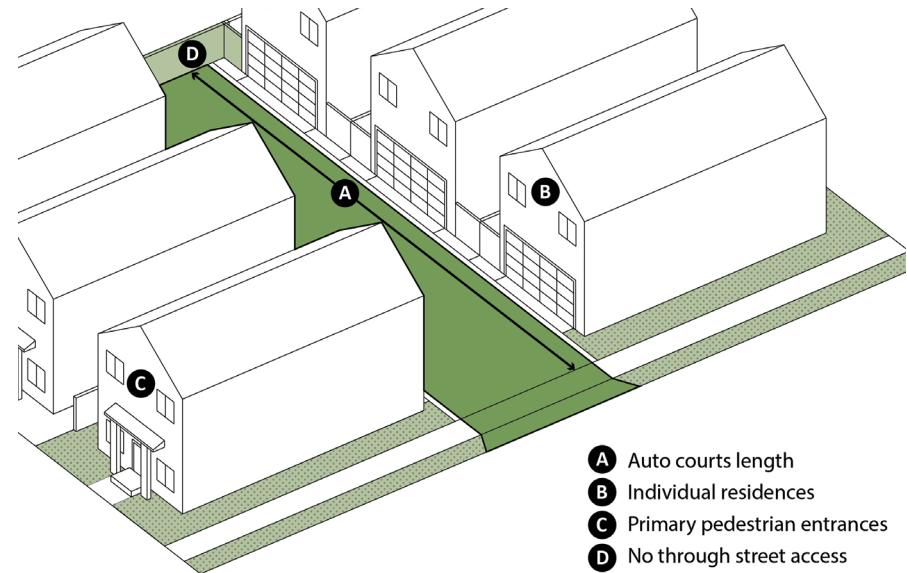


Figure 2.3. Auto Courts

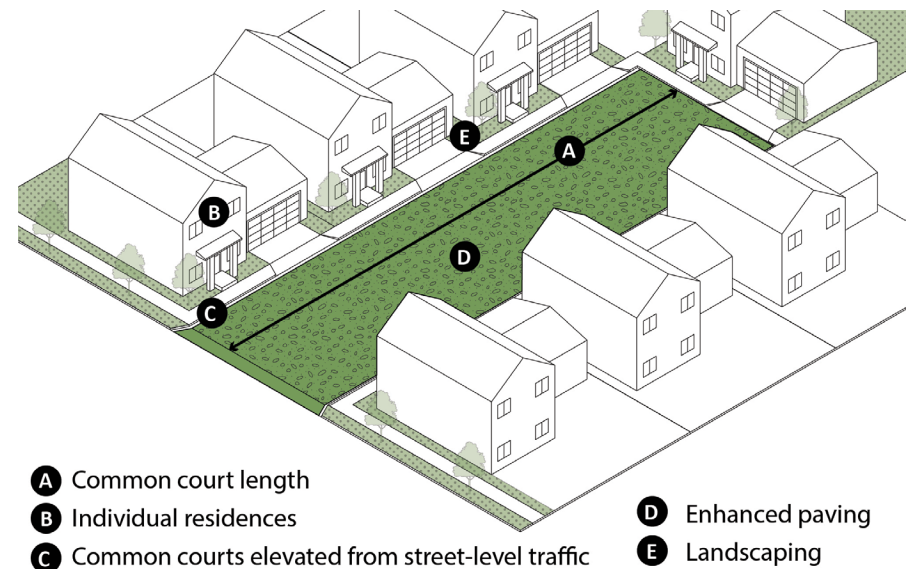


Figure 2.4. Common Courts



2.5 PARKING

- a. Parking for multi-family developments shall be provided on site in on-grade or underground structures, parking courts, carports, or attached garages. These standards are in addition to the parking and loading standards found in Chapter 16.20, Article 4 of the Hesperia Development Code.
- b. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways.
- c. Parking shall not occupy more than 40 percent of any linear street frontage.
- d. Parking areas, driveways and pedestrian areas shall contain automatically controlled lighting.



Figure 2.5. Example Carport

2.5.1 PARKING COURTS

- a. Parking courts shall be separated from buildings by a walkway a minimum of 4 feet wide and landscape strip a minimum 7 feet wide. Continuous 6-inch concrete curbs shall be provided as wheel stops where parking adjoins landscaping.

2.5.2 CARPORTS

- a. Carport structures shall utilize the same colors, architectural finishes, and roofing materials as the main building(s) in the project.
- b. Flat aluminum carport structures are prohibited.
- c. Carports shall meet setback and building separation requirements.

2.5.3 TUCK-UNDER PARKING

- a. If tuck-under parking is provided, the first floor of the residential units shall not be more than 4 feet above the finished street/sidewalk grade level.
- b. Tuck-under parking shall not be visible from the street.



2.5.4 GARAGES, INDIVIDUAL

- a. Garage doors may occupy no more than 40 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.
- b. Street-facing garage doors serving individual units that are attached to the structure must incorporate two or more of the following so that the garage doors are visually subservient and complementary to other building elements:
 - i. Enhanced materials, such as faux wood or opaque glass.
 - ii. Decorative features on garage doors composed of steel or aluminum.
 - iii. Garage door windows or architectural detailing consistent with the main dwelling.
 - iv. Arbor or other similar projecting feature above the garage doors.



Figure 2.6. Private Garages



Figure 2.7. Private Garages

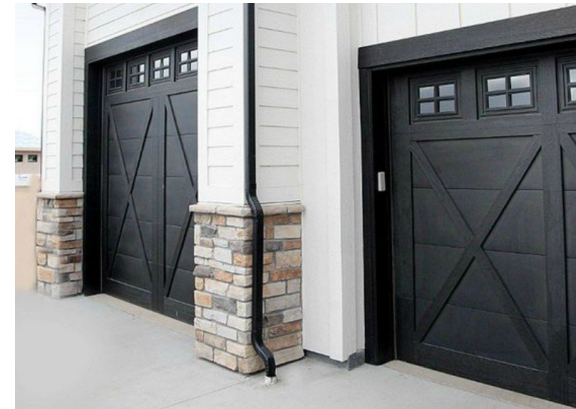


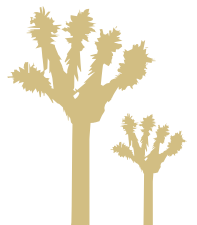
Figure 2.8. Private Garages

3.0 OPEN SPACE

3.1 General

3.2 Amenities

3.3 Private Open Space





3.1 GENERAL

Residents of multi-family developments shall have safe and efficient access to usable open space for recreation and social activities. Open space areas shall be provided in large, meaningful and usable areas, pursuant to the requirements of Article VII of the Hesperia Development Code. The standards contained in this chapter are intended to implement the above goal.

- a. At least 200 square feet of common usable open space shall be provided per dwelling unit.
- b. Outdoor areas counting toward common open space shall be a minimum of 1,000 square feet and have no dimension less than 25 feet, unless specified as one of the listed amenities in Section 3.2.
- c. Common usable open space may be divided into more than one area.
- d. All recreation areas or facilities required by this chapter shall be maintained by private homeowners' associations, property owners, or private assessment districts.
- e. Open space areas shall be separated from arterial streets, service areas, commercial or industrial zones by at least 10 feet to ensure that they are sheltered from the noise and traffic of streets and incompatible uses. This 10-foot separation shall feature dense landscaping as well as tubular fencing with masonry pillars. This 10-foot separation shall not be utilizing in calculating open space.
- f. At least one common open space within a project shall include seating.
- g. Site furniture shall use graffiti-resistant materials and/or coatings and skateboard deterrents.
- h. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.

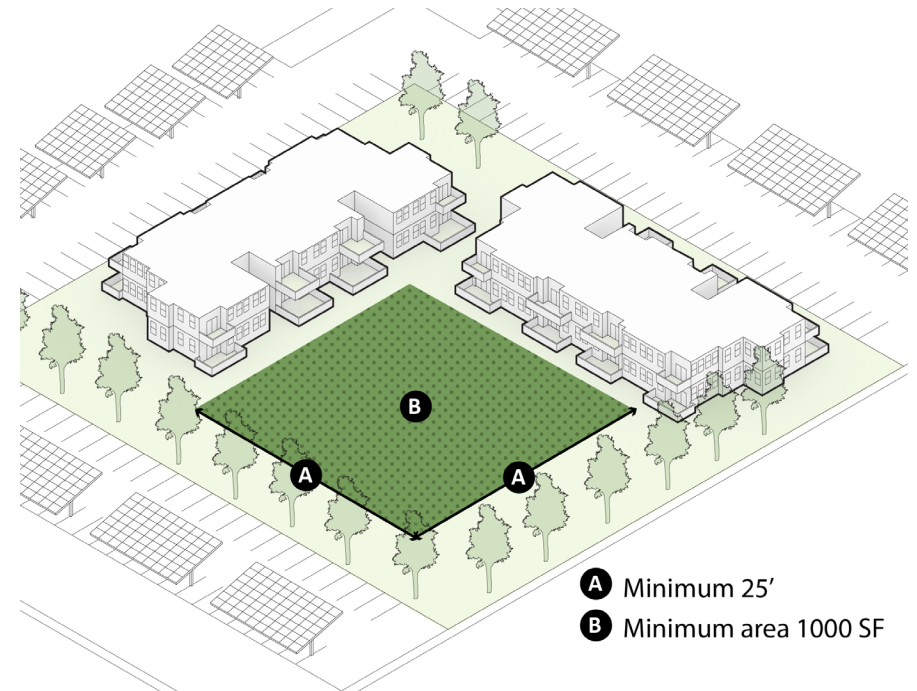


Figure 3.1. Common Open Space Size



3.2 AMENITIES

- a. Common amenities shared by individual units on the same lot or within the same development, which may be located on roofs, parking podiums, or at grade.
- b. The following listed major and minor amenities satisfy the common open space requirements. For projects with less than 60 units, repeating the same amenity twice will not satisfy the requirement; however, additional amenities are encouraged. Projects with more than 60 units may use the same amenity twice. Projects with more than 120 units may use the same amenity three times.

Table 3.1: Required Common Amenities			
Number of Units	Option 1	Option 2	Option 3
3 – 10	1 major or minor amenity	--	--
11 – 30	1 major amenity	2 minor amenities	--
31 – 60	2 major amenities	1 major and 2 minor amenities	--
61 – 90	3 major amenities	2 major and 3 minor amenities	1 major and 4 minor amenities
91 – 120	4 major amenities	3 major and 4 minor amenities	2 major and 5 minor amenities
121 – 150	5 major amenities	4 major and 5 minor amenities	3 major and 6 minor amenities
151 or more	6 major amenities	5 major and 6 minor amenities	4 major and 7 minor amenities

c. Major Amenities:

- i. Private park (minimum of 50 percent of the area shall be landscaped) with a minimum area of 2,500 square feet, exclusive of other amenities. Other amenities or features that can be part of a park may include, but are not limited to, recreational courts, pools, barbeque areas, commercial playground equipment, community gardens, and gazebos. However, each individual amenity's minimum size must be met.
- ii. Clubhouse with at least 750 square feet accessible and usable for residents. Features may include, but are not limited to, event spaces, community kitchens, conference rooms, business centers, or game rooms. A clubhouse may be combined with other amenities, provided that each amenity's minimum size is met. Clubhouses may also serve adjacent pools.
- iii. Rooftop terrace with a minimum area of 1,000 square feet. Similar features found in a park may also be utilized on a rooftop terrace.
- iv. Swimming pool with a minimum dimension of 15 feet by 30 feet or equal surface area (450 square feet).
- v. Spa/hot tub installed in the ground with a minimum of 8 person seating.
- vi. Gymnasium with a minimum area of 625 square feet.
- vii. Other recreational amenities deemed adequate by the Director.



d. Minor Amenities:

- i. Barbeque area with a minimum of 2 permanent grills, a shade structure, and 2 picnic tables.
- ii. Tennis, pickleball, basketball (half court and/or full court), or volleyball courts.
- iii. Tot lot with commercial playground equipment with a minimum area of 625 square feet with a minimum dimension of 25 feet in each direction. Children's play areas shall be protected from any adjacent streets or parking lots with a fence or other barrier at least 4 feet in height.
- iv. Gazebo or covered seating area with a minimum of 8 permanent seats
- v. Community garden with a minimum of 250 square feet of decorative raised beds a minimum of 4 feet by 4 feet each with irrigation.
- vi. Courtyard with a minimum area of 1,000 square feet.
- vii. Dog run surrounded by non-chain-link fencing with a minimum dimension of 15 by 60 feet (900 square feet). Dog runs shall include a dog-waste station with bags and a waste receptacle. Dog runs may be directly adjacent to service areas, commercial or industrial zones
- viii. Community room with a minimum area of 500 square feet.
- ix. Other recreational amenities deemed adequate by the Director.



Figure 3.2. Example Major Amenity (Park) featuring a Minor Amenity (Playground)



Figure 3.3. Example Major Amenity - Pool



Figure 3.4. Example Minor Amenity - Fire Pit



3.3 PRIVATE OPEN SPACE STANDARDS

- a. Private open spaces may include, but are not limited to, balconies, terraces, roof decks, patios, and may overlook the street, side yards and internal courtyards.
- b. Private open spaces shall be accessible directly from the living unit and screened to a minimum height of 42 inches by use of walls and/or fences. All private open space shall be outdoors.
- c. Private open space that is provided on a balcony or roof deck that fronts a public street shall have opaque balcony/railing enclosures to screen items being stored on the balcony or patio.
- d. The required amount of private open space is as follows:
 - i. Each dwelling unit shall have a minimum private usable open space of 100 square feet with no dimension less than 8 feet. Private open space on the ground floor shall have no more than 50 percent of the ground level space covered by an overhang balcony or patio roof
 - ii. Each unit shall also be provided with a minimum of one hundred (100) cubic feet of lockable, private storage space. This space may be provided at the dwelling unit, accessible from the outside on a private patio or balcony for the unit. Storage area is not required if each unit is served by an enclosed garage in lieu of a carport.

3.3.1 BALCONIES

- a. All balconies shall be recessed into the building facade. The maximum projection shall be 50 percent of the balcony's full depth or 6 feet, whichever is less.
- b. The underside of projecting balconies shall be finished with building material that matches or is otherwise compatible with the building.
- c. No balconies shall overhang into the public right-of-way or sidewalk, and shall not encroach more than 3 feet into the building setback.
- d. Balconies and patios shall be enclosed by a decorative solid wall or fence designed as an integral part of the architecture of the project, to screen items being stored outdoors.

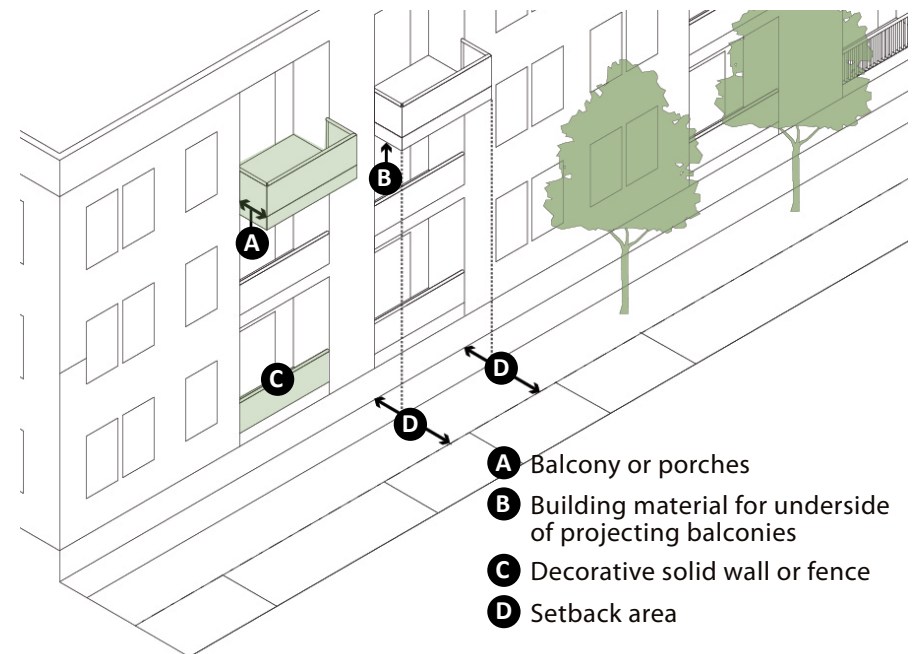


Figure 3.5. Balconies

4.0

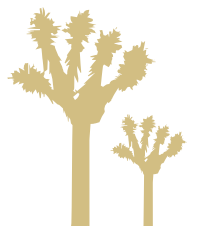
MASS AND SCALE

4.1 Modulation

4.2 Height and Roof Lines

4.3 Corner Elements

4.4 Transitional Massing





4.1 MODULATION

- a. Building design shall avoid large monotonous façades, long straight line building fronts, plain box shapes, and barren exterior treatment through the methods listed below.
- b. Vertical Façade Modulation. All buildings two or more stories in height shall achieve vertical modulation through at least two of the following:
 - i. A change in façade materials, textures, and colors between the ground floor and the second floor,
 - ii. For buildings with three or more stories, a change in façade materials, textures, and colors between the uppermost floor and the floor below.
 - iii. Use of functional and/or decorative horizontal façade projections or recesses at transition lines above the ground floor or below the uppermost floor.
 - iv. Changes in floor-to-floor heights at the second floor or above.
- c. Horizontal Façade Modulation. All design proposals shall comply with the following horizontal modulation standards:
 - i. For every 60 feet of façade, a minor modulation of 10 feet in width and that is a minimum of 3 feet in depth from the primary façade plane shall be provided. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane and may be in one continuous section or a combination of sections across the façade.
 - ii. For every 120 feet of street-facing façade, a major modulation that is a minimum of 6 feet in depth and 20 feet in length shall be provided. The major modulation shall extend from grade to the highest story.

