

# **PLANNING COMMISSION REGULAR MEETING**



## **Meeting Agenda**

**Thursday, April 11, 2024**

**6:30 PM**

**City Council Chambers  
9700 Seventh Ave.,  
Hesperia, CA, 92345**

**Planning Department: (760) 947-1224**

## **Planning Commission Members**

**Roger Abreo, Chair**

**Sophie Steeno, Vice Chair**

**Dale Burke, Commissioner**

**Earl Hodson V, Commissioner**

**Christopher Sevy, Commissioner**

**Nathan Freeman, Director of Development Services**

**Ryan Leonard, Principal Planner**



**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) 947-1224. 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) 947-1056 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](http://www.cityofhesperia.us).

**AGENDA**  
**HESPERIA PLANNING COMMISSION**  
**9700 Seventh Ave., Council Chambers, Hesperia, CA 92345**

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

*Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.*

**CALL TO ORDER - 6:30 PM**

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call
- D. Agenda Revisions and Announcements by Planning Secretary

**JOINT PUBLIC COMMENTS**

*Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name for the record before making your presentation. This request is optional, but very helpful for the follow-up process.*

*Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.*

**CONSENT CALENDAR**

- 1. Page 1** Consideration of March 28, 2024 Planning Commission Meeting Minutes.

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on March 28, 2024.

**Staff Person:** Planning Specialist Maricruz Montes

**Attachments:** [PC 3-28-24 Meeting Minutes](#)

**PUBLIC HEARINGS**

**2. Page 5**

Consideration of a Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying development requirements associated with the establishment of new or the expansion of existing single price overstock/discount stores (SPODS).

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2024-06 recommending that the city Council introduce and place on first reading an ordinance approving Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying development requirements with the establishment of new or the expansion of existing single price overstock/discount stores (SPODS).

**Staff Person:** Assistant Planner Leilani Henry

**Attachments:** [Staff Report](#)

[Attachment 1- March 19 2024 City Council Staff Report.pdf](#)

[Attachment 2 - Exhibit A](#)

[Attachment 3- Resolution](#)

**PLANNING DIVISION REPORT**

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

**A. DRC Comments****B. Major Project Update****ASSISTANT CITY ATTORNEY REPORT**

*The Assistant Attorney may make comments of general interest to the City.*

**PLANNING COMMISSION COMMENTS**

*The Commission Members may make comments of general interest to the City.*

**ADJOURNMENT**

*I, Maricruz Montes, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 4, 2024 at 5:30 p.m. pursuant to California Government Code §54954.2.*



Maricruz Montes,  
Planning Commission Secretary



**City of Hesperia**  
**Meeting Minutes - Draft**  
*PLANNING COMMISSION*  
*REGULAR MEETING*

Council Chambers  
9700 Seventh Ave.,  
Hesperia, CA 92345

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Thursday, March 28, 2024

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**CALL TO ORDER - 6: 30PM**

**A. Pledge of Allegiance to the Flag**

Pledge of Allegiance led by Chair Abreo.

**B. Invocation**

Invocation led by Chair Abreo.

**C. Roll Call**

**Present** 4 - Commissioner Hodson V, Vice Chair Steeno, Commissioner Burke, and Chair Roger Abreo

**Absent** 1 - Commissioner Sevy

**D. Agenda Revisions and Announcements by Planning Secretary**

No revisions or announcements to the agenda.

**JOINT PUBLIC COMMENTS**

*Public Comments opened at 6:33 PM.*

*There were no white cards.*

*Public Comments closed at 6:33 PM.*

**CONSENT CALENDAR**

1. Consideration of February 8, 2024, Planning Commission Meeting Minutes.

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting held on February 8, 2024.