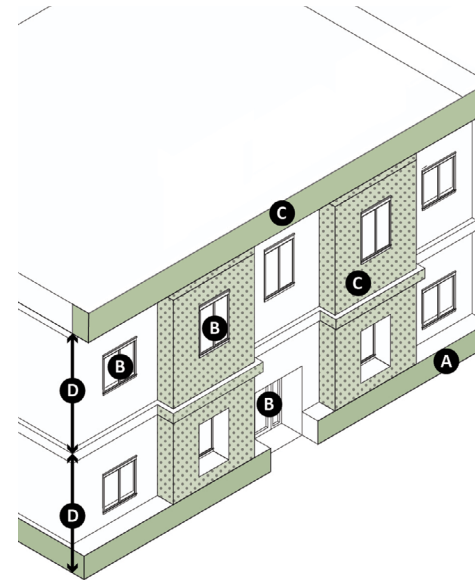


Figure 4.1. Example of a modulated façade

- A** Changes in façade materials, textures, and colors
- B** Changes in type, size, number, and arrangement of façade doors and windows
- C** Functional and/or decorative horizontal façade projections or recesses at transition lines.
- D** Changes in floor-to-floor heights at the second floor or above.



4.2 HEIGHT AND ROOF LINES

- a. **Roofline Variation.** Variation in roof height of at least 3 feet for every 50 linear feet. Rooflines shall be vertically articulated at least every 50 feet along the street frontage, though the use of architectural elements such as parapets, varying cornices, reveals, clearstory windows, and varying roof height and/or form.
- b. **Height Modulation.** Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, through the use of varying setbacks, and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.
- c. **Roofline Articulation.** Rooflines greater than 50 linear feet shall be articulated with at least one of the following techniques:
 - i. Change in the height of the roof ridge and/or parapet;
 - ii. Change in the shape of the roof form;
 - iii. Change in the angle of the roof slope,

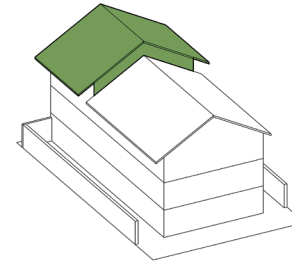


Figure 4.2. Ridgeline Change

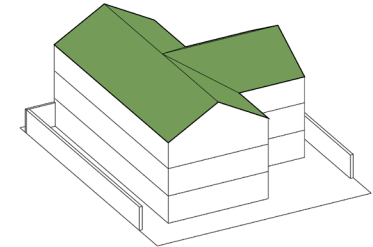


Figure 4.3. Cross Ridgeline

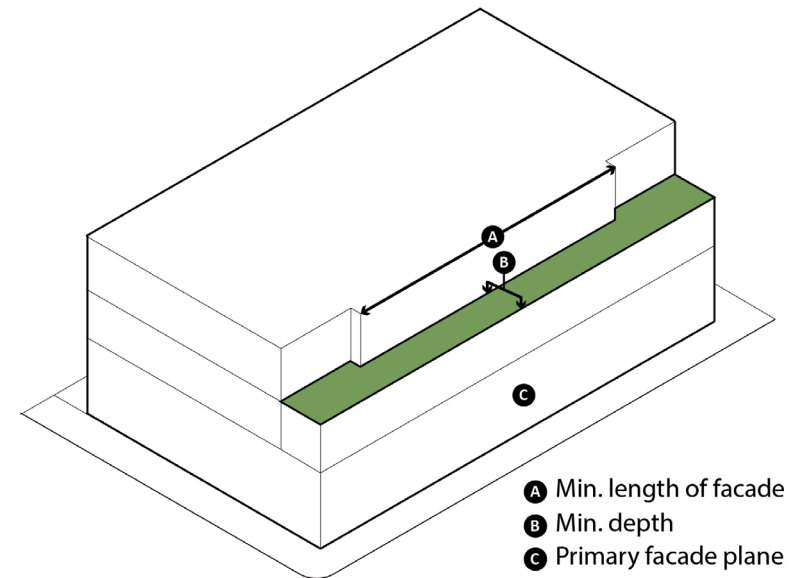


Figure 4.4. Massing Breaks Along Uppermost Floor



4.3 TRANSITIONAL MASSING

- a. If adjacent to a single-family residential zone, buildings shall be designed so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards adjoining the property line. This shall be accomplished through a solid wall at least 6 feet in height and at least two of the following:
 - i. Increased Setback. An increased interior setback adjacent to the single-family zone of 5 feet.
 - ii. Stepback. Minimum depth of 10 feet for entire adjacent façade for the third floor and above.
 - iii. Windows. Offset all windows facing a single-family zone by at least 1 foot from any windows in adjacent low-rise residential buildings within 20 linear feet to avoid direct line-of-sight.
 - iv. Transitional Height. All buildings within 100 feet of an adjacent single-family zone do not exceed the height limit of the adjacent zone or exceed more than one story above surrounding developments

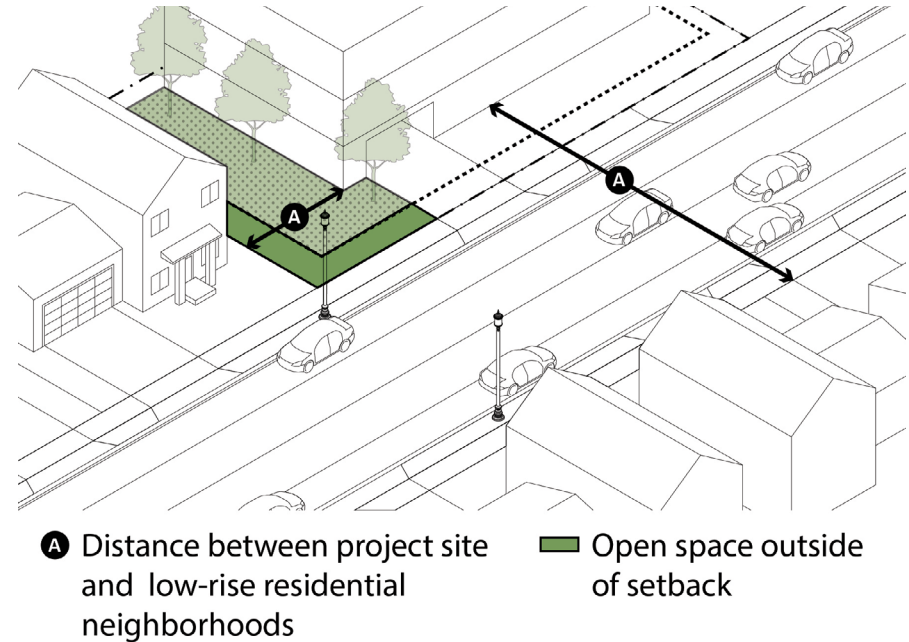


Figure 4.5. Transitional Massing



4.4 CORNER ELEMENTS

Corners of intersections feature some of the most prominent interactions between the private and public realms. Thus, the City of Hesperia features additional design standards pursuant to corner elements for those buildings located at the intersections of Arterials and/or Collector streets for those developments categorized as 'large' in Section 1.8 of these Objective Design Standards.

- a. All multifamily residential sites located on a corner shall incorporate at least one of the following corner elements:
 - i. Decorative features such as monument signage or public art;
 - ii. Pedestrian entrance into site.
- b. A structure located on a corner lot shall incorporate at least two of the following corner elements:
 - i. Corner feature, such as a spire, tower, or dome, with a greater height than adjacent building facades by a minimum of 10 feet for a horizontal area of minimum of 20 feet by 20 feet;
 - ii. Corner feature with a minimum of 5 feet recess or projection from the primary façade for a minimum of 20 feet by 20 feet and extend from grade to the building height;
 - iii. A corner entry oriented diagonal to the intersection;
 - iv. Unique corner features, wraparound balconies, or terraces above the ground floor;
 - v. Diagonal or curved walls at the intersection;
 - vi. Color and material variation from the primary façade with an area at least of 20 feet by 20 feet.

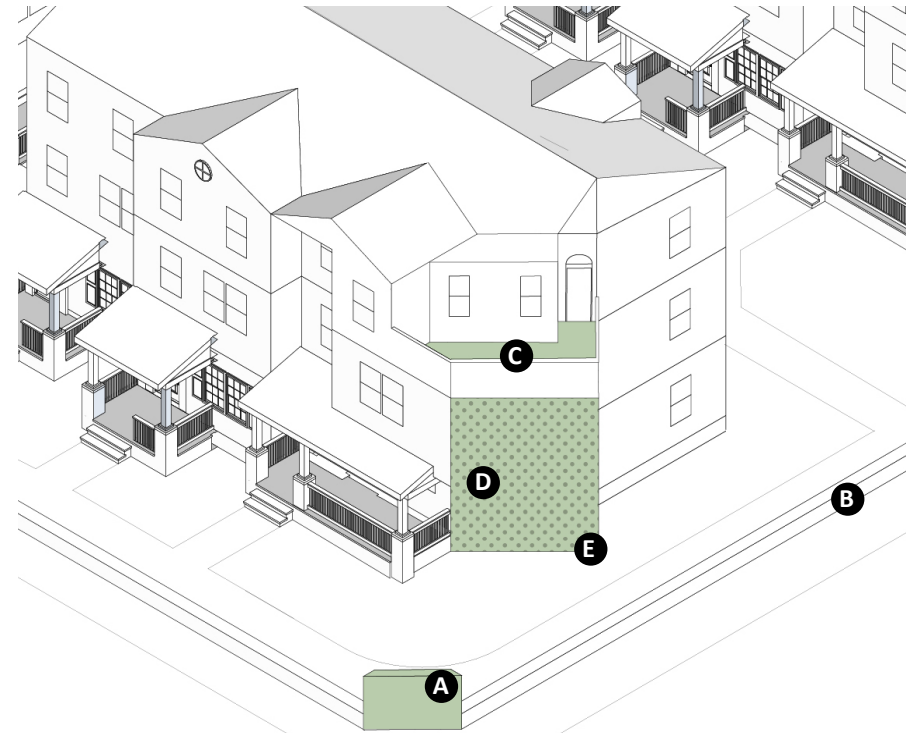


Figure 4.6. Corner Elements

- (A)** Monument signage
- (B)** Pedestrian entrances into site
- (C)** Wraparound balcony/terrace
- (D)** Diagonal walls
- (E)** Material and color variation

5.0

MATERIALS AND DETAILS

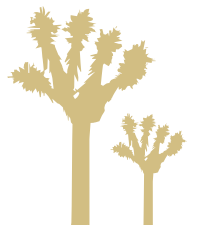
5.1 Materials and Finishes

5.2 Facade Details

5.3 Color and Texture

5.4 Unit Entrances

5.5 Doors, Windows and Walls





5.1 MATERIALS AND FINISHES

- a. The same material and finishes must be uniformly applied on the building exterior elevations to create 4-sided architecture.
- b. All building facades shall be constructed with durable materials rated for residential construction, such as stucco, natural stone, brick, siding, and precast concrete. Exterior siding/cladding may include manufactured, composite, or veneer stone/brick. Trim and accent materials permitted include metal, tiles (ceramic, porcelain, stones) or similar materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering.
- c. Materials such as brick or stone shall be left in their natural colors.
- d. A minimum of 2 building materials, excluding glass, shall be used on any façade facing a public right-of-way.
- e. Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.
- f. For buildings with three or more stories, material, texture, and color variations shall distinguish a building's base, and/or middle, and/or top.
 - i. If a distinct building base is provided (as delineated in Table 5.1), the building's middle and top may feature the same materials and textures.
 - ii. No more than 60 percent of a multistory building's facades may feature materials, colors and textures which extend uninterrupted from the ground to the roof line.

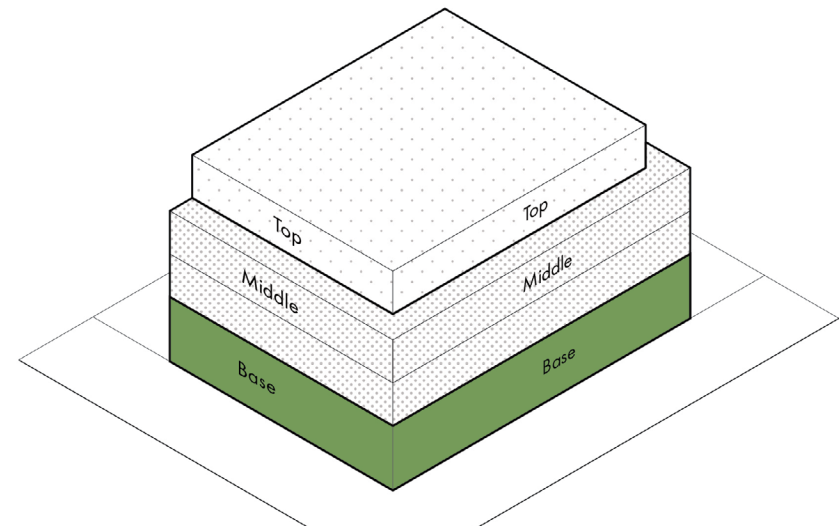


Figure 5.1. Building Materials

Table 5.1: Material Variation	
Number of Stories	Distinct base height, extending up from grade
3	3 feet
4	10 feet
5+	12 feet



5.2 FAÇADE DETAILS

- a. All building façades facing a street or public open space shall be articulated for at least 80 percent of each façade length. All other building façades shall be articulated for at least 60 percent of each façade length. Façade articulation shall be achieved through at least four of the following architectural elements:
 - i. Minimum of 2 fenestration type and/or size variation; or
 - ii. Window details such as moldings, decorative trim, and wood frames; or
 - iii. Balconies and/or porches; or
 - iv. Decorative veneer; or
 - v. Decorative light fixtures; or
 - vi. Decorative attic/gable vent; or
 - vii. Decorative moldings and/or cornices; or
 - viii. Trellis and/or arbor structures.
- b. Accessory and service buildings/structures, such as carports, detached garages, recreational buildings, laundry facilities, and storage buildings/structures, shall feature the same materials, colors, and details as to the primary buildings.
- c. Expansion Joints. If employed on stucco façades, expansion joints shall reinforce the grid pattern created by fenestration openings by aligning with:
 - i. Window and/or door jambs, sills, and/or headers; or
 - ii. The centerlines of windows and/or doors; or
 - iii. Wall breaks such as recesses and/or soffits created by balcony openings.