**Sponsors:** Planning Specialist Maricruz Montes

**A motion was made by Commissioner Burke, seconded by Commissioner Hodson V, that this item be approved.  
The motion carried by the following vote:**

**Aye:** 4 - Commissioner Hodson V, Commissioner Steeno, Commissioner Burke and Commissioner Abreo

**Nay:** 0

**Absent:** 1 - Commissioner Sevy

**PUBLIC HEARINGS**

2. Consideration of Conditional Use Permit CUP22-00017 to construct a 655,468 square foot warehouse distribution building on 31.1 gross acres within the Commercial Industrial Business Park (CIBP) and the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located west of Highway 395, approximately 600 feet north of Phelan Road, in conjunction with Specific Plan Amendment SPLA24-00001 to change the zone for parcel 3064-401-05 from NC to CIBP and the adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: KISS Logistics Center; APNs: 3064-401-03, -04, & -05)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2024-04 recommending that the City Council make the environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (FEIR) and adopting a statement of overriding considerations and adopt Resolution Nos. PC-2024-05 and P C -2024-06, recommending that the City Council approve CUP22-00017 and SPLA24-00002.

**Sponsors:** Principal Planner Ryan Leonard

**Public Comments:** Ralph Luina, Juan Serrano, and Bill Jensen

**A motion was made by Commissioner Burke, seconded by Commissioner Steeno, that this item be recommended for approval. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Hodson V, Commissioner Steeno, Commissioner Burke and Commissioner Abreo

**Nay:** 0

**Absent:** 1 - Commissioner Sevy

**PLANNING DIVISION REPORT**

Principal Planner Ryan Leonard provided an update regarding a development moratorium that was put in place for Single Price Overstock Discount Stores and informed the Commission that a Development Code Amendment addressing discount stores will be presented at the next Planning Commission meeting. An update was also provided regarding a senior apartment project that was forwarded to the City Council at the last meeting. Principal Planner Ryan Leonard explained that the General Plan update that is currently underway and invited the Commission to the upcoming workshops and community meetings that will be taking place over the next several months.

**ASSISTANT CITY ATTORNEY REPORT**

Nothing to report.

**DIRECTOR OF DEVELOPMENT SERVICES**

Director Nathan Freeman informed Commissioners that, Andrew Lemke has recently been promoted to Building Official. The City is also working on a Comprehensive Economic Update that will likely be presented to the City Council in April. He also reassured Commissioners that the City is having conversations on potential job opportunities with long term benefits in the City of Hesperia for local residents.

**PLANNING COMMISSION COMMENTS**

Commissioners Dale Burke and Earl Hodson V had no closing comments.

Vice Chair Sophie Steeno apologized for not attending the recent training, wished everyone a Happy Easter, also congratulated Andrew Lemke on his recent promotion to Building Official, and lastly wished her husband a Happy 32nd Wedding Anniversary.

Chair Roger Abreo congratulated Andrew Lemke and shared how hard Andy has worked for this position, it is well deserved. He would like to request a few updates on Hesperia Commerce Center II and the Ranchero Road widening project. Wished everyone a Happy Easter.

**ADJOURNMENT**

Meeting adjourned at 7:34 PM, until the next regularly scheduled meeting on April 11, 2024, at 6:30 PM.

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Maricruz Montes,  
Planning Commission Secretary

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Roger Abreo,  
Planning Commission- Chair

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# City of Hesperia STAFF REPORT



**DATE:** April 11, 2024

**TO:** Planning Commission

**FROM:** Nathan R. Freeman, Director of Development Services

**BY:** Ryan Leonard, Principal Planner  
Leilani Henry, Assistant Planner

**SUBJECT:** Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001; Applicant: City of Hesperia; Area affected: City-wide.

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## RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2024-06 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying the development requirements associated with the establishment of new or the expansion of existing single price overstock/discount stores, or store as appropriate (SPODS).

## BACKGROUND

Within the past year the City has seen an increase in the number of occupancy permits and development applications for SPODS. In response to the recent expansion of SPODS developments, the City Council determined that without further regulation of the location and operation of such establishments, there is the potential for significant negative impacts from the development of such uses that cannot be mitigated.

To that end, on February 6, 2024, the City Council adopted Urgency Ordinance No. 2024-02 establishing a 45-day moratorium on the establishment or the expansion of new SPODS in the City. On March 19, 2024, the moratorium was extended for an additional period of ten (10) months and fifteen (15) days, for a total period of one year (Attachment 1).

The purpose of the development moratorium was to allow staff time to study the issues associated with SPODS and to present recommendations which would regulate the location of such establishments and the types of development standards that should be imposed on their operation to mitigate any potential impacts.

## ISSUES/ANALYSIS

Existing Regulations: Hesperia Municipal Code section 16.16.320 currently allows retail sales in the Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3), zoning designations. The City's Municipal Code does not specifically identify SPODS as permitted by right or as a conditional use, so no specific regulations exist. Under the existing regulations, SPODS are considered a general retail use and are permitted by right in the Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3), zoning designations. The Limited Manufacturing (I1) and General Manufacturing (I2) zones allow restricted retail sales only when it is incidental to a principally permitted use on the site and the retail sales do not occupy more than twenty-five (25) percent of the total building square footage. As such, SPODS

are not currently permitted within the Limited Manufacturing (I1) and General Manufacturing (I2) zones.

Additionally, within the Main Street and Freeway Corridor Specific Plan (Specific Plan), retail sales are listed as a permitted use in the Regional Commercial (RC), Office Commercial (OC) and Neighborhood Commercial (NC) zoning designations. As with the Municipal Code, the Main Street and Freeway Corridor Specific Plan does not specifically identify SPODS as permitted by right or as a conditional use, so no specific regulations exist. Under the existing regulations, SPODS are considered a general retail use and are permitted by right in the Regional Commercial (RC), Neighborhood Commercial (NC) and Office Commercial (OC) zoning designations. The Office Park (OP), Auto Sales Commercial (ASC), General Industrial (GI), and Commercial Industrial Business Park (CIBP) zoning designations allow for limited commercial retail sales that are incidental to a principally permitted use with additional restrictions. Therefore, SPODS are not currently permitted within the Office Park (OP), Auto Sales Commercial (ASC), General Industrial (GI), or Commercial Industrial Business Park (CIBP) zones.

Proposed Regulations: As previously mentioned, SPODS are not currently defined in the Development Code, nor are there specific development standards for SPODS. As a part of the proposed regulations staff is proposing to add the following definition for SPODS (Attachment 2):

*Single Price Overstock/Discount Stores (SPODS)- A retail establishment with a floor area less than 15,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, such as including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products, and continuously offers a majority of the items in its inventory for sale at a discount or price per item of \$10.00 or less, adjusted for inflation. This definition shall control any use that fits the same despite definition otherwise being termed "grocery store," "variety store," or "convenience store".*

In addition, the proposed Ordinance would require all future SPODS proposals to apply for a Conditional Use Permit (CUP) where retail sales are listed as a permitted use, allowing the Planning Commission final say in determining whether a proposed project or occupancy is suitable and appropriate. By implementing the requirements of a CUP, the Planning Commission will determine if a site is adequate in size and shape to accommodate the proposed use, that the proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof and will not generate excessive disturbances, nuisances or hazards, and that the use is consistent with the goals and policies of the Development Code, General Plan, and other applicable codes and ordinances adopted by the City.

Furthermore, additional requirements may be placed upon the development project by the reviewing authority as conditions of approval such as specific hours of operations, landscape maintenance and efficient site upkeep from trash and debris. Lastly, the City Municipal Code authorizes the Planning Commission to periodically review any CUP to ensure that it is being operated in a manner consistent with conditions of approval and in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity.

**Environmental:** Approval of the Development Code Amendment and Specific Plan 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 the

Development Code Amendment does not propose to increase the density or intensity allowed in the General Plan.

**Conclusion:** The Development Code Amendment complies with the General Plan. The Specific Plan amendment complies with the Main Street and Freeway Corridor Specific Plan. Each ensuring that all future SPODS are subject to a conditional use permit to ensure that future sites are developed and maintained in an orderly manner.