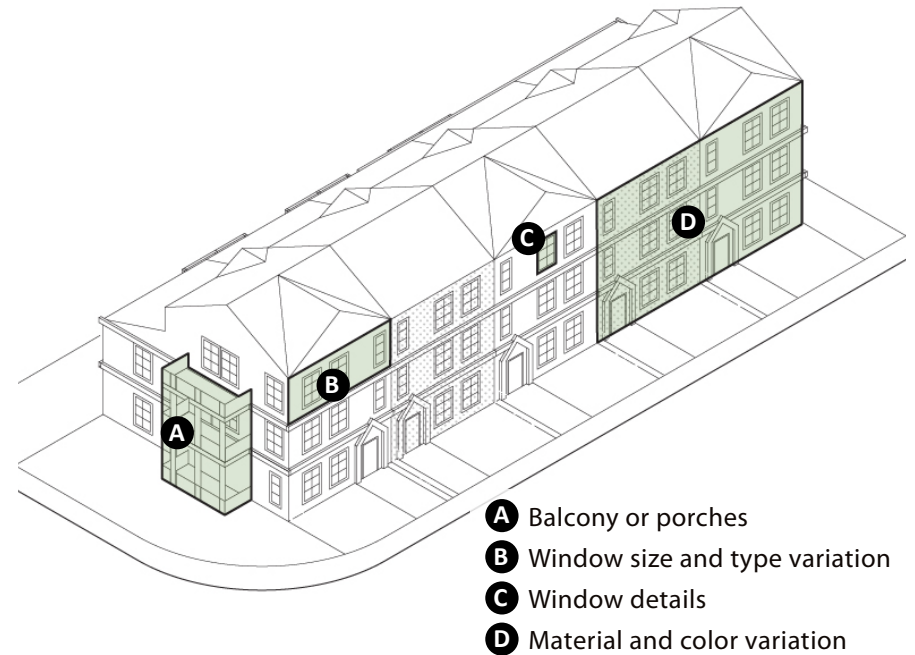


Figure 5.2. Façade Details



Figure 5.3. Example Expansion Joint Alignment



- d. Blank Façades. A blank façade is a portion of a façade without a window, balcony, ground floor windows, and/or doorways more than 30 feet in any direction. Where a blank façade is unavoidable, architectural treatments (such as trellises, screens, or changes in materials) shall cover at least 50 percent of the blank façade surface.
- e. Exterior Details.
 - i. Exterior stairways shall be designed as an integral part of the architecture of a project and shall incorporate solid wall portions, columns, and/or a decorative balustrade. They shall be of the same materials, color and detail of the building. Thin-looking, open metal, prefabricated stairs shall not be used.
 - ii. Exterior columns for trellises, porches or colonnades shall utilize the same materials and colors of the adjacent building.
 - iii. Gutters and downspouts shall be concealed, unless designed as a decorative architectural feature.
 - iv. Balconies and patios shall be enclosed by a decorative solid wall or fence designed as an integral part of the architecture of the project, to screen items being stored outdoors.



Figure 5.4. Blank Façade Treatment



5.3 COLOR AND TEXTURE

a. Colors

- i. Primary colors shall be utilized on a building's façades.
- ii. Primary colors shall be earth-toned.
- iii. Accent colors shall be reserved for window and door frames, recesses and projections, expansion joints, plane brakes, material breaks, as well as other decorative trim and exterior architectural features.
- iv. Accent colors may be a different color to accentuate and contrast with the building's façades.

b. Color Schemes – Single Structure

- i. Structures shall have at least one primary color and one accent color, in addition to roof color.
- ii. Structures shall have a maximum of 3 primary colors and 4 accent colors, in addition to roof color.

c. Color Schemes – Multiple Buildings

- i. Residential developments between 3 and 24 habitable buildings shall provide a minimum of two distinct color schemes. A single color scheme shall be dedicated to no less than 30 percent of all residential buildings.
- ii. Residential developments with 25 or more habitable buildings shall provide a minimum of three distinct color schemes. A single color scheme shall be dedicated to no less than 30 percent of all residential buildings.
- iii. Clubhouses and other buildings may utilize a separate complimentary color scheme from the residential buildings.

EARTH TONES

- An earth tone color draws from a color palette of browns, tans, warm grays, greens, oranges, whites, and some reds, and some blues.
- The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. Many earth tones originate from clay earth pigments, such as umber, ochre, and sienna.
- In case of doubt, the following definition shall be applied to determine whether a color is an earth tone:
“Earth tone means a color with a lightness (light reflective) value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors.”



5.4 ENTRANCES

- a. Where individual unit entrances are provided, transitional spaces in the form of stoops, overhangs and porches shall be provided, subject to the dimensions below:
 - i. Front porches shall have a minimum depth of 5 feet and a minimum width of 8 feet.
 - ii. Stoops shall have a minimum depth of 3 feet and a minimum width of 5 feet.
 - iii. Overhangs shall have a minimum depth of 3 feet and a minimum width of 5 feet.
- b. In buildings with common/shared unit entrances, building entries shall incorporate at least 3 of the following architectural treatments consistent with the primary dwelling unit.
 - i. Façade projection or recess with a minimum depth of 5 feet;
 - ii. Projecting element above the entrance with a minimum depth of 2 feet; or
 - iii. Window detailing;
 - iv. Decorative veneer or siding;
 - v. Porch with a minimum depth of 6 feet and a minimum width of 12 feet.
 - vi. Material and/or color variation.

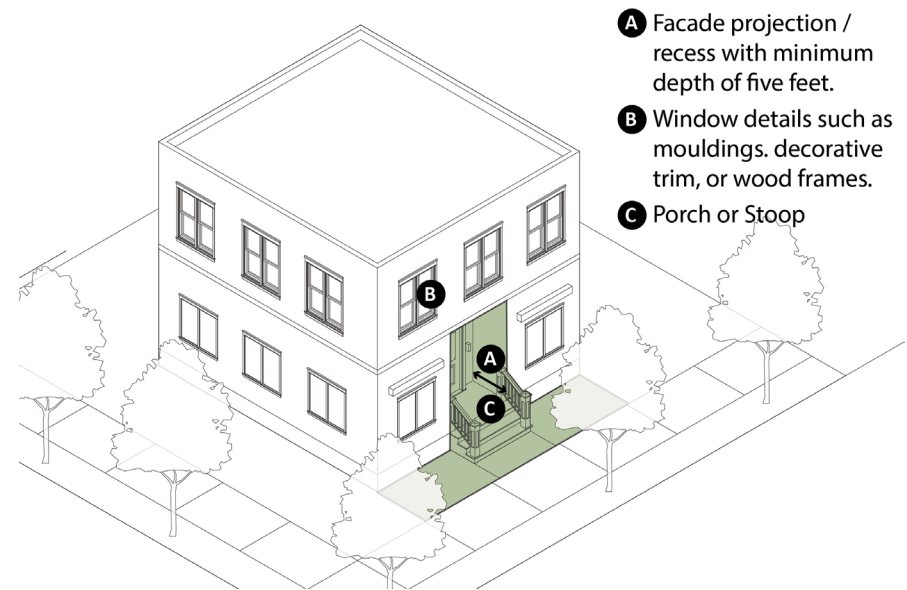


Figure 5.5. Unit entrance requirement



5.5 DOORS, WINDOWS, AND WALLS

- a. All windows shall be offset at least 1 foot from any windows in adjacent buildings within 15 linear feet to avoid direct line-of-sight.
- b. All doors and window frames should be composed of consistent material. All windows shall either be recessed at least 3 inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least 1 inch in depth.
 - i. When trim is used, a minimum of 1 inch by 4 inch wide trim is required.
 - ii. With stucco walls, a minimum of 1 inch deep, raised relief around the window is required.
 - iii. With brick, a minimum 2 inch wide brickmold is required around windows.
- c. All windows facing a public street shall feature at least two of the following treatments:
 - i. Variation in window types and/or sizes; or
 - ii. Moldings; or
 - iii. Mullions; or
 - iv. Wood frames; or
 - v. Decorative trim; or
 - vi. Shutters.
- d. Additional window standards include:
 - i. For new multi-family developments, double glazing shall be used consistent with energy code requirements.
 - ii. Openable windows shall feature screens.
 - iii. Raw or clear anodized aluminum window frames are prohibited.
- e. Additional door standards include:
 - i. Doorbells shall be provided on doors or within main entrance
 - ii. Entry doors for individual multi-family units shall include viewers.
- f. Units within a project shall be insulated to protect residents from noise intrusion from adjoining units. In addition to insulation between common walls, vertical insulation on exterior walls and from floor-to-floor shall be provided.

6.0

UTILITIES, SERVICES, LIGHTING, AND FENCES

6.1 Fences, Walls, and Gates

6.2 Exterior Lighting

6.3 Utility and Mechanical Storage

6.4 Refuse and Storage Areas



6.1 FENCES, WALLS, AND GATES

- a. The design of walls, as well as the materials and colors used, shall be consistent with the overall development's design.
- b. Walls and fences shall be constructed with durable materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering. Acceptable materials are as follows:
 - i. Ornamental metal
 - ii. Grillwork
 - iii. Wrought iron
 - iv. Tubular steel
 - v. Vinyl fencing
 - vi. Decorative masonry
 - vii. Stone and brick
- c. Both sides of all perimeter walls shall be architecturally treated.
- d. The wall or fence height shall not exceed 6 feet. View-obscuring walls or fences shall not exceed 3 feet in height when located within front and street side yard setbacks. These areas may incorporate a non-view-obscuring estate-type fence as follows:
 - i. Solid masonry pillars with ornamental metal fencing between.
 - ii. Masonry pillars shall not be more than 30 inches in width.
 - iii. Masonry pillars shall not be placed less than 8 feet apart.
- e. Wall/fence sections greater than 50 feet in length fronting a street shall incorporate at least 2 of the following design features, in proportion to the length of the wall:
 - i. A minimum 2-foot change in horizontal plane for at least 10 feet.
 - ii. A minimum 18-inch change in height for at least 10 feet.
 - iii. A minimum 18-inch-high raised planter for at least half the length of the wall.
 - iv. Use of pilasters at 25-foot maximum intervals and at changes in wall planes.
- f. Required fencing around a basin shall consist of a combination wall with 2 feet of split face block and 4 feet of tubular steel.
- g. Internal fencing, not viewable from public right of way, to separate private rear yards may be vinyl.
- h. Gates shall be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access to activity areas and adjacent uses.
- i. Walls shall be curved or angled at corner locations along street frontages and at vehicular entrances to allow sight line views around the corner. In no event shall any fence, wall obscure any clear sight triangle.



Figure 6.1. Example Fencing



6.2 EXTERIOR LIGHTING

- a. Every multifamily project shall have adequate lighting to provide security and visibility.
- b. Site lighting throughout the development shall be a minimum of 0.1 foot-candles but shall not exceed 0.5 foot-candle at residential property lines and the right-of-way.
- c. The design of all exterior light fixtures shall be compatible with the building's architecture. All lighting fixtures must be shielded to confine light spread on-site and to prevent nighttime light pollution.
- d. Pedestrian-scale lighting shall be located along all walkways within the development.
- e. Lighting of pedestrian walkways shall illuminate changes in grade, path intersections, seating areas and any other uses along the movement path that, if left unlighted, would create an unsafe situation.
- f. The maximum height of walkway lighting shall be 15 feet.
- g. Open spaces shall be adequately lit with durable low maintenance fixtures.
- h. Night lighting of buildings shall be used to highlight special building features, such as building entrances and addresses, emphasize repeated or decorative features, and articulate the building façades.



Figure 6.2. Example Pedestrian Lighting



Figure 6.3. Example Outdoor Lighting



6.3 UTILITY AND MECHANICAL STORAGE

- a. All utility equipment shall be screened from view on all sides
- b. All screening devices shall be compatible with the architecture and color of the building.
- c. Ground mounted screening shall be accomplished with one or more of the following:
 - i. Landscaping
 - ii. Solid masonry walls
 - iii. Permanent buildings/enclosures
- d. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof.
- e. Roof-mounted screening shall be accomplished with the following:
 - i. Roof mounted equipment shall be screened through the use of parapets, screening walls, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing.
 - ii. The top of screens shall be at least as high as the top of the equipment being screened.
 - iii. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof.
- f. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.



Figure 6.5. Example Utility Screening



6.4 REFUSE AND STORAGE AREAS

- a. All trash enclosures shall meet the solid waste management standards found in Chapter 8.04 of the City of Hesperia Health and Safety Code.
- b. All trash enclosures shall be per the City of Hesperia Trash Enclosure Detail.
- c. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall masonry wall consisting of split-faced or treated with finish material that matches the architectural style and color of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching metal gate. Enclosures shall feature decorative trellis and screened gates.



Figure 6.6. Example Refuse Storage



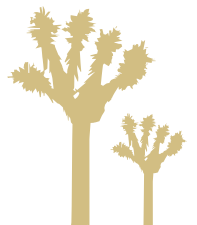
Figure 6.7. Example Refuse Storage

7.0 MIXED-USE

7.1 Vertical Mixed-Use

7.2 Horizontal Mixed-Use

7.3 Structured Parking





7.1 VERTICAL MIXED-USE

7.1.1 BUILDING SITING, ORIENTATION AND SETBACKS

- a. The placement and design of buildings shall facilitate and encourage pedestrian activity and convey a visual link to the street and sidewalks. The building(s) and main entrance(s) shall be oriented toward the primary street frontage.
- b. Retail uses in mixed-use developments shall front onto the street at the ground-floor level, with parking generally located in the rear or side of buildings.
- c. Buildings shall avoid visible blank walls along interior side property lines.

7.1.2 VEHICLE CIRCULATION, ACCESS, AND PARKING

- a. Common driveways for the different portions of mixed-use developments shall be provided. Driveway entry locations shall be coordinated with existing or planned median openings and driveways on the opposite side of the roadway.
- b. Separate parking facilities shall be provided for residential uses and commercial uses.
- c. Site access and internal circulation shall promote safety, efficiency, and convenience. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
- d. Non-residential uses in a mixed-use project may utilize 75 percent of the required parking listed in Table 16.20.080(B) of Chapter 16.20, Article IV, Parking and Loading Standards, of the Hesperia Municipal Code.

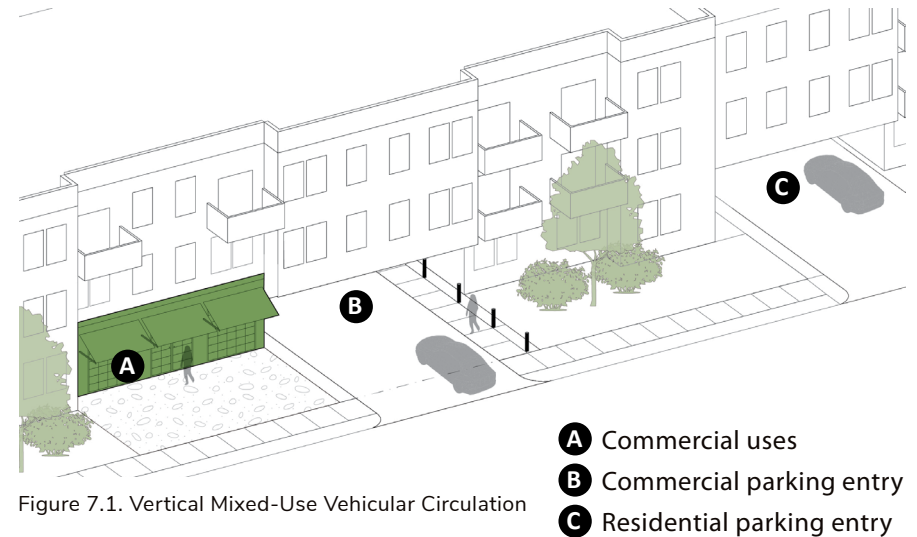


Figure 7.1. Vertical Mixed-Use Vehicular Circulation



7.1.3 PEDESTRIAN CIRCULATION

- a. Mixed-use developments shall be oriented and designed to enhance pedestrian movement within the development and to adjacent uses.
- b. Well-marked pedestrian links between parking areas and buildings shall be provided. Pedestrian connections shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
- c. Pedestrian walkways shall be a minimum of 4 feet wide and shall link dwelling units with commercial uses in the mixed-use development, as well as with common open space, plazas and courtyards, and public sidewalks. Pedestrian connections shall also be provided between buildings and adjoining residential and commercial sites.
- d. Pedestrian connections shall include design cues to help demarcate the transition between public and private spaces, such as decorative pavers or stamped concrete. Design cues may also include a change in colors, materials, landscaping, or the dimensions of the walkway.

7.1.4 BUILDING ORGANIZATION

- a. Vertically mixed-use buildings shall be designed with commercial storefronts or offices on the ground floor and residential units above.
- b. A ground floor retail or office use shall have a minimum floor-to-ceiling height of 12 feet.

7.1.5 ARCHITECTURAL STYLE

- a. The architectural style and use of materials shall be consistent throughout the entire mixed-use development. Differences in use of architectural details may occur where the intent is to differentiate between the residential and commercial scale and character of the structure(s).
- b. The buildings shall present an “active” building elevation including entrances and windows to the street, not blank walls or parking.
- c. All building façades shall be designed with the same level of architectural detailing, material variation, and coloration.

7.1.6 MODULATION, ARTICULATION AND DETAILING

- a. Use building form to emphasize individual units within a building, larger units and/or anchor stores within retail projects, and foyers, lobbies, and reception areas within non-retail commercial projects. Use building form and articulation to emphasize public entrances and de-emphasize service areas, and to define and shelter (i.e. give a sense of invitation and enclosure) pedestrian walks and exterior spaces.
- b. Building façades shall be designed so as to give individual identity to each vertical module of residential units, using techniques such as providing a deep notch between the modules; varying architectural elements between units (e.g., window color, roof shape, window shape, stoop detail, railing type); providing porches and balconies; varying color or materials of each individual module within a palette of colors and materials, etc.
- c. Buildings shall incorporate architectural details and elements visible from the public right-of-way, such as awnings, canopies, arbors, trellises, etc.



7.1.7 SITE AND BUILDING ENTRANCES

- a. Separate building entrances shall be provided for residential and commercial uses.
- b. Main entries to ground-floor retail uses shall be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Secondary entries may be from parking areas.
- c. Entrances to residential, office, or other upper story uses shall be clearly distinguishable in form and location from retail entrances.
- d. Building entries shall be integrated with the overall building form. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. shall define and emphasize public entries. Variation in material, texture, and/or color is also recommended as a means of identifying building entries.
- e. Entries shall be highly visible and shall not be recessed more than 3 feet from the main façade.

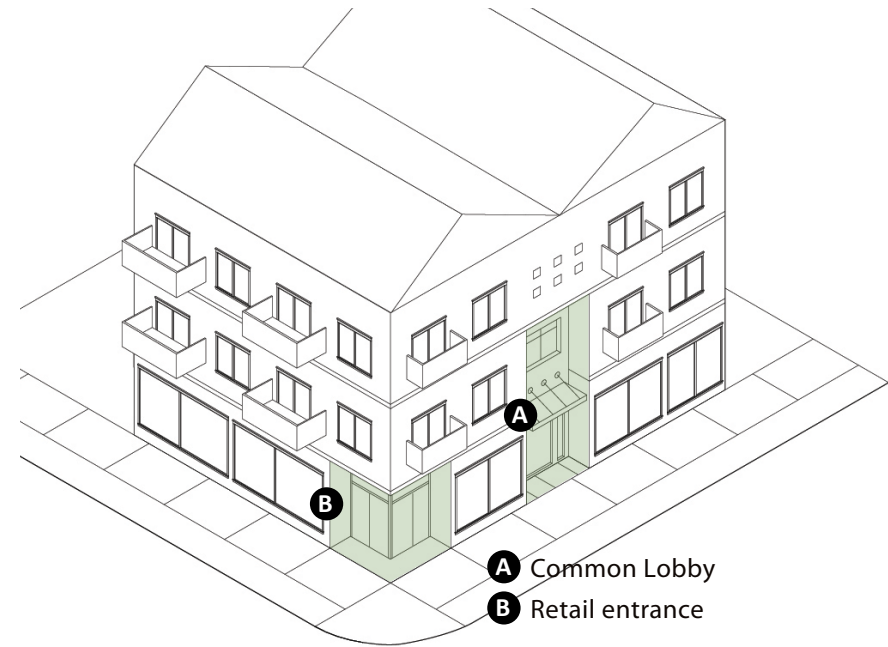


Figure 7.2. Common lobby, separated from retail uses.

7.1.8 PRIVACY FOR RESIDENTIAL UNITS

- a. Buildings shall be oriented to promote privacy to the greatest extent possible. In mixed-use developments, residential windows shall face away from loading areas and docks.
- b. Windows, balconies, or similar openings shall be oriented so as not to have a direct line of-sight into adjacent units within the development. In addition, units above the first story shall be designed so that they do not look directly onto private patios or backyards of adjoining residential property or units.



7.2 HORIZONTAL MIXED-USE

7.2.1 BUILDING SITING, ORIENTATION AND SETBACKS

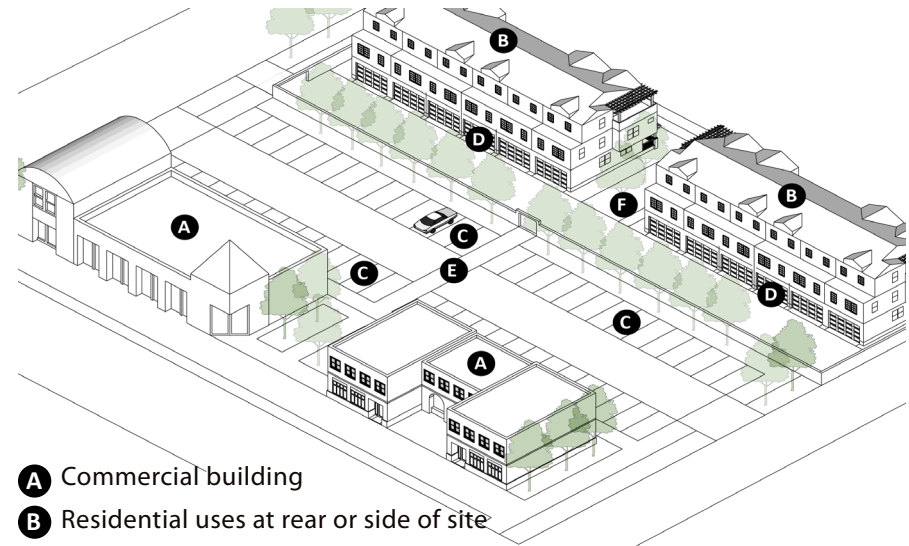
- Ensure that commercial buildings face public streets or internal paseos or plazas that engage the public realm to create an active and enjoyable pedestrian environment.
- Locate residential uses at the rear or side of the site.
- Locate parking for on-site commercial uses at the center of the site, allowing the parking to provide a buffer from on-site residential uses.
- Dedicated private residential parking areas shall be located in a private area away from public commercial parking.

7.2.2 CIRCULATION, ACCESS, AND PARKING

- All commercial, residential, and open space areas shall be linked by internal pathways.
- Screen surface parking from residential uses to reduce the visual impact of large parking areas.
- Non-residential uses in a mixed-use project may utilize 75 percent of the required parking listed in Table 16.20.080(B) of Chapter 16.20, Article IV, Parking and Loading Standards, of the Hesperia Municipal Code.

7.2.3 OPEN SPACE

- Common residential open space as part of a horizontal mixed-use project shall not be publicly-accessible.



- A** Commercial building
- B** Residential uses at rear or side of site
- C** Commercial or shared parking
- D** Private residential parking
- E** Internal pathways
- F** Residential common open space

Figure 7.3. Horizontal Mixed-use Example

7.2.4 BUILDING ORGANIZATION

- Service entries, loading areas, and trash areas associated with commercial uses shall not be within 50 feet of residential uses.
- The windows, doors, and other access points of commercial uses shall be oriented so as not to have a direct line-of-sight into residential uses.



7.3 STRUCTURED PARKING

- a. Ramps within a parking garage must be screened by spandrels or architectural treatments that create a level appearance from the exterior.
- b. Pedestrian and vehicular entrances must be distinctly marked with signage and differentiated by color or material treatment that contrasts with the primary façade.
- c. The parking garage must provide design details to reduce a monolithic appearance for all street-facing façades. This must include, at minimum, two of the following methods:
 - i. Façades incorporating alternating projections and recesses, at least 2 feet in depth and 2 feet in length, applied every 80 feet horizontally, or for every level above the ground level.
 - ii. Vehicular and pedestrian entrances utilizing the architectural elements of the adjacent buildings served by the parking structure.
 - iii. Elevators and covered stairwells which project at least 5 feet from the edge of the ground level of the parking garage.
 - iv. Active uses on the ground floor, such as commercial or office uses.
 - v. Setting back upper floors of the parking garage, if active uses are provided on the ground level, by a minimum of 5 feet.



Figure 7.4. Example Parking Structure

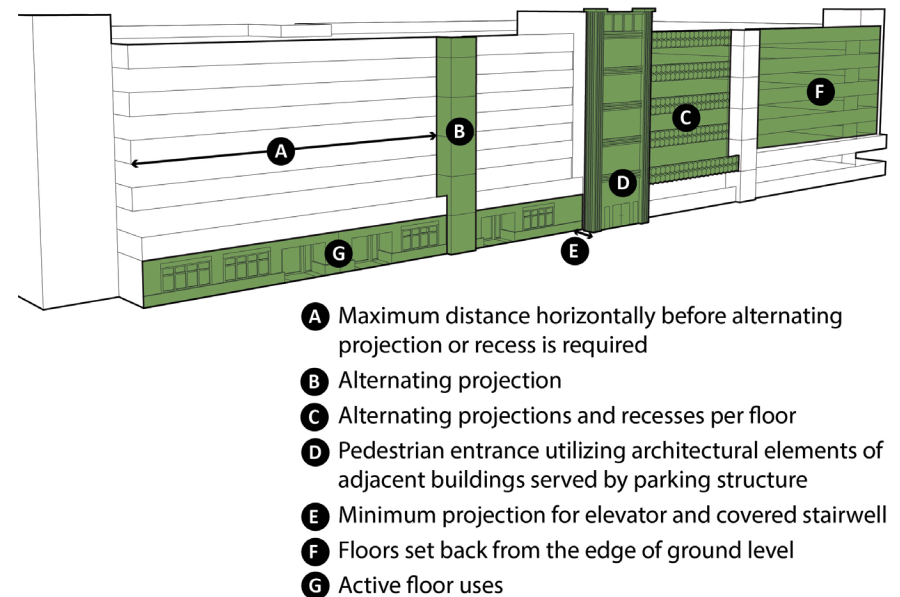
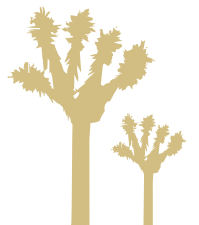


Figure 7.5. Parking Structure Features

8.0

DEFINITIONS





8.1 DEFINITIONS

Alley. A public or private roadway, generally not more than thirty feet wide that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation

Articulation. The process of stepping and recessing external walls of a building in plan and in section. This process essentially creates more corners and edges to a building, which reduces the potential for the presentation of large expanses of blank walls.

Awning. An architectural fabric or metal projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning consists of a lightweight frame structure over which a cover is attached.

Block. All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a waterway, dead end street, park, or city boundary. An intercepting street shall determine only the boundary of the block on the side of a street which it intercepts.

Building Mass (Massing). Mass refers to the general shape and form as well as size of a building.

Carport. An attached or detached accessory structure enclosed on no more than two sides.

Clerestory Windows. Vertical windows placed high on a wall, often above eye level.

Commercial Use. A non-residential use such as retail, service, automotive, medical, food service, hospitality, and office uses.

Cornice. A horizontal moulding projecting along the top of a wall, building, etc.

Corner Element. A distinct architectural treatment, expressed through a change in form, mass, decoration, or any combination thereof, located on the corner of a building or site.

Courtyard. An extent of open ground partially or completely enclosed by walls or buildings.

Detail. An element of a building such as trim, moldings, other ornamentation, or decorative features.

Dormer. A structure projecting from a sloping roof, usually housing a vertical window in a small gable or a ventilating louver.

Driveway. A paved area of a lot located between the public right-of-way and the garage, carport, or required parking space designed and intended as an access way between a private or public road and the garage, carport, or required parking space.

Driveway, Primary. A driveway providing both ingress and egress from a property.

Driveway, Secondary. A driveway providing either ingress or egress from a property.

Dwelling. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Earth Tone. A color with a lightness (light reflective) value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Elevation. An orthographic view of the vertical features of a building (front, rear, side, interior elevation).

Exterior Architectural Feature. The architectural elements embodying style, design, general arrangement, and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building materials and the type



and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

Façade. The entire exterior side of a building; especially the architectural front, sometimes distinguished from the other sides by elaboration of architectural or ornamental details.

Fenestration. The stylistic arrangement of windows in a building.

Frontage or Fronting. the portion of a parcel which abuts a street right-of-way.

Gable Roof. A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, forming a gable at each end.

Garage. An attached or detached accessory structure with a door, enclosed on at least three sides.

Glass Blocks. Thick blocks of glass, typically hollow, used as a building material.

Glass, Opaque. Glass that blocks the passage of light.

Hardscape. The non-living, structural elements of a landscape, such as patios, walkways, fireways, and decks.

High-Quality Materials. Treated wood, stone, brick, stucco, fiber cement or other cementitious material, or composite wood or stone, with no unfinished edges.

Hipped Roof. A roof that slopes upward from all four sides of a building, requiring a hip rafter at each corner.

Lot. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and city ordinances, including this title. Types of lots include the following.

Lot Line. Any recorded boundary of a lot.

Maintenance. The work of keeping something in proper condition; upkeep.

Mixed-Use. A project allowing for a combination of residential and nonresidential uses in a single Building Site.

Mixed-Use, Horizontal. A project allowing for a combination of residential and nonresidential uses on separate portions of a single Building Site.

Mixed-Use, Vertical. A project allowing for a combination of residential and nonresidential uses in the same building, typically with Commercial Uses on the ground floor, and residential dwellings above.

Modulation, Major. An articulation which extends from the ground level to roofline of a building.

Modulation, Minor. An articulation which does not extend from the ground level to the roofline.

Multi-family dwelling(s). A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse developments (three or more attached single-family dwellings where no unit is located over another unit) and senior citizen multi-family housing.

Parapet. A retaining wall at the edge of a roof, porch, or terrace.

Parcel. See Lot.

Parking. To put or leave (a vehicle) for a time in a certain location.

Parking Court. A parking area open to the sky.

Pedestrian Paseos. Landscaped passageways that serve as midblock crossings and may additionally provide access to interior courtyards.

Rooflines. Various forms to a roof, such as pitch, ridge, hip, etc., often at different angles.



Setback. The distance a building is recessed from the property line, curb of the street, or the edge of the sidewalk.

Shade Trees. A twenty-four (24) inch box tree or larger.

Shutter. Each of a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.

Sidewalk. A paved walkway along the side of a street.

Sill. The horizontal exterior member at the bottom of a window or door opening, usually sloped away from the bottom of the window or door for drainage of water and overhanging the wall below.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Softscape. The living elements of a landscape, primarily plants, such as trees, shrubs, flowers, grass, groundcover, and mulch.

Spire. A tall, pointed structure on top of a building.

Stepback. The recessing of the upper part of the façade due to the smaller area of the upper floors.

Street. A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground.

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections.





City of Hesperia
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CITY OF HESPERIA OBJECTIVE DESIGN STANDARDS CHECKLIST AND USER GUIDE

This User Guide complements the City of Hesperia Objective Design Standards. This guide forms a checklist for applicants and City staff to analyze if a proposed project complies with the minimum design standards. A brief description of each standard is listed in the two columns to the left of the table. The full standards are contained in the City's adopted Objective Design Standards. It is an applicant's responsibility to check their project against the City's standards, and to provide a response to each standard on how a proposed project meets or exceeds the standards. It is also the applicant's responsibility to provide the page numbers of the project plans wherein City staff can check if the standard has been met. Once the completed checklist is submitted, the Planning Division will review the responses and determine whether the project does or does not conform to each applicable standard.