**FISCAL IMPACT**

There are no fiscal impacts identified with this action.

**ALTERNATIVE(S)**

1. Provide alternative direction to staff.

**ATTACHMENT(S)**

1. March 19, 2024, City Council staff report
2. Exhibit A.
3. Resolution No. PC-2024-06

# City of Hesperia

## STAFF REPORT



**DATE:** March 19, 2024

**TO:** Mayor and Council Members

**FROM:** Rachel Molina, City Manager

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

**SUBJECT:** Urgency Ordinance-Single Price Overstock/Discount Stores Moratorium

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### RECOMMENDED ACTION

It is recommended that the City Council waive further reading and adopt Urgency Ordinance 2024-03 pursuant to California Government Code Section 65858 extending a moratorium for a period of ten (10) months and fifteen (15) days on the establishment or expansion of single price overstock/discount stores, or store as appropriate (SPODS).

### BACKGROUND

Pursuant to State law, Government Code Section 65858, a city may enact an interim zoning ordinance on an urgency basis ("Urgency Ordinance") for the protection of public safety, health, and welfare by prohibiting any use(s) that a city is intending to study within a reasonable period of time.

On February 6, 2024, the City Council adopted Urgency Ordinance No. 2024-02 establishing a 45-day moratorium on the establishment or expansion of SPODS in the City. Pursuant to State law, the adopted Urgency Ordinance is valid for 45 days and will expire on March 22, 2024, unless extended by the City Council. After holding a public hearing, the City Council may extend the Urgency Ordinance for up to an additional 10 months and 15 days, for a total period of one year. As with the initial adoption of the Urgency Ordinance, a four-fifths (4/5) vote is required to extend the Urgency Ordinance.

An extension of the Urgency Ordinance will allow staff the necessary time to draft a Development Code Amendment, to regulate the establishment or expansion of new SPODS, and present it to the Planning Commission for review and then the City Council for final review and approval.

### ISSUES/ANALYSIS

As noted in staff's previous report, dated February 6, 2024, SPODS are generally defined as a retail store that is less than 15,000 square feet and sells individual items generally obtained through outlet, close-out, discontinued, liquidation, or overstock, primarily at a single discount price or in the low and very low price ranges (e.g., \$10.00, or less). Moreover, a SPODS typically dedicates less than fifteen percent (15%) of shelf space to fresh or frozen foods and produce and sells at retail an assortment of physical goods, products or merchandise directly to the consumer, including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products.

Additionally, SPODS may have a profound impact on the public health, safety, general welfare, and quality of life of surrounding communities and tend to proliferate in low-income neighborhoods. SPODS typically have lower quality items, items that cost much more per ounce over time, and limited access to fresh foods for vulnerable neighborhoods. Furthermore, SPODS generally employ fewer people at lower wages than grocery stores and tend to depend on taxpayers to subsidize their employees' health insurance. Also, SPODS contribute to resident fear of safety by being a source of trash, loitering, or graffiti, and theft in and around them due to their lack of security.

The City's current zoning code does not specifically identify SPODS as permitted by right or as a conditional use, so no specific regulations to curb threats to public health, safety, or welfare exist. As developable land becomes scarcer in the City, there is concern that the proliferation of SPODS, without further regulation, could have adverse impacts on the community. SPODS tend to operate in minimally developed spaces, discourage the upgrading of the existing area and its future economic vibrancy, and are inconsistent with the goal of upgrading commercial areas. Should SPODS continue to be permitted to locate within the commercial areas of the City, without further regulation, such developments would constitute a current and immediate threat to the public health, safety, and welfare in that such a development will start an irrevocable downward shift in the economic and aesthetic value of the area and thus act as a bar to the goals of the City.