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.0 Site Planning						
2.1Site Layout						
2.1. a and b	Buildings have public entrances facing the street, with access drives appropriately located; at least 60 percent of frontage is devoted to buildings; up to 40 percent of frontage is devoted to parking, landscaping, and driveways					
2.1. c	Minimum distance of 10 feet for single story buildings, 15 feet for multi- story buildings					
2.1. d	On sites with four or more residential buildings, buildings are clustered					
2.1. f	Setbacks are utilized for landscaping					
2.1. g	If adjacent to commercial or industrial uses, parking is located adjacent to these uses and features a landscaped buffer					
2.2 Building Orientation						
2.2. a, b, and c	Entrances are oriented towards non-arterial streets, front doors are oriented toward the street, and elevations emphasize entries, porches, and other living areas					



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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.2. d	Buildings along an arterial provide at least 2 of the following:					
	• Pedestrian level articulation					
	• Ground floor activation					
	• Enhanced landscaping					
2.2. e	Buildings within 15 feet of an adjacent building avoid direct line-of-sight into other units by:					
	• Offset windows					
	• Clerestory windows					
	• Opaque glass					
	• Glass block					
2.2. f	New development protects residents from the sun by at least 1 of the following:					
	• Use of overhangs					
	• Planting trees in front of windows					
	• Covered porches/patios					
2.3 Pedestrian Circulation						
2.3. a	Pedestrian walkways connect throughout the site					
2.3. b	Walkways are separated from vehicular traffic and utilize appropriate materials					
2.3. c	Pedestrian walkways meet width requirement of 4 feet					
2.4 Vehicular Circulation						
2.4.1. a, b, c, and d	Vehicular entrances are marked, lead into an entry drive, are limited in number, and utilize appropriate materials					



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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.4.1. e	On lots with more than 150 feet of frontage, landscaped islands are provided					
2.4.1. f	Alley improvements coincide with site planning					
2.4. 2	Vehicular circulation standards are met					
2.4.3	Minimum auto court/common court standards are met:					
	• Length					
	• Unit Count & Unit Entrances					
	• Paving/Elevation					
	• Landscaping					
2.5 Parking						
General	Surface parking requirements are met, and these standards are in addition to the parking and loading standards found in Chapter 16.20, Article 4 of the Hesperia Development Code					
2.5.1	If provided, parking courts meet design standards					
2.5.2	If provided, carports meet design standards					



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2.5.3	If provided, tuck-under parking meets design standards					
2.5.4	Individual garages do not occupy more than 40 percent of a building's street frontage and are appropriately recessed					
	In addition, garage doors feature at least 2 of the following:					
	• Enhanced materials					
	• Decorative features					
	• Garage door windows or architectural detailing					
	• Arbors or other projecting features					
3.0 Open Space						
3.1 General						
3.1. a, b and c	Open space areas shall be provided in large, meaningful and usable areas, pursuant to the requirements of Article VII of the Hesperia Development Code and meets locational and dimensional requirements					
3.1. d	All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to the reviewing authority's approval					
3.1. e	Open space areas are properly separated and buffered from arterial streets, service areas and commercial or industrial zones					
3.1. f	A minimum of one common open space includes seating					
3.1. g	Site furniture uses graffiti-resistant materials and/or coatings and skateboard deterrents					



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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
3.1. h	Pedestrian walkways connect common open space to public right of way and building entrances					
3.2 Common Amenities						
3.2. c	The following major amenities are provided at ratios based on a project’s size (See Table 3.1):					
	• Park					
	• Clubhouse					
	• Rooftop Terrace					
	• Swimming Pool					
	• Spa/hot tub					
	• Gymnasium					
	• An alternative amenity as deemed adequate by the Director					
3.2. d	The following minor amenities are provided at ratios based on a project’s size (See Table 3.1):					
	• Barbecue area					
	• Sports court					
	• Tot lot with commercial playground equipment					
	• Gazebo or covered seating					
	• Community garden					
	• Courtyard					
	• Dog run					
	• Spa/hot tub					
	• Community room					
	• Other amenities as deemed adequate by the Director					
3.3 Private Open Space						
3.3. a, b, and c	Private open space is contiguous to unit it serves and features opaque fencing of at least 42 inches					
3.3. d	Units feature at least 100 square feet of usable open space with dimensions no less than 8 feet and provides 100 cubic feet of lockable, private storage space if a garage is not provided for the unit					



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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
3.3.1	Balconies meet locational, dimensional, and material requirements					
4.0 Mass and Scale						
4.1 Modulation						
4.1. b	Vertical façade modulation is provided for buildings 2 or more stories in height with at least 2 of the following:					
	• Change in materials, textures, and colors above ground floor					
	• Functional/decorative projections and recesses					
	• Changes in floor height					
	• Change in materials, textures, and colors below the uppermost floor (3+ stories only)					
4.1. c	Horizontal façade modulation is provided for buildings as follows:					
	• Minor modulation provided every 60 feet of street-facing façade					
	• Major modulation provided every 120 feet of street-facing façade					
4.2 Height and Rooflines						
4.2. a	Rooflines are vertically articulated at a minimum of 3 feet every 50 feet					
4.2. b	Buildings 3+ stories feature massing breaks at least every 100 feet					



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		Yes	No	N/A		
4.2. c	Rooflines greater than 50 linear feet shall be articulated with at least one of the following:					
	• Change in height of roof ridge/parapet					
	• Change in roof form					
	• Change in angle of roof slope					
4.3 Transitional Massing						
4.3	If adjacent to a single-family zone, a 6-foot wall and at least 2 of the following are provided:					
	• Increased setback					
	• Stepbacks					
	• Offset windows					
	• Transitional height					
4.4 Corner Elements						
4.4. a	All multifamily residential sites located on a corner shall incorporate at least one of the following corner elements:					
	• Decorative features such as monument signage or public art					
	• Pedestrian entrance into site					
4.4. b	A structure located on a corner lot shall incorporate at least two of the following corner elements:					
	• Corner feature with a minimum 10 feet height increase					
	• Corner feature with a minimum of 5 feet recess or projection					
	• A corner entry oriented diagonal to the intersection					
	• Unique corner features, wraparound balconies, or terraces above the ground floor;					
	• Diagonal or curved walls at the intersection					
	• Color and material variation from the primary façade					



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		Yes	No	N/A		
5.0 Materials and Details						
5.1 Materials and Finishes						
5.1	All buildings feature at least 2 materials on façades fronting a public right-of-way, and all buildings are constructed with durable materials, and all material variation standards are met to produce four-sided architecture					
5.2 Façade Details						
5.2. a	Façade articulation must be provided through at least 4 of the following:					
	• At least 2 window or door types					
	• Window details					
	• Balconies and/or porches					
	• Decorative light fixtures					
	• Decorative attic/gable vent					
	• Decorative moldings and/or cornices					
	• Trellis and/or arbor structures					
	• Decorative veneer					
5.2. b	Accessory structures and buildings feature the same materials and colors as the primary building					
5.2. c, d, and e	Standards for expansion joints, architectural treatments to blank façades exterior stairways, columns, gutters, and other exterior architectural details are followed					
5.3 Color and Texture						
5.3. a, b, and c	Structures meet primary, accent, and roof color requirements; developments with multiple buildings feature a variety of color schemes					



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		Yes	No	N/A		
5.4 Unit Entrances						
5.4. a	Transitional spaces in the form of stoops, overhangs and porches are provided					
5.4. b	Primary entrances shall incorporate at least 3 of the following:					
	• Façade projection or recess					
	• Projecting element above entrance					
	• Window detailing					
	• Decorative veneer or siding					
	• Porches or stoops					
	• Material/color variation					
5.5 Doors and Windows						
5.5. a	Windows are offset at least 1 foot from any windows in adjacent buildings within 15 linear feet					
5.5. b	Windows and doors are recessed or include trim or a windowsill as applicable					
5.5. c	Windows feature at least 2 of the following:					
	• Variation in window types and/or sizes					
	• Mullion patterning					
	• Moldings					
	• Wood frames					
	• Decorative trim					
	• Shutters					



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		Yes	No	N/A		
5.5. d	Windows are double glazed and include screens					
5.5. e	Doors include doorbells and viewers					
6.0 Utilities, Services, Lighting, and Fences						
6.1 Fence, Walls, and Gates						
6.1. a, b, and c	Walls are treated on both sides with materials that are durable and consistent with development design					
6.1. d	Walls and fences are of appropriate height with pillars spaced appropriately where applicable					
6.1. e	Wall/fence sections greater than 50 feet in length fronting a street shall incorporate at least 2 of the following design features:					
	• A minimum 2-foot change in horizontal plane for at least 10 feet					
	• A minimum 18-inch change in height for at least 10 feet					
	• A minimum 18-inch-high raised planter for at least half the length of the wall					
	• Pilasters at 25-foot maximum intervals and at changes in wall planes					
6.1. f, g, and h	Basin, internal fencing, and access gates are appropriate					



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		Yes	No	N/A		
6.1. i	Walls are curved or angled at corner and vehicle entry locations					
6.2 Exterior Lighting						
6.2. a and b	Lighting is adequate and a minimum of 0.1 foot- candles but shall not exceed 0.5 foot-candle at residential property lines and the right-of-way					
6.2. c	Fixtures are hooded and compatible with the building architecture					
6.2.d, e, and f	Pedestrian scale lighting is provided along walkways and a maximum of 15 feet					
6.2. g and h	Adequate lighting of open space and buildings throughout the development					
6.3 Utility and Mechanical Storage						
6.3	All utility equipment is appropriately screened as outlined					
6.4 Refuse Areas						
6.4. a	Enclosures meet waste management standards HMC Ch. 8.04					



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		Yes	No	N/A		
6.4. b	Enclosure is per City detail					
6.4. c	Enclosure includes the following:					
	• 3 sides of split faced masonry or treated finish					
	• Self-latching opaque metal gate					
	• Decorative trellis/screen gates on top					
7.0 Mixed-Use						
7.1 Vertical Mix of Uses						
7.1.1	Building siting, orientation, and setback standards are met					
7.1.2	Vehicle circulation, access, and parking standards are met					
7.1.3	Pedestrian circulation standards are met					
7.1.4	Building organization standards are met					



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		Yes	No	N/A		
7.1.5	Architectural style standards are met					
7.1.6	Modulation, articulation, and detailing standards are met					
7.1.7	Site and building entrance standards are met					
7.1.8	Privacy for residential units is provided					
7.2 Horizontal Mix of Uses						
7.2.1	Building siting, orientation, and setback standards are met					
7.2.2	Circulation, access, and parking standards are met					
7.2.3	Open space standards are met					



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		Yes	No	N/A		
7.2.4	Building organization standards are met					
7.3 Structured Parking						
7.3. a	Ramps are screened by spandrels					
7.3. b	Pedestrian and vehicular entrances are distinctly marked					
7.3. c	Design details for exposed parking structures (must select at least 2):					
	• Alternating façades					
	• Vertical landscaping treatments					
	• Projected elevator shafts and stairwells					
	• Ground floor active uses					
	• Setting back primary mass of structure, if ground floor is activated					

“EXHIBIT “A”

DCA25-00002 and SPLA25-00002

HESPERIA MUNICIPAL CODE:

The following are modifications to Chapters 16.12.460, 16.16.085, 16.16.120, 16.16.130, 16.16.155, 16.16.160, 16.16.165, 16.16.310, 16.16.320, 16.16.350 and the addition of Article VIII of the City of Hesperia Municipal Code (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.460 Review authority for required permits.

No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require an approved land use application, without having first complied with the provisions of this article.

The following table summarizes the type of uses and their approval requirements

Ministerial Approval	Administrative Review without Notice	Administrative Review with Notice	Planning Commission Hearing	City Council Hearing
Interior Remodels	Extension of Time	Appeals of Ministerial Approvals	Appeals of DRC Approvals	Appeals of Planning Commission Approvals
Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the reviewing authority with concurrence from the city agencies		Site Plan Review consisting of additions to existing multiple residential , commercial or industrial structures which will result in an increase in total floor area of 25 percent or greater or expansion of 1,500 square feet or greater (site plan review)	Conditional Use Permit.	Development Code Amendments
Repair and maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements		Revisions to previously approved site plans comprising of more than 25 percent expansion to the building area or developed area of the site	Public Facility Reviews	Specific Plan Amendments

Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan		Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.	Recommendation on Development Code Amendments	General Plan Amendments
Expansions to multiple residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet whichever is greater		Projects that have been recommended for administrative review	Specific Plan Amendments	Development Agreements/Amendments
Revisions to previously approved land use comprising less than 25 percent expansion to the building or developed area of the site		Tentative Parcel Maps	Development Agreements	Density Bonus Agreements
Single-family residential development 1—4 dwelling units or fewer			Density Bonus Agreements	Planned Developments
	Multiple-family dwelling development and/or additions to, with two-three or more units compliant to Objective Design Standards (including a duplex)	<u>Multi-family development and/or additions to, with three or more units non-compliant to Objective Design Standards</u>		

Lot line adjustments			Any project requiring an EIR	
Lot mergers			Tentative Tracts	
Certificate of Corrections		Minor Exception	Variance	
Certificate of Compliance		CUP's for Restaurants serving alcohol	CUP's for Off-sale alcohol licenses (type 20 and 21) greater than 12,000 SF in floor area.	CUP's for Off-sale alcohol licenses (type 20 and 21) below 12,000 SF in floor area.
Minor modifications of the conditions of approval, provided that the modifications do not have a significant impact on the property or surrounding properties.				

16.16.085 Residential and ancillary uses.

Residential and Ancillary Uses	R1	R3 ¹	RR	A1	A2	See Section(s)
A. Single-family dwelling	P	P	P	P	P	
B. Multiple-family dwellings	NP	S	NP	NP	NP	
C. Accessory dwelling unit	A	A	A	A	A	16.12.360
D. Guest house ²	A	NP	A	A	A	
E. Home Occupation	A	A	A	A	A	Chapter 5.44 (Municipal Code)
F. Board and room, not to exceed two persons, without kitchen privileges	A	A	A	A	A	
G. Accessory buildings and structures ³	A	A ⁴	A	A	A	16.20.385—16.20.425
H. Buildings or structures to store agricultural vehicles, food, and equipment (i.e. barn or outbuilding)	A	NP	A	A	A	16.20.385—16.20.425
I. Buildings or structures to keep animals (i.e. stable, corral, pen or coop)	A	NP	A	A	A	16.16.115 and 16.20.385—16.20.425
J. Small, community, or handicapped residential care facilities, senior housing, intermediate care of six or less and licensed by the state	P	P	P	P	P	
K. Large or community residential care facilities, senior housing, intermediate care of seven or more and licensed by the state and Single Room Occupancy Development (SRO) ⁷	C	C	C	C	C	

L. Group homes not licensed by the state with six seven or more residents	C	C	C	C	C	
M. Supportive housing and transitional housing	S	S	S	S	S	16.08.332 and 16.08.333
N. Parking of commercial vehicles, as defined in the California Vehicle Code	A	NP	A	A	A	16.20.090(H)
O. Mobile home parks	S	S ⁵	S	S	S	16.28.010—16.28.070
P. Hotels and Motels	NP	S ⁶	NP	NP	NP	
Q. Small family day care to 12 or fewer children	A	A	A	A	A	
R. Large family day care to 13 or more children	S	S	S	S	S	
S. Other similar uses, as interpreted by the Development Services Director or his/her designee	P	P	P	P	P	

16.16.120 Development standards.

The development standards in this table shall be required within each land use designation:

Type of Standard		Land Use Designation				
		R3	R1 (SLS ¹)	R1	RR	A1
A.	Height ²	35-45	30 ¹³	35' (max. 2.5 stories)		
B.	Minimum lot area (for new lots)	5 acres ⁴	The minimum lot area is identified on the General Plan Land Use Map ⁵			
C.	Minimum lot width dimension (for new lots)	300 ¹⁴	50 ¹⁶	60' (at setback)	100'	300'
D.	Minimum lot depth dimension (for new lots)	500 ¹⁴	75 ¹⁶	100'	none	
E.	Minimum lot dimension - Width for Corner Lots (for new lots)	300 ¹⁴	60 ¹⁶	70' (at setback)	100' (at setback)	300'
F.	Front Yard Setback ^{7,8}	25'	10'; or 20' if garages open parallel to the street	25 ¹²		
G.	Front Yard Setback - Corner Lot ^{7,8}					
H.	Side Yard Street Setback ^{7,8}					

I.	Interior Setback ⁸	8'	The sum of the side yards shall not be less than 10' ¹⁰	5' and 10'	10% of lot width, but not more than 15' or less than 6'
J.	Lot Created before Jan. 9, 1969			10% of lot width, but not less than 3' and more than 5'	
K.	Rear Setback ^{8,9}	15'			
L.	Lot Coverage	60%	50% ¹¹	40%	40%
M.	Signs	Section 16.16.095			
N.	Parking	Sections 16.20.080 through 16.20.120			

16.16.130 Additional development standards for the multiple-family residence (R3) designation.

- A. Multiple-family Residence (R3) Designation. The multiple-family residence designation is established to provide areas for multi-family housing in a garden setting such as courtyard apartments, condominiums and walk-up townhomes.
- B. Development Standards. All property in the R3 designation shall be developed according to the following standards:
1. Residential Density. The gross residential density permitted in this zone is ~~eight~~ 15-30 units/acre.
 2. Minimum Living Area. The minimum living area for residential units shall be as follows:

Minimum Floor Area Requirements for Multiple-family Units					
	Studio	1 BDR	2 BDR/ 1 bathroom *	3 BDR	4 BDR+
Market rate units:	675	875	1,075	1,275	1,475

~~*Units with two bathrooms shall be nine hundred fifty (950) square feet.~~

3. If the development contains multiple buildings, the minimum distance between buildings shall be as follows:

Distance Between Single-Story Buildings		Distance Between Multiple-Story Building and Any Other Building	
No Openings ¹	With Openings	No Direct Line of Sight	Direct Line of Sight
10'	10' ²	10' ²	15'

Notes:

1. The sides of buildings that face each other shall not include openings. Openings in this case shall mean windows and doors.
2. Windows, doors, as well as patios/balconies or similar features shall be oriented so as not to have a direct line-of-sight into adjacent units.
3. No minimum distance shall be required for accessory structures, such as carports.

4. ~~Private~~ Usable Open Space. The required amount of private and common open space is as follows:
 - a. Private Usable Open Space: Each dwelling unit shall have a minimum private usable open space of one hundred (100) square feet, accessible directly from the living area of the unit. A rectangle inscribed within each private usable open space shall have no dimension less than eight feet. Private usable open space for ground floor units shall be in the form of a fenced yard or patio, or an uncovered deck, with no more than fifty (50) percent of ground level space covered by an overhang balcony or patio roof. Private usable open space for above ground level units shall have at least one exterior side open above the level of railing or fencing. All balconies and patios that front a public street shall have opaque balcony/railing enclosures to screen items being stored on the balcony or patio.
 - b. Common Usable Open Space: At least two hundred (200) square feet of common usable open space shall be provided per dwelling unit. Common usable open space may be divided into more than one area, however, each area shall be a minimum of one thousand (1,000) square feet and a rectangle inscribed within each shall have no dimension less than twenty-five (25) feet. All required common open space shall be suitably improved for its intended purposes and all lawn and landscaped areas shall be provided with a permanent irrigation system to maintain such areas. Each multi-family development shall include, but not be limited to, two of the following recreational amenities, or equivalent, as approved by the reviewing authority:
 - i. Tot lot with multiple play equipment.
 - ii. Pool and spa.
 - iii. Barbecue facility equipped with grill, picnic benches, etc.
 - iv. Exercise room.
 - v. Court facilities (e.g., tennis, volleyball, basketball, etc.).
 - vi. Clubhouse.
 - vii. Common gardening area.
 - viii. Other recreational amenities not listed above, may be considered in lieu of those listed subject to reviewing authority review and approval.
 - c. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to the reviewing authority's approval.
- C. Parking. In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards), the following apply:
 1. Except for required landscaped areas, parking and loading is permitted in the interior side yard and rear yard setbacks.
 2. Driveways, drive aisles and interior streets shall not be used for any purpose that would prevent vehicle access to parking spaces, inhibit vehicular circulation, or emergency response.
 3. Parking areas should be designed in a way to allow room for turnarounds and prevent backing onto public streets.
- D. Trash Collection Areas.
 1. Centralized trash/recyclable materials collection areas shall be provided for all multi-family residential development projects. All such required areas shall be enclosed and screened pursuant to the requirements of this section and in accordance with city standards.

2. All trash/recyclable materials collection enclosure areas shall be easily accessible to residents and tenants, including easy pedestrian access for the disposal of materials and collection by refuse vehicles.
3. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall. The wall materials used shall be complementary in color and style to architectural components of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching gate.

E. Miscellaneous.

1. All new construction shall be subject to the general and specific standards contained in Chapter 16.20, Article V (General Performance Standards).
2. Connection to sewer is required.
3. Decorative walls and fences shall be subject to Section 16.16.125(G).
4. Refer to Article VII of this chapter for site and architectural design standards and guidelines for residential uses.

16.16.155 General provisions and administration.

All new multiple-family or multi-family developments constructed in the R3 designation shall provide and maintain design standards and guidelines in compliance with the provisions of this article. It is the duty of the development services department to enforce all permitting and entitlement provisions of this article. The director or his/her designee may impose such conditions deemed necessary to achieve the purpose of this article.

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards is incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

1. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
2. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

If an applicant so chooses, they may request in writing to opt out of the City's Multi-family and Mixed-Use Objective Design Standards in lieu of their project being reviewed against the design standards and guidelines listed below.

16.16.160 Architectural design standards and guidelines.

While there is no specific architectural style required for buildings in the multiple-family residence (R3) designation, high quality, innovative architecture is strongly encouraged. The primary focus is to develop a high quality residential environment. The architectural style and design of building elements should be consistent within the development and complementary with the neighborhood in terms of scale, materials, and color, but it does not need to copy or duplicate existing buildings. Variation of building styles produces healthy design diversity and is encouraged. New projects should meet or exceed the standards of quality that have been set by

surrounding development and contribute to the improvement of the area. [Refer to the Citywide Objective Design Standards for specific multiple-family residential design standards.](#)

A. Building Articulation and Detailing.

1. Individual units should be articulated to diminish the massing of large buildings and be compatible with the scale of surrounding development. Building design shall avoid large monotonous facades, long straight line building fronts, plain box shapes, and barren exterior treatment.
2. Avoid designing buildings that are longer than one hundred twenty-five (125) feet. Facades of multi-family buildings should be divided into shorter modules a maximum of thirty (30) feet in width to give the appearance of an assemblage of smaller buildings, with each of the units individually recognizable. This can be accomplished through the use of porches, balconies and architectural projections; varied unit setbacks within the same building; staggered or jogged building planes; and a mix of different unit types within the same unit cluster. Units can be further articulated by the rhythm and pattern of windows and doors. The use of mansard roofs or segments of pitched roof applied at building's edge is not an acceptable method to provide articulation.
3. When located adjacent to lower-density residential zones, the bulk of multi-family developments can be imposing on adjacent residential uses. This necessitates that the scale of projects be considered within the context of their surroundings. Buildings of greater height may require additional setbacks so as not to dominate the character of the neighborhood. Buildings of greater mass should be separated into smaller, units that better resemble single-family homes.
4. For projects that front arterial streets, the street floor building level should be raised between two and four feet to protect the privacy of ground floor units.
5. Distinctive architectural elements, materials and colors should be used to denote primary building entries or individual unit entries.
6. Awnings, moldings, pilasters and comparable architectural embellishments are encouraged.
7. The incorporation of balconies, porches and patios within multi-family buildings is encouraged to break up large wall masses, provide offsets between floors on multi-level buildings, and add human scale to buildings.
8. Exterior stairways should be designed as an integral part of the architecture of a project and should incorporate solid wall portions, columns, and/or a decorative balustrade. They should be of the same materials, color and detail of the building. Thin-looking, open metal, prefabricated stairs shall not be used. Design of railings and steps should be varied from unit to unit if possible, but must maintain continuity.

B. Height and Roof Lines.

1. Roof lines should be segmented and varied within an overall horizontal context. Varying heights are encouraged. Combinations of one, one and a half, and two-story units create variation and visual interest, and are encouraged. Flat roof design should be avoided.
2. In some cases, it may be desirable to "step back" the upper stories of new multi-family buildings to "scale down" facades that face the street, common space, and adjacent residential buildings.
3. Hipped or gabled roofs covering the entire building are preferable to mansard roofs and segments of pitched roofs applied at the building's edge.
4. The roof pitch for a porch may be slightly lower than that of the main building.

5. Carport roofs visible from buildings or streets should incorporate roof slope and materials to match adjacent buildings. Flat carport roofs are discouraged.
- C. Doors and Windows.
1. The placement and relationship of doors and windows is important in creating a unified building composition. Wherever possible, window sizes should be coordinated vertically and horizontally and window design should be consistent in terms of style and general arrangement on all building sides.
 2. All doors and windows should be related with the chosen architectural style. Windows with widely varying styles are strongly discouraged. All doors and window frames should be composed of consistent material.
 3. For new multi-family developments, double glazing should be used consistent with energy code requirements.
 4. Knockers or door bells should be provided on doors. Entrance doors should provide viewers for safety and security.
 5. Shutters, trim and moldings on windows are encouraged. Proposed window mullion widths, window trim or surrounds, material, and type should complement all existing windows. Mullion widths should be in scale with the windows and the building. Wider trim sizes, such as 1 × 4's and 1 × 6's, is preferred to narrower trim sizes, such as 1 × 2's.
 6. Raw or clear anodized aluminum window frames are strongly discouraged.
 7. Operable windows should have screens so they can be used for ventilation.
- D. Materials and Finishes.
1. The building and its elements should be unified by textures, colors and materials. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided.
 2. Building should be treated as a whole and finished appropriately on all sides to provide continuity. Materials tend to appear substantial and integral to the building when material changes occur at changes in plane. Material changes not accompanied by changes in plane appear "tacked-on" and are strongly discouraged.
 3. Exterior columns for trellises, porches or colonnades should utilize materials and colors that are compatible with the adjacent building.
 4. Exposed gutters and downspouts should be colored to match fascia or wall materials, unless designed as an outstanding architectural feature of the overall theme.
 5. Accessory and service buildings/structures, such as carports, detached garages, recreational buildings, laundry facilities, and storage buildings/structures, should be designed as an integral part of the project architecture and should be similar in material, color, and detail to the primary buildings.
 6. Building materials should be high quality, durable, and require low maintenance.
 7. Materials that are responsive to climate, i.e. those suitable to the High Desert environment, adjacent context and site orientation are encouraged. Natural materials are encouraged. Materials such as brick, stone, copper, etc. should be left in their natural colors. Synthetic materials made to simulate natural wood and masonry are discouraged. Other suitable materials

include textured concrete, trowel-finish concrete, metal cladding, and glass curtain or glass block walls.

8. Stucco and plaster finishes should be consistent with the architectural style of the building. A smooth trowel or fine sand float finish is desirable while the use of rough, "knock-down" stucco finishes is discouraged.
 9. The use of sustainable building materials is strongly encouraged. This includes using quality materials with a long lifespan, selecting materials that are not energy-intensive to manufacture, using building products made from recycled materials, and repairing and maintaining well-built existing buildings/structures to the fullest extent possible.
- E. Color and Texture.
1. For most architectural styles, the number of colors on the exterior should be limited to a maximum of three, with an additional contrasting color for accent. In general, the lighter colors should be used for the main body, with darker shades for trim and accent. The larger and simpler the building design, the more subtle the color should be to reduce the massiveness of large wall planes.
 2. Earth tones are best suited and are appropriate for most of the architectural designs found in the city. The use of strong or bright, unnatural colors, including the bright "white-on-white" color schemes for exterior stucco, wood siding, trim doors and shutters, should be avoided. However, the use of strongly contrasting, natural colors can be appropriate for accent use, such as for shutters and doors.
 3. Color and finishes on exterior of all elevations of a building should be coordinated to provide a total continuity of design. Unusual patterns and color schemes should be avoided. Garish, non-harmonious, or out-of-character colors should not be used.
 4. The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up the mass of a building. Lower wall wainscots and built-up or recessed reveals may be employed to add interest and break up vertical monotony.
 5. Details such as trim, shutters, posts, etc. should be articulated by the use of color, texture or both.
- F. Roofing Materials.
1. Roofing materials should be compatible with the architectural style and design of the building. Permanent roof materials, such as concrete and clay tile, are encouraged because of their low maintenance and consistent appearance over time. Asphalt shingle roof is not allowed.
 2. Natural barrel clay tile roofs should be replaced with the same material. For repairs, remodels, and additions, care should be taken in the selection of material and installation to match as closely as possible the color of the "aged" tiles, so that the finished roof does not have a patched look.
 3. The colors of natural roofing materials, such as barrel tile and slate should be left natural and not be altered by staining or painting. Colors of synthetic roofing materials should simulate natural materials and should be consistent with the architectural style of the project.
 4. Roofing materials with glossy surfaces appear unnatural and are strongly discouraged.
- G. Noise Impacts.

1. Units within the project should be adequately insulated to protect residents from noise intrusion from adjoining units. In addition to insulation between common walls, vertical insulation on exterior walls and from floor-to-floor should be provided.
2. Loading docks, service entries, mechanical equipment and recreational play areas should be sited as far away from adjoining single-family properties as reasonably possible.
3. Projects adjacent to major arterials or railroad tracks should incorporate additional noise mitigation measures to protect residents. Mitigation measures include, but are not limited to, double-glazed windows, sound walls, and earth berms.

16.16.165 Site design standards and guidelines.

Multiple-family or multi-family developments are characterized by higher density residential buildings comprised of attached units and common facilities such as parking, open space and recreation areas. If not properly designed, multi-family development can result in projects surrounded by high walls, projects with monotonous blank facades, or projects dominated by large parking areas with minimal landscaping and open space areas. The primary goal of these guidelines is to help mitigate the effects of these situations and to provide a pleasant residential environment within multi-family developments. New projects should meet or exceed the standards of quality set by surrounding development and contribute to improvement of the area. [Refer to the Citywide Objective Design standards for specific multi-family site design standards.](#)

A. Setbacks.

1. While respecting the minimum front and side yard setbacks as established in Article V (Residential Development Standards) of this development code, the front and side yard setbacks of a new multi-family residential development should generally approximate that of adjacent development, with some variation in setbacks to provide visual interest and varying shadow patterns.
2. The setback area should be used for planting landscape screens to protect the privacy of the ground floor units.

B. Building Orientation, Siting and Entrances.

1. Multi-family developments should have a strong street presence with public entrances oriented towards the street. The majority of unit entrances must be accessed from the street or from the main open space. Where there is a common building entrance for all units, it should be accessed from the street or main open space.
2. Multi-family units in large projects should be clustered, or broken up into groups of buildings. The use of long access balconies and corridors should be avoided. Access points to individual units in large projects should be clustered in groups of four or less.
3. The use of distinctive architectural elements and materials to denote entrances is encouraged. Weather protection, such as a porch covering or canopy, should be provided for individual entry doors.
4. New projects shall have transitional spaces in the form of stoops, overhangs and porches between public areas and entrances to the units. Front porches are encouraged on all street front units.
5. Multi-family developments should be distinguished by entry and edge design features such as ornamental landscaping, open space areas, natural features, architectural monumentation and enhanced paving.

6. Multi-family residential uses should be buffered from incompatible development. Intensified landscaping, increased setbacks and appropriate building orientation should be utilized as a means of providing adequate separation between such land uses. In addition, where possible, residential projects should utilize parking areas, in addition to landscaping, as a buffer along edges common with commercial or industrial uses.
- C. Buildings Fronting Arterial Streets.
1. Some multi-family developments within the city will be located on shallow lots along major arterial streets. These streets will need to be taken into account in the project design. The perceived front yard will be created by parkways and street trees, together with landscaped setbacks, and should be considered in providing appropriate buffer for the street facing units from traffic.
 2. Raising the ground floor level by up to three feet can provide additional privacy and noise buffer for street-facing ground floor units. Another means is to provide transitional spaces in the form of raised stoops and entry porches.
 3. Additional landscaping with taller shrubs and groundcover in the front setbacks will also contribute to the privacy and sound-buffering objective for these units.
- D. Scale and Mass.
1. The scale and mass of a new multi-family residential development should be consistent with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.
 2. Larger multi-family projects should avoid massive apartment-type buildings. Windows shall be provided facing the street for all units adjacent to the street to break up massing and to contribute to "eyes on the street" which helps neighborhood security.
 3. Heights of individual buildings should be varied to reduce building mass by using a combination of single-level and two-story units, as well as varying the roof pitch within a project.
 4. As the vertical height of a building increase, it should increasingly step back from the street (i.e. when possible, the second story of a building should be set back further than the first floor).
 5. Buildings located on properties directly adjacent to a residential and agricultural designated properties shall be designed to provide a transition between the two designations; i.e. the units directly adjacent to the street should be of a single story design if the adjacent residential neighborhood is developed primarily with single-story homes.
- E. Environmental Considerations.
1. To the extent possible, site grading should relate to the natural surroundings and be designed to minimize grading by following the natural ground contours and recognizing existing drainage patterns. Graded slopes should be rounded to blend with existing terrain.
 2. Multi-family developments should be designed to be sensitive to their natural surroundings and should be sited to maximize views of the High Desert and surrounding mountains, particularly from common and private open space areas.
 3. Significant existing trees, vegetation and any other natural site attributes should be preserved to the greatest extent possible in the project's design and development. Site design that requires altering land forms and removing trees is strongly discouraged.
 4. A new multi-family development should be designed to make best use of available sun, light and shade. This can be accomplished in the following ways:

- a. Use windows for natural light as much as possible. Design windows for through airflow to promote natural cooling.
 - b. Use trees or roofs with large overhangs to shade the units, particularly over south facing windows.
 - c. Use patios and porches to buffer the units from heat gain.
 - d. Locate private and common open space in a manner to maximize use of sun and shade patterns, natural drainage and existing trees and vegetation.
5. Maximize vegetative ground cover on the lot to absorb rainwater, provide drainage to large trees on the site, and reduce runoff. Extensive paving is strongly discouraged. Consideration should be given to the reduction of landscape maintenance and water consumption when selecting landscape materials.
- F. Privacy Between Buildings.
1. Buildings should be oriented to promote privacy to the greatest extent possible.
 2. Windows, balconies or similar openings above the first story should be oriented so as not to have a direct line-of-sight into adjacent units within the development. In addition, units above the first story should be designed so that they do not look directly onto private patios or backyards of adjoining residential property or units.
 3. Landscaping should be used to aid in privacy screening.
 4. Outdoor lighting should be positioned so that no direct light extends onto neighboring properties.
- G. Vehicle Circulation and Access.
1. Site access and internal circulation in multi-family developments should promote safety, efficiency, and convenience. Vehicular traffic should be adequately separated from pedestrian circulation. Vehicular entrances should be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
 2. Principal vehicular access into multi-family developments should be through an entry drive rather than a parking aisle.
 3. The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved accessways, and to eliminate traffic hazards. They should be located as far as possible from street intersections (a minimum distance of one hundred (100) feet is recommended) and should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Common driveways that provide vehicular access to more than one site are encouraged.
 4. When possible, and especially for properties containing more than one hundred fifty (150) feet of street frontage, landscaped islands shall be incorporated into the driveway entry area to separate driveway lanes for ingress and egress. Continuous driveways, uninterrupted by landscaping are not permitted.
 5. Continuous circulation should be provided throughout the site to the greatest extent possible. Dead-end driveways should be minimized. Adequate areas for maneuvering, stacking, and emergency vehicle access should be provided.
 6. Project entries and driveway areas should contain design features, including landscaping and textured paving, to break up the expanse of paving in a project. Paving materials should complement the architectural design. The use of stamped concrete, stone, brick, pavers, exposed

aggregate or color concrete is encouraged. Long, uninterrupted broom finished concrete should be avoided. The use of asphalt for driveways and walkways is prohibited.

7. Alley improvements should coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.

H. Pedestrian Circulation.

1. Multiple-family developments shall include pedestrian walkways. Pedestrian circulation should be adequately separated from vehicular traffic. Pedestrian entrances and walkways should be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
2. Pedestrian walkways should link dwelling units with common open space and recreation areas, parking areas, and the street at the project entries. Where possible, multi-family developments should incorporate pedestrian connections to adjoining residential and commercial projects, and other compatible land use facilities.
3. Pedestrian walkways should be safe, visually attractive, and well defined by landscaping and lights. Use of varied surfaces and decorative pavement is encouraged. At a minimum, decorative paving should be used to delineate crossings at circulation drives and parking aisles.
4. Curvilinear and off-set paths provide a more inviting and interesting experience and are generally preferred over long, straight alignments. Paths that traverse open space areas are encouraged.
5. Pedestrian walkways should be a minimum of four feet in width. If combined with a bicycle path, as a part of a dedicated public path/paseo, the minimum total walkway width shall be fourteen (14) feet.
6. Pedestrian access to the first floor units should be via traditional residential front doors. Entry walks from the sidewalk to the front door should reflect the residential character of the project. The width of entry walks should not exceed five feet.
7. Transit shelters should be provided near major concentrations of residents. As far as feasible, where a transit stop is planned adjacent to a project of at least five acres in size, the developer should coordinate with the transit district to determine a suitable location for a transit shelter onsite. Freestanding shelters should be integrated architecturally with the project with respect to color, materials and architectural style to the extent allowed by the transit provider.

I. Parking.

1. Parking for multi-family developments shall be provided on site in on-grade or underground structures, parking courts, carports, or attached garages. Adverse visual impacts from parking areas, carports, structures, and garage doors on the residential character of the street or project site should be minimized through proper siting and design.
2. Parking shall be located within close proximity to the building and located to the rear of the parcel wherever possible. Parking shall be designed to avoid awkward turning maneuvers and the backing of vehicles into public streets.
3. Pedestrian walkways should be safe, visually attractive, and well defined by landscaping and lights. Use of varied surfaces and decorative pavement is encouraged. At a minimum, decorative paving should be used to delineate crossings at circulation drives and parking aisles.
4. Curvilinear and off-set paths provide a more inviting and interesting experience and are generally preferred over long, straight alignments. Paths that traverse open space areas are encouraged.

5. Parking should not occupy more than thirty (30) percent of any linear street frontage and parking in the front setback areas is discouraged.
 6. Except for townhome projects with attached garages, all multi-family parking should be in efficient, multiple stall configurations. Large multi-family parking areas should be divided into a series of connected smaller parking courts. Long runs of parking spaces are discouraged.
 7. Parking courts should be treated as important spaces whose character is clearly defined by landscaping, lighting, building massing, and pedestrian/vehicular circulation areas. Parking courts should be separated from buildings by a walkway (minimum four feet wide) and landscape strip (minimum seven feet wide).
 8. Carport structures should be architecturally compatible with the design of the main building in the project. Pitched roofs for carports are strongly encouraged. Flat aluminum carport structures are prohibited, particularly in long interrupted runs. Carports shall meet setback and building separation requirements.
 9. If tuck-under parking is provided, the first floor of the residential units shall not occur more than four feet above the finished street/sidewalk grade level. Parking may need to be below grade or occur behind the living spaces. These parking areas shall not be visible from the street.
 10. The visual impact of parking courts, carports, and parking structures shall be mitigated with landscaping. Landscaping materials should have adequate room to grow and be protected from abuse by cars. Continuous six-inch concrete curbs shall be provided as wheel stops where parking adjoins landscaping.
 11. Parking areas, driveways and pedestrian areas shall contain automatically controlled lighting.
 12. Bicycle parking shall be provided for multi-family developments.
- J. Open Space.
1. Residents of multi-family developments should have safe and efficient access to usable open space for recreation and social activities. The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent streets or other incompatible uses.
 2. Open space areas should be provided in large meaningful and usable areas, pursuant to the requirements of Article V of this development code.
 3. Common open space areas should be convenient to the majority of dwellings and should be secure and visible from dwellings to ensure safe use. Common open space areas should contain amenities appropriate to the project's size; i.e. pools, spas, recreation buildings are encouraged for large projects, while barbecue areas and gazebos, may be more appropriate for smaller projects. Children's play areas shall be sited to be visible from residential units.
 4. Private open space should be contiguous to the unit they serve and should be screened from public view for privacy. All balconies and patios that front a public street should be substantially enclosed to screen items being stored on the balcony or patio.
- K. Fences, Walls, Gates and Hedges.
1. Walls and fences should be planned and designed as an integral part of multi-family development, and should be consistent with the landscaping and building design.

2. If street fencing is required for security reasons, decorative types of view fencing, such as wrought iron, are encouraged. Solid fencing, such as stucco or masonry, is strongly discouraged when they will block the view of the buildings or provide hiding places.
 3. Perimeter walls or fencing that do not front a public street should be of decorative masonry (split-face block, plaster/stucco finish), decorative metal (wrought iron), wood, hedges, or a combination of materials. They should be designed in a style, material and color to complement the development. Both sides of walls should be architecturally treated.
 4. Tiered planting should be provided adjacent to project perimeter walls along street frontages to soften their appearance.
 5. Walls should be eliminated or sited to provide additional setback areas at project entries to accommodate landscaping, ornamental gateways, signage and street furniture.
 6. Wall sections greater than fifty (50) feet in length fronting a street shall incorporate at least two of the following design features, in proportion to the length of the wall:
 - a. A minimum two-foot change in horizontal plane for at least ten feet.
 - b. A minimum eighteen-inch change in height for at least ten feet.
 - c. A minimum eighteen-inch high raised planter for at least half the length of the wall.
 - d. Use of pilasters at twenty-five-foot maximum intervals and at changes in wall planes.
 7. Gates or comparable design solutions should be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access to activity areas and adjacent uses.
 8. Walls should be curved or angled at corner locations along street frontages to allow sight line views around the corner.
 9. Barbed wire and chain link fencing are prohibited.
- L. Exterior Lighting.
1. Every multi-family project shall have adequate lighting to provide for security and visibility. Site lighting should not be pervasive or impact surrounding or neighboring properties. The type and location of site and building lighting should preclude direct glare onto adjoining property, public rights-of-way, or skyward. All lighting fixtures must be shielded to confine light spread on-site and to prevent nighttime light pollution.
 2. The design of all exterior light fixtures shall be compatible with the building's architecture.
 3. Pedestrian scale/decorative lighting along walkways and driveways is strongly encouraged. "High mast" poles are discouraged. The maximum height of walkway lighting shall be fifteen (15) feet.
 4. Main entrances to parking areas or buildings should have strong architectural lighting, particularly for project name or addresses.
 5. Open spaces should be adequately lighted with durable low maintenance fixtures.
 6. The location of light fixtures should correspond to anticipated use. Lighting of pedestrian movement paths should illuminate changes in grade, path intersections, seating areas and any other uses along the movement path that, if left unlighted, would create an unsafe situation.
 7. Night lighting of buildings is encouraged, but should be accomplished in a selective manner, avoiding overall building illumination that produces an undesirable look. Night lighting of buildings may be used to highlight special building features, emphasize repeated or decorative features, and use the juxtaposition of light and shadow to articulate the building facade.
- M. Utility and Mechanical Equipment Screening.

1. All exterior mechanical equipment, except solar collectors, whether on a roof, side of a building, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the primary building in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.
 2. Roof mounted equipment should be avoided or appropriately concealed. For rooftop equipment, the screening materials shall be at least as high as the equipment being screened. Equipment requiring screening includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof, except as may be approved through the site plan review process.
 3. Equipment should be placed in locations that are not exposed to view from the street or they should be suitably screened. Ground-mounted utility equipment such as, but not limited to, transformers, backflow devices, cable television boxes, electric power transformers and distribution facilities, water pumps, and telecommunications facilities (not including pole-mounted equipment) shall be screened from view on all sides with solid masonry walls or similar permanent buildings. Such masonry wall or building shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.
 4. All screening devices should be compatible with the architecture and color of the main building(s) and should not look like a "tacked on" addition.
 5. All antennas should be placed in building attics or interiors. All new units should be prewired to accommodate cable reception. Satellite dishes shall be located away from public view and should be considered early in the design process in terms of location and screening from view from the street and from common recreation areas.
- N. Refuse and Storage Areas.
1. Decorative treatment of trash and storage enclosures shall be used to minimize the adverse visual impact of these areas. Trash disposal areas, including dumpsters, shall be screened from view by a six-foot high enclosure with gates. Trash and storage enclosures shall be architecturally compatible with the project design, and landscaping shall be incorporated into their design to screen them and deter graffiti. Screening materials shall consist of fences, landscaping, and/or berming, and the use of natural terrain where possible.
 2. Trash enclosures should be located for the convenience of the residents and should be easily accessible for trash and recyclables collection, but should not impede circulation during loading operations. They should be designed to avoid areas that are dark or hidden from view of residents or neighbors.

Article VIII. – MIXED- USE DESIGN GUIDELINES

16.16.170 – General Provisions and Administration

Vertical and horizontal mixed-use projects are permitted in the General Commercial C2 zone.

Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

16.16.175- Design Guidelines for Mixed-Use Projects

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards is incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance. All new mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article.

16.16.180- Development Standards for Mixed-Use Projects

Vertical mixed-use development (e.g. commercial and residential uses in a single structure) shall follow the development standards found in Section 16.16.350.

Horizontal mixed-use development (e.g. separate commercial and residential buildings on the same site) shall follow the commercial development standards found in Section 16.16.350 for commercial buildings, and the residential development standards in Section 16.16.120 for residential buildings, and consistent with R3 regulations.

In addition, the following development standards shall apply to vertical and horizontal mixed-use buildings in the General Commercial (C2) zone:

1. The minimum living area for residential units in a mixed-use project shall be 600 square feet for a studio unit, with 200 square feet for each additional bedroom.
2. A maximum of 30% of the residential units may be one bedroom or smaller.
3. The entrances to residential uses shall be separate and distinct from commercial uses. These entrances shall be secured.
4. Residential parking shall be secured and separated from public parking.
5. Residential units shall have adequate sound insulation to protect occupants.
6. Mixed-use developments shall be designed so that odors emanating from businesses on the ground floor do not impact the uses above.
7. Refuse facilities shall be located and screened to minimize impacts from related odor and noise.
8. Commercial loading facilities shall be located to minimize noise impacts and maintain access to residential areas.

Design standards and guidelines for vertically and horizontal mixed-use projects are provided in the The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards

16.16.310 - Commercial and industrial land use designations.

- A. Purpose. This article lists the land uses that may be allowed within the commercial and industrial land use designations established by the general plan and determines the permit process required for each use. All commercial and industrial land use designation regulations in this article are intended to be used concurrently with the general plan and other chapters in this development code, including Articles X and XI, or XII in this chapter. The commercial and industrial land use designations are as follows:
 1. Convenience Commercial (C1). The convenience commercial (C1) designation is intended to meet the needs of local neighborhood residents. Businesses within the C1 designation should be smaller in floor area than the other commercial designations and should be less-intense in impacts such as traffic and noise due to the proximity of residentially designated properties. Uses within convenience commercial areas should include convenience-type goods and services intended to provide for the daily (short-term) needs of surrounding residential neighborhoods.
 2. General Commercial (C2). The general commercial (C2) designation is intended for goods and services of a general nature as well as professional offices that will meet both the short and long-

term needs of the city's population. Multi-family residential uses are also allowed in the C2 designation as either a standalone development or as part of a mixed-use project. Housing types may include townhouses, condominiums, duplexes, triplexes, and apartments.

3. Service Commercial (C3). The service commercial (C3) designation is intended for utilization as a buffer between residential or commercial uses and industrial uses. Service commercial uses include business-to-business retail and wholesale sales and services. All business operations shall be conducted within an enclosed building, and no outdoor storage shall be permitted.
4. Limited Industrial (I1). The limited industrial (I1) designation is intended to include lighter industrial uses and supportive service commercial uses. Wholesale or retail sale of industrial supplies, transportation equipment, building equipment and materials, indoor manufacturing uses, and similar uses may be permitted in this designation. In addition, supportive commercial uses such as restaurants or convenience markets that serve consumers within the industrial area may be allowed.
5. General Industrial (I2). The general industrial (I2) designation is intended to permit the establishment of manufacturing and related uses within the city in areas which are protected from encroachment by incompatible residential uses. This designation permits the heaviest types of manufacturing and industrial uses with approval of a site plan or conditional use permit. Manufacturing, warehousing, and fabrication uses are all appropriate for this designation.

16.16.320 Commercial and industrial uses.

Land Uses	Land Use Designations				
	C1	C2	C3	I1	I2
A. Art studio/gallery (including photo)	R	R	R	R	
B. Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.) ¹		R	R	R	R
C. Auction service, exchange or barter			R	R	R
D. Automotive parking	R	R			
E. Bank and financial institution/service	R	R			
F. Bar, saloon, cocktail lounge and tavern		CUP			
G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.)		R	R	R	R
H. Catering establishment		R	R	R	R
I. Cemetery	R	R	R	R	R
J. Club or lodge (non-profit), fraternal or religious association	CUP	R			
K. Composting plant	NP	NP	NP	NP	CUP
L. Contractors and building trades	R	R	R	R	R
M. Equipment sales and rental — Indoors		R	R	R	
N. Grocery store (not including off-sale alcohol ⁷)	R	R	R	NP	NP
O. Health and fitness club	R	R	R	R	R
P. Heavy equipment sales and rental				R	R
Q. Helicopter landing and take-off pad		CUP		CUP	CUP
R. Historical and monument site	R	R	R	R	R
S. Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores)	R	R	R		
T. Hospital		CUP	CUP	CUP	CUP

U. Hotel/motel		R			
V. Impound/towing ²	NP	NP	NP	CUP	CUP
W. Industrial uses (includes outdoor storage ³)	NP	NP	NP	P	P
X. Institutional uses	R	R	R	R	R
Y. Kennel — Boarding of domestic animals		CUP	CUP	R	R
Z. Laboratory — Research		CUP		R	R
AA. Machine shop/repair				R	R
BB. Manufactured housing (sales)				R	R
CC. Manufacturing/warehouse (includes outdoor storage ³)				R	R
DD. Medical services (not including hospitals)		R	R	NP	NP
EE. Microwave and radio communication towers and facilities			R	R	R
FF. Self-storage facilities ²	CUP	CUP	CUP	CUP	CUP
GG. Mortuary, not include crematory		R			
HH. Museum, library and reading room	R	R	R		
II. Off-sale alcohol establishment (ABC type 20 & 21 licenses) ⁷	CUP	CUP			
JJ. Office/professional buildings	R	R	R	R ⁵	R ⁵
KK. Parking/storage of recreational vehicles			R	R	R
LL. Personal services (e.g., spas, salons, tattoo shops and massage facilities) ⁸	R	R	R		
MM. Planetarium, aquarium, botanical garden and zoo		R			
NN. Publishing and printing		R	R	R	
OO. Processing (recycling) facility ⁴	NP	NP	NP	CUP	CUP
PP. Recreational facility — Commercial		R	R	R	
QQ. Recycling center — Large collection facility ⁴	NP	NP	NP	CUP	CUP
RR. Repair shop — Small items	R	R	R	R	R
SS. Restaurant (sit down and takeout), including outdoor dining ²	R	R	R		
TT. Retail sales (not including off-sale alcohol ⁷ or single price overstock/discount stores (SPODS)))	R	R	R	R ⁶	R ⁶
UU. School — Trade, community college, university		R	R	R	R
VV. School — Specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
WW. Semi-truck repair and storage				CUP	CUP
XX. Shopping center (not including off-sale alcohol ⁷)	R	R	R		
YY. Single price overstock/discount stores (SPODS)	CUP	CUP	CUP		
ZZ. Outdoor storage of shipping containers and semi-truck trailers as a primary use ²	NP	NP	NP	CUP	CUP
AAA. Trucking facilities including truck terminals, bus terminals, and truck storage yards ²				CUP	CUP
BBB. Theater	NP	NP	NP	NP	NP
CCC. Upholstery and furniture repair/refinishing		R	R	R	R
DDD. Vehicle fuel station ²	CUP	CUP	CUP		
EEE. Vehicle parts and accessories sales		R	R		

FFF. Vehicle repair facility — Major (not including semi-truck repair)		CUP	CUP	R	R
GGG. Vehicle repair facility — Minor		CUP	CUP	R	R
HHH. Vehicle sales/rentals and leasing — new and used ²		R			
III. Vehicle wash facility ²		CUP	CUP	CUP	
JJJ. Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		
KKK. Warehousing and wholesale distribution center				R	R
LLL. Wrecking yard ²	NP	NP	NP	NP	CUP
MMM Pallet Yards Place Holder					
NNN Multi-family residential uses, as permitted in the R3 zone ⁹		<u>R</u>			
OOO Horizontal and Vertical Mixed-use ¹⁰		<u>R</u>			
PPP Group Homes for six or fewer persons		<u>R</u>			

Notes:

1. Shall not include a motion picture theater. Establishments serving alcohol shall require a CUP.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(A)(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360(A)(3).
7. Applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the city council for final action. Such establishments shall be located within five hundred (500) feet of the intersection of two arterial or major arterial streets identified on the City's adopted circulation plan.
8. Massage facilities shall correspond with standards in Chapter 5.20.
9. Permitted residential uses shall consist only of mixed- use development and multi-family development with a density of 20 to 30 units per acre. Single family residential units are not allowed.
10. Shall be subject to Article VIII MIXED- USE DESIGN GUIDELINES.

16.16.350 Commercial and industrial development standards.

- A. New and existing developments in commercial and industrial land use designations shall be subject to the development standards in this article, unless otherwise specified.
- B. The development standards in this table shall be required within each land use designation:

	C1	C2 ⁶	C3	I1	I2
A. Maximum floor area ratio (FAR)	0.5	1.0	0.5	1.0	
B. Height	35' ¹			50' ¹	
C. Minimum lot area (gross)	2½ acres ²	5 acres ²	2½ acres ²	1 acre ²	2½ acres ²

D. Minimum lot dimension — Width, includes corner lots	300'	150'	300'
E. Minimum lot dimension — Depth, includes corner lots	300'	200'	300'
F. Front yard setback	25' ³		
G. Side street yard setback — Corner lot	15' ³	15' ⁴	
H. Side yard setback	0'		
I. Side yard setback, when adjacent to residential	20' ⁴	50' ⁴	
J. Rear yard setback	0'		
K. Rear yard setback, when adjacent to residential	20' ⁴	50' ⁵	
L. Landscaping	Chapter 16.20, Article XII		
M. Signs	Section 16.16.095 Chapter 16.36		
N. Parking	Sections 16.20.080 through 16.20.120		

Notes:

- Proposals for development exceeding this height shall be subject to Chapter 16.16, Article VI (Variances and Minor Exceptions) of this development code.
- The minimum site size and dimensions for new lots in this designation are as listed here, except in the case when a site plan review, conditional use permit or planned development is submitted, in which case, no minimum is established. This exception is only applicable when the site is being developed as one integrated development and appropriate measures are taken to ensure reciprocal access, parking and maintenance.
- Minimum landscaping of eight feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (landscaping regulations) of this development code.
- Minimum landscaping of five feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (landscaping regulations) of this development code.
- Minimum landscaping of ten feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (landscaping regulations) of this development code.
- For Multi-family residential projects, R3 development standards shall be used, pursuant to Chapter 16.16 Article V (Residential Development Standards).

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN:

The following are modifications to Chapters 7, 8, and 9 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

Chapter 7- Residential Zones of the Main Street and Freeway Corridor Specific Plan.

E. MEDIUM DENSITY RESIDENTIAL ZONE

4. Development Standards

All property in the Medium Density Residential zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

- a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
- b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

F. HIGH DENSITY RESIDENTIAL ZONE

4. Development Standards

All property in the High Density Residential zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

- a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
- b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

G. MIXED-USE ZONE

4. Development Standards

All property in the Mixed-Use zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

- a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
- b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

Chapter 8- Residential Design Standards and Guidelines of the Main Street and Freeway Corridor Specific Plan.

A. INTRODUCTION

1. Purpose

This chapter provides standards and guidelines for designing new residential development and for exterior alterations and additions to existing homes and residential structures. The guidelines are intended to identify appropriate and attractive design solutions to improve the appearance and quality of the Specific Plan area's residential neighborhoods and enhance property values. Property owners, developers, architects, building designers, and contractors seeking to construct new residential structures, or alterations and additions to existing structures, should use these standards and guidelines in the early design stages of their projects. These guidelines are not intended to limit creative site planning and architecture that are consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative design solutions are strongly encouraged. Refer to Chapter 7 (Residential Zones) of this Plan for specific development standards pertaining to residential uses.

2. Applicability

These standards and guidelines apply to all new single family and multi-family residential construction, and exterior alterations or additions to any existing dwelling or residential structure. These guidelines are in addition to the development standards set forth in Chapter 7 (Residential Zones) of this Plan.

For new construction of multi-family residential, the City of Hesperia's Multi-family and Mixed-Use Objective Design Standards shall be utilized. The Objective Design Standards apply to all new construction projects that meet the following criteria:

- 1) Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
- 2) Mixed-use projects - A project featuring a combination of multi-family residential and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on

the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Detached single-family residential projects located on a single-ownership parcel are not subject to the Objective Design Standards, but must satisfy existing development standards set forth in the City's Development Code, including but not limited to, the design standards and guidelines listed below.

If an applicant so chooses, they may request in writing to opt out of the City's Multifamily and Mixed-Use Objective Design Standards in lieu of their project being reviewed against the design standards and guidelines contained in this Specific Plan.

I. DESIGN STANDARDS AND GUIDELINES FOR VERTICAL AND HORIZONTAL MIXED-USE DEVELOPMENT

Vertical and horizontal mixed-use projects are permitted in the Regional Commercial zone as described in Chapter 9, when it falls within the Main Street/Interstate 15 District. This section provides standards and guidelines for designing new high quality, ~~vertical~~ mixed-use projects. It provides opportunities to weave residential and public uses into the commercial fabric to create an active street life and enhance the vitality of businesses.

~~Property owners, developers, and architects seeking to develop new mixed-use projects should use these guidelines in the early design stages of their projects. These guidelines are intended to limit creative site planning and architecture that is consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative project design is strongly encouraged.~~

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

- a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
- b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

Please refer to the Section B (Regional Commercial Zone) in Chapter 9 (Non-Residential Zones) of this Plan for specific development standards pertaining to mixed-use projects. Detailed design guidelines for stand-alone residential uses are provided in Chapter 8 (Residential Design Standards and Guidelines) and for stand-alone commercial uses are provided in Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

The following design standards and guidelines apply to vertical mixed use projects.

Chapter 9- Non-Residential Zones of the Main Street and Freeway Corridor Specific Plan.

B. REGIONAL COMMERCIAL ZONE

The Regional Commercial zone is intended for regional-serving commercial and service uses that are designed to serve the region as a whole. The regional commercial uses envisaged in this zone include large-scale “big box” regional shopping centers, hospitality and entertainment uses such as live performance theatres, a casino, hotels, convention spaces, as well as restaurants, specialty and supporting retail. The design and development standards for this zone are designed to provide a high-quality appearance from the Interstate-15 freeway corridor and compatibility with the adjacent commercial, residential and recreational uses.

The Regional Commercial zone falls in four of the land use districts along the Interstate-15 corridor, as described in Chapter 5 (Land Use Districts) of this Plan. These districts provide enhanced regional accessibility and visitor draw. ~~When this zone falls in the Interstate-15/Main Street Interchange District, H~~high density multi-family residential uses, ~~either standalone or~~ as a part of a mixed-use development, are permitted to create an active, vibrant, mixed-use precinct for “live-work-shop-play” with 24-hour activity.

This section describes the permitted, conditionally permitted and prohibited uses, as well as development standards for the Regional Commercial zone.

1. Permitted Uses

The following uses are permitted in the Regional Commercial zone:

- a) Artist studio (including photo).
- b) Assemblies of people – live entertainment venues - (e.g., theatre - live performance, auditoriums, banquet halls, nightclubs, etc.).
- c) Banks and financial institutions/services.
- d) Business support services and facilities (including graphic reproduction, computer services, etc.).
- e) Catering establishments.
- ~~f)~~ Grocery stores.
- ~~f)g)~~ Group homes for six or fewer people.
- ~~g)h)~~ Health and fitness clubs.
- ~~h)i)~~ Home improvement sales and service, retail (e.g., hardware, lumber and building material stores).
- ~~i)j)~~ Hotel.
- ~~j)k)~~ Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).
- ~~l)~~ Motel.
- ~~k)m)~~ Multi-family residential, either standalone or as a part of a mixed-use development (East of Interstate 15)
- ~~l)n)~~ Offices (administrative, business, executive and professional, but not including medical or dental).
- ~~m)o)~~ Outdoor sales and display, incidental to the primary use.
- ~~n)p)~~ Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, selfservice laundry, etc.).
- ~~o)q)~~ Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- ~~p)r)~~ Restaurants (sit down and take out), including outdoor dining.
- ~~q)s)~~ Retail sales.
- ~~r)t)~~ Schools - specialty non-degree (e.g., dance and martial arts).
- ~~s)u)~~ Shopping center – more than 10 acres in size.
- ~~t)v)~~ Vehicle parts and accessories sales.
- ~~u)w)~~ Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- ~~v)x)~~ Veterinary services with no outdoor runs.
- ~~w)y)~~ Drive thru lanes incidental to the primary use, pursuant to the HMC.

z) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the Regional Commercial zone:

- a) Alcohol sales – on-site, incidental to the primary use.
- b) Alcohol sales – off-site.
- c) Assisted living (residential care facilities).
- d) Bars, saloons, cocktail lounges and taverns.
- e) Bus terminals.
- f) Day care facility – child or adult, pursuant to the Hesperia Municipal Code (HMC).
- g) Hospital.
- h) Multi-family residential, either standalone or as a part of a mixed-use development (West of the Interstate 15 and South of El Centro Road).
~~Multi-family residential, as a part of a mixed-use development in the Interstate 15/Main Street Interchange District.~~
- i) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- j) Schools – college, community college, university (public or private).
- k) Schools – vocational and technical.
- l) Vehicle fuel stations (i.e., gasoline stations).
- m) Vehicle sales and leasing – new and used.
- n) Vehicle rental.
- o) Vehicle repair facilities – minor.
- p) Vehicle wash facilities.

3. Prohibited Uses

The following uses are prohibited in the Regional Commercial zone:

- a) Agricultural uses.
- b) General industrial uses.
- c) Mini-storage.
- ~~e)d)~~ Multi-family residential, either standalone or as a part of a mixed-use development (West of the Interstate 15 and North of El Centro Road)
- ~~e)e)~~ Other uses not specifically authorized or determined by the Development Services Director or his/her designee to be detrimental to the public welfare.

4. Development Standards

All property in the Regional Commercial zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

- a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
- b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures

on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

4.16 Development Standards for Multi-Family Residential Development in the Regional Commercial Zone

~~Within the Main Street/Interstate-15 District only, m~~Multi-family residential development (either standalone or as a part of a mixed-use development) is allowed in the Regional Commercial zone.

Mixed-use development is defined as an integration of residential uses with compatible commercial uses, vertically or horizontally, within the same building or structure. A mixed-use project may also constitute separate buildings or structures on the same property of land, so long as there is a pedestrian connection between buildings that integrates and unifies the project. Development standards provided for the High Density Residential zone in Chapter 7 (Residential Zones) of this Plan apply with the following exceptions:

- (1) The permitted gross residential density range is 15 – ~~25-30~~ units/acre.
- (2) The maximum building height for stand-alone residential buildings shall be 45 feet.
- (3) The exceptions as noted in Section 16.20.060 of the HMC also apply.
- (4) Refer to Sections F-H, Chapter 8 (Residential Design Standards and Guidelines) of this Plan for site and architectural design standards and guidelines, including landscape design standards and guidelines, for multi-family residential uses.

Development standards for vertically mixed use projects are provided in the following section 4.17.

4.17 Development Standards for Vertical Mixed Use Buildings

The following development standards shall apply to vertical and horizontal mixed-use buildings in the Regional Commercial zone ~~when it falls in Main Street/Interstate-15 District:~~

- (1) The minimum living area for residential units in a mixed use project shall be 600 square feet for a studio unit, with 200 square feet for each additional bedroom.
- (2) A maximum of 30% of the residential units may be one-bedroom or smaller.
- (3) The entrances to the residential uses shall be separate and distinct from commercial uses. These entrances shall be secured.
- (4) Residential parking shall be secured and separated from public parking.
- (5) Residential units shall have adequate sound insulation to protect occupants.
- (6) Mixed-use developments shall be designed so that odors emanating from businesses on the ground floor do not impact uses above.
- (7) Refuse facilities shall be located and screened to minimize impacts from related odor and noise.
- (8) Commercial loading facilities shall be located to minimize noise impacts and maintain access to residential areas.

Design standards and guidelines for vertically mixed use projects are provided in the Section I in Chapter 8 (Residential Design Standards and Guidelines) of this Plan.