Currently, the City has seventeen (17) single price overstock discount stores within the community:

Number	Company	Location
1	Dollar Tree	Main St / Eighth Ave
2	Family Dollar	Main St / Hickory Ave
3	Dollar Tree	Main St / I Ave
4	Dollar Tree	Main St / Escondido Ave
5	Button's Discount Store	Main St / G Ave
6	99 Cents Only	Main St / G Ave
7	99 Cents Only	Main St / Topaz Ave
8	Dollar General	I Avenue / Danbury Ave
9	M&M \$.99+ Store	Main St / Eleventh Ave
10	760 Discount Tools	Hesperia Rd / Mesa St
11	Elite Tools and More	Main St / Eighth Ave
12	Second Time Around Bin Store	Hesperia Rd / Sequoia St
13	High Desert Thunder Deals	Main St / Eighth Ave
14	99 Cent Discount Store	Main St / C Ave
15	99 Cent and Plus	Bear Valley Rd / Hesperia Rd (PENDING)
16	H&R Discount	Main St / Eighth Ave
17	Cash Deal and More	Main St / Seventh Ave

Staff intends to study the issues associated with SPODS to determine which locations are most appropriate to mitigate any potential adverse impacts on the City. This includes reviewing land use definitions for SPODS to determine if revisions are needed, evaluating all land use districts

where SPODS are permitted for suitability, and study development standards and best practices from other jurisdictions to determine if they would be appropriate City-wide.

Staff believes that continued approval of entitlements, building permits, or other approvals for new SPODS, without further regulations or studies, poses a current and immediate threat to public health, safety, and general welfare. Further regulations, via a Development Code Amendment, are needed for the purpose of protecting neighborhoods from negative secondary effects created by the concentration or clustering of such businesses. The regulations will help to avoid and reduce over-concentration and to maintain cleanliness for the health and safety of residents within the City's neighborhoods.

As previously noted, per Government Code Section 65858, a municipality may adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, for the immediate preservation of the general health, safety, or welfare, provided the ordinance contains a declaration of the facts constituting the urgency, and is passed by not less than a four-fifths (4/5) vote of the City Council.

As such, staff recommends that the City Council waive further reading and adopt Urgency Ordinance 2024-03 pursuant to California Government Code Section 65858 extending the moratorium for a period of ten (10) months and fifteen (15) days, or until such time as a permanent development code is in full force and effect, on the establishment or expansion of SPODS.

## **ENVIRONMENTAL REVIEW**

The City, as the Lead Agency, has determined that the proposed interim ordinance is exempt from further review under the California Environmental Quality Act (California Public Resources Code 21000, *et seq.*, "CEQA"). Section 15378 of the CEQA Guidelines provides that an activity is a project subject to CEQA when action that has the potential for resulting in physical change to the environment, either directly or indirectly. Section 15061(b)(3) of the CEQA Guidelines provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City has determined that there is no possibility that the proposed ordinance may have a potential for resulting in physical change to the environment, or that if it does have the potential, there is no possibility that the activity in question may have a significant effect on the environment.

## **FISCAL IMPACT**

There are no fiscal impacts identified with this action.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. Urgency Ordinance 2024-03

# EXHIBIT “A”

## DCA24-00001 and SPLA24-00001

The following are modifications to Chapter 16.16.365 of the City of Hesperia Development Code regulations and Chapter 9 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

1) The following are modifications to **Chapter 16.08- Definitions of the City Municipal Code:**

### 16.08.935- Single Price Overstock/Discount Stores (SPODS).

“Single Price Overstock/Discount Stores (SPODS)” means a retail establishment with a floor area less than 15,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, such as including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products, and continuously offers a majority of the items in its inventory for sale at a discount or price per item of \$10.00 or less, adjusted for inflation. This definition shall control any use that fits the same despite otherwise being termed “grocery store,” “variety store,” or “convenience store”.

2) The following are modifications to **Chapter 16.16.320- Commercial and industrial uses of the City Municipal Code**

	Land Use Designations				
Land Uses	C1	C2	C3	I1	I2
TT. Retail sales (not including off-sale alcohol <sup>7</sup> <u>or single price overstock/discount stores (SPODS).</u>	R	R	R	R <sup>6</sup>	R <sup>6</sup>
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 <sup>7</sup> )	R	R	R		
<u>YY. Single price overstock/discount stores (SPODS).</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>		
<del>ZZ-YY.</del> Outdoor storage of shipping containers and semi-truck trailers as a primary use <sup>2</sup>	NP	NP	NP	CUP	CUP
<del>AAA-ZZ.</del> Trucking facilities including truck terminals, bus terminals, and truck storage yards <sup>2</sup>				CUP	CUP
<del>BBB-AAA.</del> Theater	NP	NP	NP	NP	NP
<del>CCC-BBB.</del> Upholstery and furniture repair/refinishing		R	R	R	R
<del>DDD-CCC.</del> Vehicle fuel station <sup>2</sup>	CUP	CUP	CUP		
<del>EEE-DDD.</del> Vehicle parts and accessories sales		R	R		
<del>FFF-EEE.</del> Vehicle repair facility — Major (not including semi-truck repair)		CUP	CUP	R	R
<del>GGG-FFF.</del> Vehicle repair facility — Minor		CUP	CUP	R	R

<del>HHH-GGG</del> . Vehicle sales/rentals and leasing — new and used <sup>2</sup>		R			
<del>III-HHH</del> . Vehicle wash facility <sup>2</sup>		CUP	CUP	CUP	
<del>JJJ-III</del> . Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		
<del>KKK-JJJ</del> . Warehousing and wholesale distribution center				R	R
<del>LLL-KKK</del> . Wrecking yard <sup>2</sup>	NP	NP	NP	NP	CUP

### 3) The following are modifications to Chapter 9- Non-Residential Zones of the Main Street and Freeway Corridor Specific Plan

#### Section B. 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.
- g) Health and fitness clubs.
- h) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores).
- i) Hotel.
- j) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).
- k) Motel.
- l) Offices (administrative, business, executive and professional, but not including medical or dental).
- m) Outdoor sales and display, incidental to the primary use.
- n) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, self service laundry, etc.).
- o) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- p) Restaurants (sit down and take out), including outdoor dining.
- q) Retail sales. **(excluding Single Price Overstock/Discount Stores (SPODS)).**
- r) Schools - specialty non-degree (e.g., dance and martial arts).
- s) Shopping center – more than 10 acres in size.



- t) Vehicle parts and accessories sales.
- u) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- v) Veterinary services with no outdoor runs.
- w) Drive thru lanes incidental to the primary use, pursuant to the HMC.
- x) 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, 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.

### **q) Single Price Overstock/Discount Stores (SPODS).**

## **E. OFFICE COMMERCIAL ZONE**

### 1. Permitted Uses

The following uses are permitted in the Office Commercial zone:

- a) Artist studio (including photo).
- b) Banks and financial institutions/services.
- c) Business support services and facilities (including graphic reproduction, computer services, etc.).

- d) Catering establishments.
- e) Health and fitness clubs – 4,000 square feet or less.
- f) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores) – under 10,000 square feet.
- g) Offices (administrative, business, executive and professional, including medical and dental).
- h) Outdoor sales and display, incidental to the primary use.
- i) Restaurants (sit down and take out), including outdoor dining.
- j) Retail sales – under 10,000 square feet. **(excluding Single Price Overstock/Discount Stores (SPODS)).**
- k) Schools - specialty non-degree (e.g., dance and martial arts).
- l) Shopping center – up to 5 acres in size – limited to a corner lot location
- m) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- n) Veterinary services.
- o) Drive thru lanes, incidental to the primary use, pursuant to the HMC.
- p) 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 Office Commercial zone:

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Bars, saloons, cocktail lounges and taverns.
- d) Day care centers – child or adult, pursuant to the HMC.
- e) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- f) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- g) Retail sales – over 10,000 square feet.
- h) Schools – vocational and technical.
- i) Shopping center – more than 5 acres in size – limited to a corner lot location
- j) Vehicle fuel stations (i.e., gasoline stations) – limited to a corner lot location
- k) Single Price Overstock/Discount Stores (SPODS).**

## F. NEIGHBORHOOD COMMERCIAL ZONE

## 1. Permitted Uses

The following uses are permitted in the Neighborhood Commercial zone:

- a) Artist studio (including photo).
- b) Banks and financial institutions/services.
- c) Business support services and facilities (including graphic reproduction, computer services, etc.).
- d) Catering establishments.
- e) Grocery stores.
- f) Health and fitness clubs.
- g) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores) – under 10,000 square feet.
- h) Offices (administrative, business, executive and professional, including medical and dental).
- i) Outdoor sales and display, incidental to the primary use.
- j) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, selfservice laundry, etc.).
- k) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
- l) Restaurants (sit down and take out), including outdoor dining.
- m) Retail sales – under 60,000 square feet **(excluding Single Price Overstock/Discount Stores (SPODS)).**
- n) Schools - specialty non-degree (e.g., dance and martial arts).
- o) Shopping center – up to 5 acres in size.
- p) Vehicle parts and accessories sales.
- q) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- r) Veterinary Services.
- s) Drive thru lanes, incidental to the primary use, pursuant to the HMC
- t) 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 Neighborhood Commercial zone:

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Assemblies of people - entertainment - (e.g., theatre – live performance, auditoriums, banquet halls, nightclubs, etc.)
- d) Bars, saloons, cocktail lounges and taverns.

- e) Bus terminals.
- f) Day care centers – child or adult, pursuant to the HMC.
- g) Equipment (small) sales and rental.
- h) Home improvement sales and service, retail (hardware, lumber and building material stores) - 10,000 square feet or more.
- i) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- j) Schools – vocational and technical.
- k) Shopping center – more than 5 acres in size.
- l) Vehicle fuel stations (i.e., gasoline stations).
- m) Vehicle rental.
- n) Vehicle repair facilities – minor.
- o) Vehicle wash facilities.

**p) Single Price Overstock/Discount Stores (SPODS).**

# ATTACHMENT 1

## RESOLUTION NO. PC-2024-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT MODIFYING DEVELOPMENT REQUIREMENTS ASSOCIATED WITH THE ESTABLISHMENT OF ANY NEW OR THE EXPANSION OF EXISTING SINGLE PRICE OVERSTOCK/DISCOUNT STORES (SPODS). (DCA24-00001 AND SPLA24-00001)**

**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 proposes to amend Chapter 16.08- Definitions of the City of Hesperia Municipal Code to add 16.08.935- Single Price Overstock/Discount Stores (SPODS) means a retail establishment with a floor area less than 15,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, such as including food or beverage for off-premises consumption, personal grooming and health products, household goods, and other consumer products, and continuously offers a majority of the items in its inventory for sale at a discount or price per item of \$10.00 or less, adjusted for inflation. This definition shall control any use that fits the same despite otherwise being termed "grocery store," "variety store," or "convenience store"; and

**WHEREAS**, the City proposes to amend Chapter 16.16.320 of the City of Hesperia Municipal Code which contains permitted uses and permit requirements to require that the establishment of any new or the expansion of an existing single price overstock/discount stores (SPODS), in the Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3) zones, require a CUP; and

**WHEREAS**, the City proposes to amend Chapter 9 of the Main Street and Freeway Corridor Specific Plan to require that the establishment of any new or the expansion of an existing single price overstock/discount stores (SPODS), in the Regional Commercial (RC), Office Commercial (OC) and Neighborhood Commercial (NC) zones, require a CUP; 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 Amendments are 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 the Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

**WHEREAS**, on April 11, 2024, 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 Development Code Amendment DCA24-00001 and Specific Plan Amendment SPLA24-00001 modifying the development requirements associated with establishment of new, or expansion of existing, single price overstock/discount stores (SPODS) as shown on Exhibit "A."

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

**ADOPTED AND APPROVED** on this 11<sup>th</sup> day of April 2024.

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Roger Abreo, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission