

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: March 9, 2017

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

Cody Leis, Vice Chair

Rusty Caldwell, Commissioner

Joline Hahn, Commissioner

Jim Heywood, Commissioner

* - * - * - * - * - * - *

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

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AGENDA
HESPERIA PLANNING COMMISSION

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**

*Tom Murphy Chair
Cody Leis Vice Chair
Rusty Caldwell Commissioner
Joline Bell Hahn Commissioner
James Heywood Commissioner*

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 5 February 9, 2017, Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on February 9, 2017.

Staff Person: Senior Office Assistant Denise Bossard

Attachments: [02-09-2017 PC MINUTES](#)

PUBLIC HEARINGS

- 2** Page 7 Consideration of Conditional Use Permit CUP17-00002, to expand onsite alcoholic beverage sales from beer and wine to include liquor in conjunction with an existing restaurant at 14073 Main Street, Suite 109 (Applicant: Katsunori Corp.; APN: 3057-071-05)

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2017-04, approving CUP17-00002 to expand onsite alcoholic beverage sales to allow liquor in conjunction with an existing restaurant.

Staff Person: Senior Planner Stan Liudahl

Attachments: [03-09-17 CUP17-00002 \(Katsunori Corp\) PC Staff Report](#)
[03-09-17-A1 CUP17-00002 \(Katsunori Corp\) General Plan Map](#)
[03-09-17-A2 CUP17-00002 \(Katsunori Corp\) Aerial Photo](#)
[03-09-17-A3 CUP17-00002 \(Katsunori Corp\) Census Tract Map](#)
[03-09-17-R1 CUP17-00002 \(Katsunori Corp\) PC Reso 2017-04](#)

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Deemed Approved Alcohol Sales Ordinance

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2017-01, recommending that the City Council introduce and place on first reading an ordinance, as amended, to establish deemed approved operating conditions and regulate off-sale alcohol beverage establishments.

Staff Person: Principal Planner Dave Reno

Attachments: [03-09-17 DCA16-00005 \(Deemed approved single serve alcohol\) PCSR](#)
[03-09-17 A1 DCA16-00005 \(deemed approved single serve article\)](#)
[03-09-17 A2 DCA16-00005 \(deemed approved HDCC memos\)](#)
[03-09-17 R DCA16-00005 \(Deemed approved single serve alcohol\) PCRES](#)
[03-09-17 O DCA16-00005 \(Deemed approved single serve alcohol\) CCORD](#)

PRINCIPAL PLANNER'S REPORT

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General Plan Annual Report

Recommended Action:

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

Staff Person: Principal Planner Dave Reno

Attachments: [03-09-17 \(GP annual report\) PCSR](#)
[General Plan Annual Report](#)

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

D. DRC Comments

Development Committee Review Agendas, February 8, 2017 and February 22, 2017

Staff Person: Principal Planner Dave Reno

Attachments: [02-08-17 & 02-22-17 DRC Agendas](#)

E. Major Project Update**PLANNING COMMISSION BUSINESS OR REPORTS**

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

ADJOURNMENT

I, Denise Bossard, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, , 2017 at 5:30 p.m. pursuant to California Government Code §54954.2.

Denise Bossard,
Planning Commission Secretary

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City of Hesperia

Meeting Minutes - Draft

Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Thursday, February 9, 2017

6:30 PM

AGENDA

HESPERIA PLANNING COMMISSION

CALL TO ORDER - 6:30 PM:

A. Pledge of Allegiance to the Flag:

Pledge of Allegiance led by Vice Chair Cody Leis

B. Invocation:

Invocation led by Commissioner Joline Hahn

C. Roll Call:

Present: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
Commissioner Joline Hahn
Commissioner Jim Heywood

JOINT PUBLIC COMMENTS:

Chair Tom Murphy opened the Joint Public Comments at 6:34 pm.
There were no public comments.
Chair Tom Murphy closed the Joint Public Comments at 6:34 pm.

CONSENT CALENDAR:

D. Approval of Minutes: January 12, 2017, Planning Commission Meeting Draft Minutes

Sponsors: Senior Office Specialist Denise Bossard

Motion by Commissioner Joline Hahn to approve the January 12, 2017, Planning Commission Meeting Draft Minutes, Seconded by Vice Chair Cody Leis, passed with the following roll call vote:

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
Commissioner Joline Hahn
Commissioner Jim Heywood

PUBLIC HEARINGS:

1. **Consideration of Development Code Amendment DCA17-00001, amending the special event and temporary use regulations (Applicant: City of Hesperia; Affected area: Citywide)**

Sponsors: Senior Planner Stan Liudahl

Senior Planner Stan Liudahl gave a presentation on DCA17-00001.
The Commission asked questions of staff with discussion ensuing.
Chair Tom Murphy opened the Public Hearing at 6:47 pm.
There were no public comments.
Chair Tom Murphy closed the Public Hearing at 6:47 pm

PRINCIPAL PLANNER'S REPORT:

E. DRC Comments

Principal Planner Dave Reno briefed the Commission on the January 11th and January 25th Development Review Committee Agendas.

F. Major Project Update

Principal Planner Dave Reno briefed the Commission on the new City Council chamber equipment, the approval of a new apartment project, and a preview on upcoming items for the March meeting.

PLANNING COMMISSION BUSINESS OR REPORTS:

No report provided.

ADJOURNMENT:

Meeting adjourned at 6:50 pm until Thursday, March 9, 2017

Tom Murphy,
Chair

By: Denise Bossard,
Commission Secretary

City of Hesperia

STAFF REPORT



DATE: March 9, 2017
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Stan Liudahl, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP17-00002; Applicant: Katsunori Corp.; APN: 3057-071-05

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-04, approving CUP17-00002 to expand onsite alcoholic beverage sales to allow liquor in conjunction with an existing restaurant.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to allow the expansion of the sale of alcoholic beverages from beer and wine to include liquor for on-site consumption within a restaurant.

Location: 14073 Main Street, Suite 109

Current General, Plan, Zoning and Land Uses:

The site is within the Neighborhood Commercial (NC) District of the Main Street and Freeway Corridor Specific Plan. Katsunori Sushi is a 3,029 square foot restaurant within the Shops at Topaz shopping center. The surrounding land is designated as noted on Attachment 1. The properties south of the shopping center contain single-family residences and a park, the properties to the east contain a similar shopping center, the properties to the west contain single-family residences, and the properties to the north are vacant (Attachment 2).

Land Use: Katsunori Sushi restaurant has operated in the City at this location since 2010. At that time it was named Miyako Sushi. This restaurant has also been named Sushi O Sushi. The restaurant has applied for a Type 47 license with the California Department of Alcoholic Beverage Control (ABC) to expand its on-sale consumption of alcohol to include hard liquor. Currently, it has a Type 41 license, allowing for the on-sale of beer and wine. The Main Street and Freeway Corridor Specific Plan requires approval of a conditional use permit to expand the license to allow for the sale of hard liquor. The restaurant is within Census Tract 100.18. This census tract is currently within its limitation of five on-sale licenses and does not require the City to make a finding of public convenience and necessity.

Table 1: Existing On-Sale Licenses in Census Tract 100.18

| Status | Business Name | Business Address | Type of License |
|---------------|----------------------------|---------------------------|---------------------------|
| Active | Valentino's Pizza | 13567 Main St | 41-Beer & Wine |
| Active | Katsunori Sushi | 14073 Main St, 109 | 41-Beer & Wine |
| Active | Pizza Factory of Hesperia | 14135 Main St., 101/102 | 41-Beer & Wine |
| Active | Wood Grill Buffet | 14135 Main St., 104 | 41-Beer & Wine |
| Active | Don Garcia's Mexican Rest. | 14343 Main St | 47-Beer, Wine, & Liquor |

Census Tract 100.18 extends along the north side of Mesquite Road between Topaz Avenue and Eleventh Avenue for one mile and along the south side of Main Street between the California Aqueduct and Eleventh Avenue for approximately two miles (Attachment 3).

The commercial portion of Main Street currently holds 24 on-site licenses that are primarily restaurants and half of which are in downtown. One additional on-sale license was approved by the Commission on November 10, 2016 (CUP16-00008) that has not been established. In this case, approval of the CUP will not result in an additional business selling alcoholic beverages, but constitutes an expansion of the on-sale licensing to allow the restaurant to sell hard liquor in addition to beer and wine. Further, approval of this CUP does not require a finding of public convenience or necessity, since it is a proposed upgrade from a Type 41 (on-sale beer and wine) to a Type 47 (on-sale beer, wine and liquor) ABC license.

Schools and Parks: The project site at 14073 Main Street is located approximately 330 feet southwest of Hesperia High School and is adjacent to Belmont Park. Since the proposed ABC license expansion is for an on-sale license in conjunction with a restaurant, staff does not expect that the expansion of the license to include liquor will have any impact upon the park. Furthermore, staff has not received any comments from the public regarding alcoholic beverage sales in proximity to the park.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

Conclusion: This application is limited to the expansion of the on-sale alcoholic beverage license from beer and wine to beer, wine, and liquor at 14073 Main Street, Suite 109. Approval of this alcoholic beverage license to include hard liquor is supportive of the land uses intended within this area of the City and there is no evidence that the proposed expansion in the on-sale alcoholic beverage license to include liquor will have a negative impact upon the park or nearby surrounding land uses.

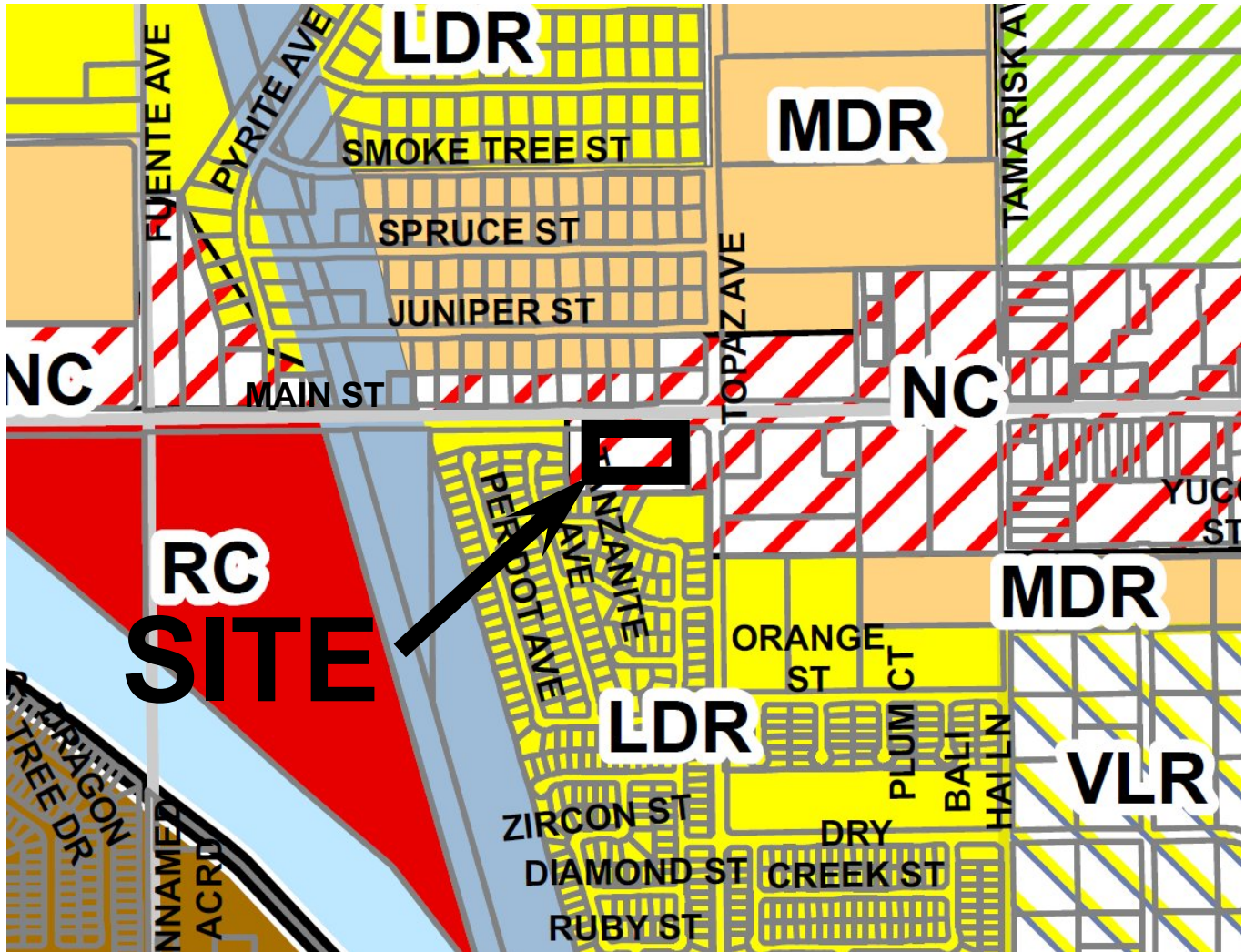
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. General Plan/Zoning
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2017-04, with list of conditions

ATTACHMENT 1



APPLICANT(S): KATSUNORI CORP.

FILE NO(S): CUP17-00002

LOCATION: 14073 MAIN STREET, SUITE 109

APN(S): 3057-071-05

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO EXPAND ONSITE ALCOHOLIC BEVERAGE SALES FROM BEER AND WINE TO INCLUDE LIQUOR IN CONJUNCTION WITH AN EXISTING RESTAURANT



ATTACHMENT 2



APPLICANT(S): KATSUNORI CORP.

FILE NO(S): CUP17-00002

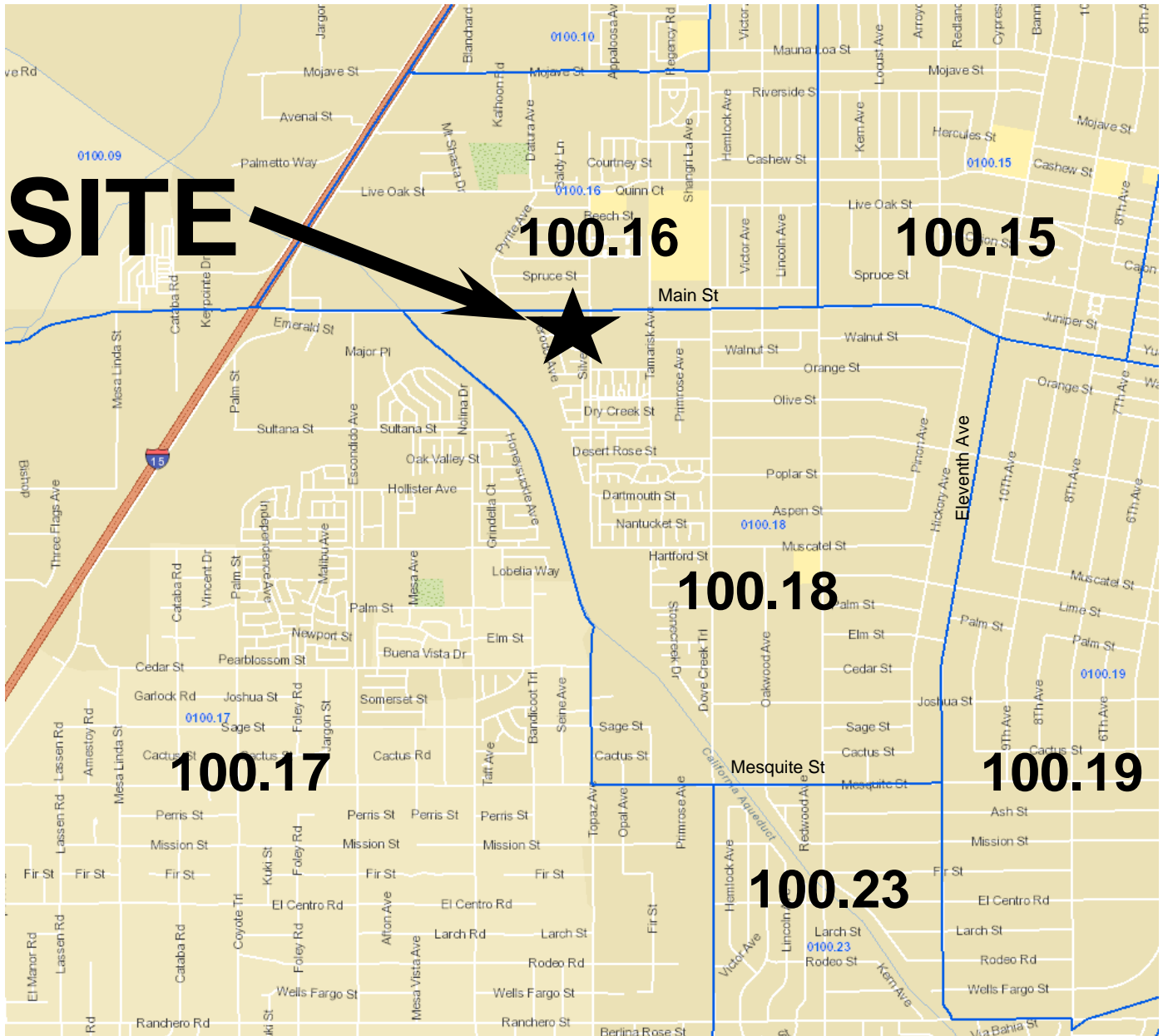
LOCATION: 14073 MAIN STREET, SUITE 109

APN(S): 3057-071-05

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO EXPAND ONSITE ALCOHOLIC BEVERAGE SALES FROM BEER AND WINE TO INCLUDE LIQUOR IN CONJUNCTION WITH AN EXISTING RESTAURANT



ATTACHMENT 3



APPLICANT(S): KATSUNORI CORP.

FILE NO(S): CUP17-00002

LOCATION: 14073 MAIN STREET, SUITE 109

APN(S): 3057-071-05

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO EXPAND ONSITE ALCOHOLIC BEVERAGE SALES FROM BEER AND WINE TO INCLUDE LIQUOR IN CONJUNCTION WITH AN EXISTING RESTAURANT



ATTACHMENT 4

RESOLUTION NO. PC-2017-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO EXPAND ONSITE ALCOHOLIC BEVERAGE SALES FROM BEER AND WINE TO INCLUDE LIQUOR IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 14073 MAIN STREET, SUITE 109 (CUP17-00002)

WHEREAS, Katsunori Corp. has filed an application requesting approval of Conditional Use Permit CUP17-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an existing restaurant at 14073 Main Street, Suite 109 and consists of Assessor's Parcel Number 3057-071-05; and

WHEREAS, the Application, as contemplated, proposes to expand the sale of alcoholic beverages from beer and wine (Type 41) to beer, wine and liquor (Type 47) for on-site consumption within the existing restaurant; and

WHEREAS, the subject site is presently occupied by an existing 3,029 square foot restaurant. All adjacent properties are developed, except for those to the north, which are vacant. The properties to the east and west contain retail development and the properties to the south are developed with a park and single-family residences; and

WHEREAS, the subject property as well as the surrounding properties to the north, east and west are within the Neighborhood Commercial (NC) zone and the properties to the south are zoned Low Density Residential (LDR) of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

WHEREAS, on March 9, 2017, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced March 9, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed expansion of on-sale sales of alcoholic beverages from beer and wine (Type 41) to beer, wine and liquor (Type 47) in conjunction with the existing restaurant is a conditionally allowed use within the Neighborhood Commercial (NC) zone and complies with all applicable provisions of the Development Code with approval of Conditional Use Permit CUP17-00002. The proposed use would not impair the integrity and character of the surrounding neighborhood and the site is suitable for the type and intensity of the use that is proposed.

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed expanded on-sale license resulting in the serving of hard liquor in addition to beer and wine as part of the restaurant will not have a detrimental impact on adjacent properties.
- (c) The proposed use is consistent with the objectives, policies, land uses and programs of the General Plan and Development Code. The proposed use will take place within an existing restaurant. The expanded sale of alcohol to include liquor with beer and wine is consistent with the allowable uses within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan with approval of this conditional use permit.
- (d) There are adequate provisions for sanitation, public utilities and general services to ensure the public convenience, health, safety and general welfare. The proposed use will occur within an existing building with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use, considering the expansion of the on-sale alcoholic beverage license to include liquor.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP17-00002, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 9th day of March 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

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DATE: March 9, 2017
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
SUBJECT: Deemed Approved Alcohol Sales Ordinance

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-01, recommending that the City Council introduce and place on first reading an ordinance, as amended, to establish deemed approved operating conditions and regulate off-sale alcoholic beverage establishments.

BACKGROUND

In 2015, Councilmember Blewett requested the City Attorney's office to prepare an ordinance that would prohibit the sale of single-serve containers of alcohol. Several cities in California have adopted such bans, including Victorville, San Bernardino, Ontario, Rancho Cucamonga, and Redlands. On July 7, 2015, the City Council considered, but did not adopt an ordinance that would have banned single serve alcohol sales within existing and new off-sale alcohol retailers.

ISSUES/ANALYSIS

Subsequently, the City Attorney's office has drafted a new ordinance, which establishes "deemed approved" operating conditions on all existing off sale retailers. The ordinance will also require a conditional use permit for all new off sale alcohol retailers, which would include a provision to prohibit single serve alcohol sales. Existing alcohol retailers would be able to continue to sell single serve containers, unless they violated the terms of their "deemed approved" operating conditions. In which case, they would be required to apply for a conditional use permit, and then be subject to the limitations on single serve sales.

Single-serve alcoholic beverages are defined as any alcoholic beverage packaged and sold individually as a single serving. This definition excludes multiple cans or bottles packaged together, as well as bottles or containers of wine of at least 750 ml or bottles or containers of distilled spirits of at least 375 ml. Beer kegs, as well as other containers exceeding two gallons, would also be excluded from this definition.

The deemed approved operational standards applicable to existing retailers would include prevention of detrimental activities in the vicinity of the store, including illegal drug activity, prostitution, theft, assault, battery, littering, loitering and public drunkenness. All retailers will also be required to complete an approved course in responsible beverage sales within 60 days of hire for employees hired after the effective date of the ordinance, or within six months for existing employees. The course will have to meet the standards of the California Coordinating Council on Responsible Beverage Service, or other certified licensing body designated by the state.

All new alcohol retailers, as well as any existing retailers who fail to meet the deemed approved operating conditions outlined above, will have to receive approval of a Conditional Use Permit from the Planning Commission. In addition to the deemed approved provisions, other requirements will include:

- No sale of single serve alcoholic beverages will be permitted;
- Enhanced lighting must be installed on the premises and adjacent parking lots;
- No furniture or fixtures that encourage loitering will be permitted, including ashtrays, benches, pay phones or video games;
- No advertising of alcoholic products, tobacco or paraphernalia will be permitted;
- No drug paraphernalia will be permitted to be sold on the premises;
- Posters, signs, racks or vending machines may not obstruct more than 15 percent of the window area.

California Government Code Section 38771 permits the legislative body of a city to declare what constitutes a nuisance. According to California Civil Code Section 3479, a nuisance is "[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway." When this item is forwarded to the City Council, an additional provision may amend Municipal Code Chapter 8.32 (public nuisances) to include the sale of single serve alcoholic beverages as a public nuisance.

The proposed ordinance would address public nuisances that may arise from the sale of single-serve alcoholic beverages. The article attached as Attachment 1 to this staff report cites studies that demonstrate a link between single-serve alcohol sales and higher gang crime, which in turn interferes with the enjoyment of property nearby and is injurious to the health, safety and welfare of the general public.

On February 18, 2016, the City Council held a workshop to discuss the proposed ordinance. All the City's off sale license holders were invited to the meeting and attorneys representing some of the liquor store owners provided comments to the City Council. Following that workshop, the revised ordinance was provided to the attorneys and to the High Desert Community Coalition (HDCC), who requested a copy for review.

On January 12, 2017, the Planning Commission held a public hearing on the proposed ordinance. Three people spoke in support of the ordinance. One person, representing liquor store owners, spoke in opposition. This person discussed the potential adverse impacts to the businesses as well as the costs of new regulatory fees and employee training. In addition, three memos from the HDCC are included as Attachment 2.

Following the public hearing, the Commission expressed a number of concerns regarding the costs of compliance, including training for the employees as well as the duty to control illegal activities on the premises. The Commission also commented that single serve beverages are a high percentage of sales and this restriction would harm their businesses. The Commission voted 5-0 to continue the item and permit staff to revise the ordinance.

Staff has made several revisions to address the Commission's concerns:

- The single serve size limitations have been stricken from the ordinance (page 6).
- The measures to discourage loitering have been clarified to reference only the portion of the premises "controlled by the establishment." This means that features controlled by others (such as outdoor dining tables) would not be affected. Also, the duty to discourage loitering by employees of the establishment has been amended to not require action if personal safety would be threatened in making the request (pages 6, 7 and 11).
- The provision prohibiting exterior signs that advertise tobacco or alcohol products has been stricken (page 7).
- The limitation on window coverage had been increased to 33% from 15%, consistent with ABC regulations (page 8).
- The requirement for employee training has been stricken (pages 8 and 11).
- The requirement for security guards has been stricken (page 9).
- The definition of substantial modification to the mode or character of an establishment has been revised to require at least a 25 percent increase in floor or sales area devoted to alcoholic beverages (page 12).

These revisions may reduce the intended effect of the ordinance, which is to enable the City to enact additional sanctions on liquor stores that are not meeting their obligations to control nuisance behaviors on their premises.

FISCAL IMPACT

The ordinance may be enforced administratively or criminally in the same way as any other Municipal Code violation. Administrative citations may be given after reasonable notice.

The City will establish a program and fee schedule to enforce the provisions of this ordinance, primarily through the Police Department. Registration to assure completion of the educational program will be required and inspections by the Police Department will occur on an annual basis.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Article regarding single serve alcoholic beverages
2. Comments from High Desert Community Coalition, dated December 9, 2016, January 10 and 12, 2017
3. Resolution No. PC-2017-01
4. Draft Ordinance No. 2017-03

Single-Serve Alcoholic Beverages

**Alcohol that is packaged for immediate consumption
can lead to public drinking, crime and violence**

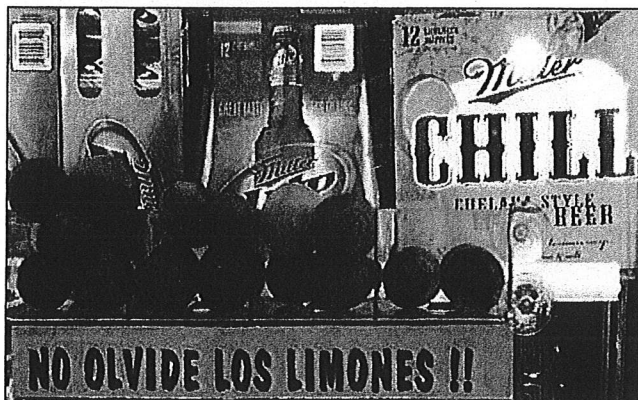
What are Single-Serves?

Alcoholic beverages that are packaged for consumption by a single individual at a given time are known as "single-serves." These products may contain beer, distilled spirits or alcoholic energy drinks, which, in addition to alcohol, usually contain caffeine as well as other stimulants.¹ However, the most common single-serve items are bottles and cans of beer, ranging in size from 16 to 40 ounces. Such items often have higher alcohol content than regular beer, making them more potent.

Problematic Packaging

Single-serve alcoholic beverages are considered problematic for a number of reasons. First is that excessive amounts of alcohol are being packaged for consumption by a single individual. This is especially true of the high alcohol content beer known as malt liquor. With 6 percent alcohol content being standard, a 40 ounce bottle of this kind of product is equivalent to five shots of whiskey. Since it sells for as little \$1.39 a bottle, it is the cheapest way for someone to get drunk.² This makes it a favorite among the homeless and other serial inebriates, including those receiving public assistance, according to research.³

Secondly, single-serve products are routinely offered for sale cold and ready to be consumed. This frequently



Since Hispanic customers prefer lemon with some types of beer, one San Bernardino store offers fresh lemons so that the product can be consumed immediately after purchase. (Sign reads: don't forget the lemons)



24 ounce cans of beer are the most common type of single-serve alcoholic beverages being sold in San Bernardino, but 32 and 40 ounce bottles are also found in many supermarkets and convenience stores.

leads to public intoxication and a wide range of associated problems including driving under the influence, public urination, litter, and other disruptive behavior. According to research, such problems are reported on a regular basis by residents living in the proximity of retailers that sell single-serves. In addition, there are also reports of crimes of violence, including gang-related activities, resulting in personal injury and/or property damage.^{4, 5, 6}

Underage Drinking

Last but not least, it should be noted that the single-serve cans and bottles of beer are very popular with youth including minorities, to whom these products are specifically marketed. This includes several advertising campaigns featuring African American music video stars promoting malt liquor in 40-ounce containers. In addition, since these products are typically priced low, they are more affordable for young people who have less disposable income.^{7, 8} As a consequence, these products may tend to increase problems related to underage drinking. These are known to include poor academic performance, high-risk sexual practices and an increased likelihood of drinking problems developing later in life.⁹

**A 40 ounce
bottle of
malt liquor
is equal to
five shots
of whiskey.**

Issue Briefing

Coalition for a Drug-free San Bernardino

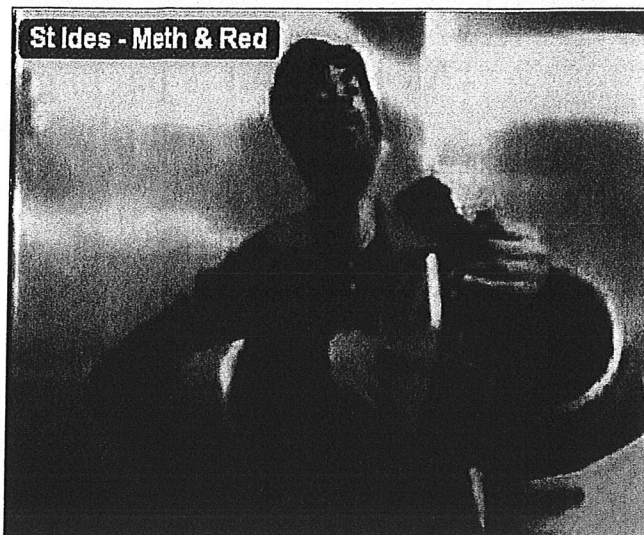
Crime & Violence

The connection between crime, violence and alcohol availability has been well documented by scientific research.^{10, 11, 12} Furthermore, there is new evidence indicating that the consumption of single-serve alcoholic beverages may also play a part. For example, a 2006 study of Riverside crime statistics that found a correlation between such sales and higher gang crime. According to Dr. Robert Nash Parker, the author of the study, such products are a central part of the activities of gang members. "They sip 40-ouncers, they party, they get their courage up," it was noted in the report.¹³

Through GIS mapping studies, city officials in San Bernardino have also established a correlation between the sales of single-serve alcoholic beverages and the prevalence of crime. As noted on the map at right, reports from police of Part 1 property crime clearly demonstrate that such crime is clustered around alcohol licensees known as "Package Stores," most of which are currently selling single serves.

Single-Serve Sales in the City of San Bernardino

To identify the extent of the problem in the City of San Bernardino, a survey was conducted by the County Department of Public Health, Alcohol and Drug Abuse Prevention Program (ADAPP). As part of this effort, some 165 retailers licensed to sell alcoholic beverages were studied and data related to the sales of single-serves were collected. These included the different sizes and types of such items being sold as well as the amount of shelf space



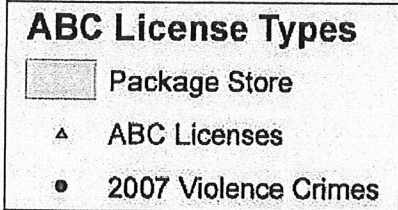
Hip-hop artists Meth & Red doing a rap video ad for St. Ides Malt Liquor, a brand that targets African American youth.

allocated for them. Results of the survey, which was conducted in October of 2008, showed that these products are a staple in gas stations, convenience and liquor stores throughout the city, with over 88 percent of them having such items on their shelves. Other results of the survey are listed in the table below.

88 % of retailers surveyed in the City of San Bernardino were found to be currently selling single-serves.

Research Finding: Single-Serves in the City of San Bernardino

- Of the 165 off-sale alcohol licensees that were surveyed, a total of 146 had alcoholic single serve items for sale. These stores included pharmacies, discount stores and some gas stations and mid-size markets.
- All of the stores that sold singles had the items in various sizes, but the most frequently observed size was the 24 oz can. All of the super markets and many of the smaller off-sale stores also sold alcohol in 32 oz and 40 oz size glass containers.
- All the major alcohol brands were being sold in single serve containers. Super markets that catered to the Hispanic community also included favorite Mexican beer brands Modelo and Tecate in 24 oz single cans.
- Most of the stores had between 6 and 8 cooler sections available for display of beverages. Of these, between 1 to 2 cooler sections usually had single serve products on display for sale.
- All the stores sold the higher alcohol content malt liquor in single serve containers. Alcohol was also available in regular beer, lite beer and lite malt liquor.
- Most super markets and many AM/PM type stores also sold singles shrink-wrapped in packages of 2 or 3 24oz. containers.
- It was noted that retailers located further south (central or downtown San Bernardino) and south west (Westside San Bernardino) of the city had the malt liquor products more prominently displayed in the cooler section at, or above, eye level. In the northern parts of the city the malt liquor had less shelf space and was often displayed below eye level.
- It was noted that approximately 10% of the stores had special ads/displays to promote single serve items such as barrels of ice or posted ads offering 2 for a reduced price. One store had a handwritten sign posted on the cooler door that stated you had to buy 2 singles at a time.
- One Hispanic super market had a special plastic container affixed to the cooler door that stated in Spanish: Don't forget the lemons!
- Stores that were visited between the hours of 2 pm to 5 pm were observed to have customers buying single-serve items. Such customers were mostly males from 25 to 45 years old.



GIS mapping of the Central portion of the City of San Bernardino shows how often violent crimes (red dots) occur within a one-half mile radius (indicated by the blue circles) from ABC licensed alcoholic retailers (blue triangles). Data collected by San Bernardino Police Department in 2007. Note: Part-1 crimes are a category of crimes that are generally considered more serious.

Future Directions

Although sales of single-serve are widespread in San Bernardino, it is actually illegal for some of the city's retailers to be selling products packaged in this way. This is because of restrictions placed on these businesses by the city at the time their alcohol license was issued. Known as a Conditional Use Permit, such regulations are intended to ensure the public's health and safety, and all retailers are required to comply with the restrictions imposed by them. However, as demonstrated by the survey cited previously, at least some of the city's retailers have been failing to meet this obligation.

In response to this problem, the Office of the City Attorney launched an enforcement campaign in May, 2009 to bring local alcohol retailers into compliance with all regulations. This campaign has been successful with cited businesses removing the banned products from their shelves. However, enforcement alone can not solve the problem, as many retailers are exempt from the ban, having been in business before it went into effect. Therefore, public officials feel that additional regulations are needed



After being cited for violating the restriction against selling single serve alcoholic beverages, a local convenience store removed the items from their shelves and posted a sign indicating they were no longer allowed to sell such items.

to deal with problem businesses. These may include a stronger conditional use permitting process for any new businesses and what is known as a "Deemed Approved" ordinance for those already in existence. In addition, there is another initiative currently under way to encourage voluntary removal of single-serve products from the shelves by retailers who are not currently required to do so by the law. Coordinated by the Office of the Mayor through the Operation Phoenix program, such action is expected to reduce crime and improve the local business climate.

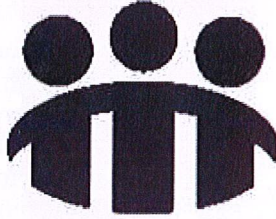
References

1. Alcohol, Energy Drinks, and Youth: A Dangerous Mix, Marin Institute Report, 2007
2. "Liquid crack: Malt liquor is the cheapest high you can get. It sells for as little as \$1.39 for a 40-ounce bottle, which is equal to five shots of whiskey." *Metroactive, Sonoma County Independent*, October, 1997
3. Bluthenthal, R. N.; Brown-Taylor, D; Guzmán-Becerra, N; Robinson, P. L; Characteristics of Malt Liquor Beer Drinkers in a Low-Income, Racial Minority Community Sample. *Alcoholism: Clinical & Experimental Research*, March, 2005
4. Normal looks at single serve alcohol ban, *The Daily Vidette*, 2/14/2008
5. City Samples Single-Serve Alcohol Laws, *RedOrbit News*, 12/15/2005
6. Council aims to widen sales ban of single containers of beer in D.C., *Examiner.com*, Jun 19, 2008
7. D. Coate and M. Grossman. "Effects of alcoholic beverage prices and legal drinking ages on youth alcohol use," *Journal of Law and Economics* 31(1988):145-171.
8. M. Grossman, D. Coate, and G. M. Arluck, "Price sensitivity of alcoholic beverages in the United States: Youth alcohol consumption," in *Control Issues in Alcohol Abuse Prevention: Strategies for States and Communities* (Greenwich, CT: JAI Press, 1987), 169-198
9. Grant, B.F., and Dawson, D.A. (1997). "Age of onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic survey." *Journal of Substance Abuse*, 9: 103-110.
10. Scribner, R.A., MacKinnon, D.P. & Dwyer, J.H. (1995). The risk of assaultive violence and alcohol availability in Los Angeles County. *American Journal of Public Health*, (85)3, 335-340.
11. Scribner, R.A., Cohen, D., Kaplan, S., & Allen, S.H. (1999). Alcohol availability and homicide in New Orleans: Conceptual considerations for small area analysis of the effect of alcohol outlet density. *Journal of Studies on Alcohol*, 60, 310-316.
12. Fewer liquor stores, less violence (2003). *Prevention File*, 18 (1), 2.
13. Parker, R.N., Alcohol and Violence: Connections, Evidence and Possibilities for Prevention, *Journal of Psychoactive Drugs*, SARC Supplement 2, May 2004.



This Issue Briefing was developed by the Coalition for a Drug-Free San Bernardino with technical assistance from the Institute for Public Strategies: www.publicstrategies.org
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ATTACHMENT 2



High Desert Community Coalition

Hesperia Draft Deemed Approved Ordinance

1. The ordinance does not include bars, restaurants with bars or other on-sale alcohol outlets. The High Desert Community Coalition (HDCC) would like for the City of Hesperia to consider adding these,

WHY? We have spoken with city officials in other cities with successful Deemed Approved Ordinances, such as Oakland. These localities generally apply their Deemed Approved Ordinances to all alcoholic beverage retailers. In Oakland, where the ordinance initially exempted restaurants with facilities to prepare and serve meals on the premises, city officials have since determined that this was a mistake and recently amended their ordinance to more specifically define a legitimate restaurant and ensure that locations advertised as restaurants were not operating as bars during certain operating hours. Reference:

https://www.municode.com/library/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.156DEAPALBESARE_ARTIVDEAPSTPR_17.156.110AUDEAPST

Additionally, the inclusion of on-sale outlets would level the playing field for all alcohol licensees while decreasing the financial cost of a potential fee on the off-sale markets. More importantly, it would help all outlets to better manage their alcohol sales and service by requiring greatly needed training for all employees. It will also allow the city to intervene quickly if and when an on-sale establishment becomes a chronic drain of city resources due to high calls for service related to nuisance activity which often affects neighborhood quality of life.

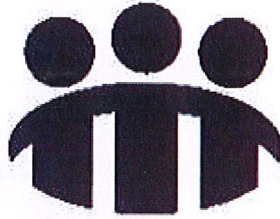
2. The ordinance does not require a dedicated enforcement officer. The ordinance says enforcement will be handled by the City Manager, Chief of Police or their "designee." HDCC members would like more details as to who will be working directly with the alcohol outlets and managing the various components of the ordinance. Furthermore, the HDCC suggests that a dedicated enforcement officer or team be specified to monitor, administer and enforce the ordinance. Generally, the dedicated enforcement officer is funded by an annual fee imposed on all businesses that sell alcohol – typically the fee is \$1 per day, but varies based on the number of outlets and the actual costs for a dedicated officer.

WHY? A dedicated enforcement officer would be able to conduct regular inspections, develop positive relationships with the businesses and assist them in correcting any problems. As part of these inspections, the officer would also be able to ensure that all training records are in order. This officer would ensure that any issues that have not been corrected are brought to the attention of the Planning Commission.

3. Members would like to ask that alcohol outlets be given a designated period of time to correct violations before a public hearing is held to issue penalties. The ordinance does not currently specify how this would work.

WHY? The goal of the HDCC is to see these businesses become better neighbors in our community. We do not wish to see local businesses shut down unless they are chronic offenders that fail to correct their business practices in a timely manner. We do not want them to have the perception that anyone

Updated December 9, 2016



High Desert Community Coalition

is trying to shut them down. Also, when the outlets are given opportunity to abate, the city is able to charge a fee for re-inspection as long as this is designated in the ordinance.

4. Members would like to ask that violators be issued fines before the city considers suspension/revocation of the Conditional Use Permit or DAO. Several cities in San Bernardino County, including Redlands and Ontario, fine \$250 for a first offense, \$500 for a second offense and \$1,000 for a third offense. Some cities, such as El Cajon, have penalties as high as \$1,000 per day out of compliance.

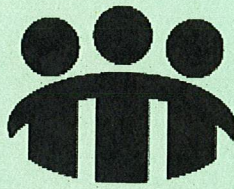
WHY? We would like to see penalties imposed that are sufficiently severe to serve as a deterrent. Civil penalties are more effective than criminal penalties because they can be imposed more swiftly and are more likely to be enforced, two critical components of deterrence.

5. Members would like for the ordinance to specify that store owners have the right to appeal to the City Council if they believe the Planning Commission makes an unfair decision regarding their violation of the ordinance.

WHY? When an appeal process is not specified, the default is the City Council. We would like to see this made clear to avoid any confusion.

6. Members would like to see the public nuisance prevention measure regarding training specify that the approved course in "Responsible Beverage Sales" (RBS) training is required every two years. The approved course should be similar to the California Department of Alcoholic Beverage Control's (ABC) Licensee Education on Alcohol and Drugs (LEAD) training and include instruction on checking various forms of identification, detecting and preventing illegal activity, reducing liability and more. Each training class typically lasts four hours. Deputy Waterhouse from the San Bernardino County Sheriff's Department offers ABC-approved training in the High Desert.

WHY? Members are concerned that longer term employees may not remain proficient in responsible beverage sales and service without a periodic refresher training. Furthermore, any training provided can be specified as a benefit received by the alcohol outlets as part of any fees they pay to defray the costs of monitoring and enforcement.



High Desert Community Coalition

January 10, 2017

Dear Planning Commission Members:

I had hoped to join other members of the High Desert Community Coalition in speaking to you in person. However, an unexpected trip out of town has prevented this. Therefore, I would like to submit the following comments for your consideration.

I grew up in Hesperia, and want everyone who comes to the town to see it as the home and place of comfort I do. Recently, I have moved back to Hesperia after several years away and want to work to bring that about.

I believe one of the best ways to accomplish this is to empower our city to assure that business areas are safe and clean places for people to come and shop. For this reason I want to voice my support for the proposed Hesperia alcohol sales ordinance.

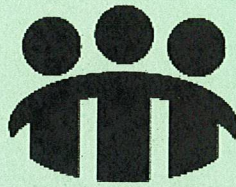
As a new member of the High Desert Community Coalition, I've learned that a lot of people expect ABC to address these matters. However, I've also learned that ABC enforcement is almost non-existent. The ordinance will give the city and local law enforcement the authority to enforce state law.

Just last year, *The Sacramento Bee* reported that California has the largest alcoholic beverage industry in the country with almost 90,000 entities licensed to sell alcohol. The number of authorized Alcoholic Beverage Control (ABC) agent positions was 145. That is a ratio of 1 agent for every 621 retailers when they are fully staffed. Of the 145 positions authorized there were 20 vacancies at the time of the article. An ABC representative explained that recruiting and retaining agents has been challenging.

An organization this understaffed cannot be expected to fully address issues like selling to minors, over-service to inebriated customers or the nuisance activity that occurs at many locations. As a representative of ABC expressed in the article this chronic understaffing means that ABC can only focus on the most egregious violators.

The proposed ordinance will give us the opportunity take the situation into our own hands and assure that our community is the safe place we want it to be. I encourage the City of Hesperia to continue its proactive approach by moving forward with adopting a Deemed Approved Ordinance.

Sincerely,
James Gunn



High Desert Community Coalition

January 12, 2017

Dear Planning Commission Members:

My name is Yesenia Carbajal. I have lived in Hesperia for 11 years, and I have four children. I had hoped to join the other members of the High Desert Community Coalition in speaking to you tonight in person. Unfortunately, due to a sudden illness I am unable to be with you. Please accept my following comments for your consideration.

As a concerned resident and parent, I am asking you to move forward with the adoption of a Deemed Approved Ordinance. I have seen too many kids in Hesperia just hanging around shopping centers with nothing productive to do. I come from a large family and spend a lot of my time around young people. I know young people are likely to get into trouble when they are not being properly supervised and have heard too many stories of young people who have been able to buy alcohol from local stores.

Along with other High Desert Community Coalition members, I am very concerned that sometimes liquor stores are endangering our youth with practices such as not checking for proper identification before selling alcohol. Requiring the Responsible Beverage Service and Sales training outlined in the DAO will help our children not to have access to alcohol at the stores.

I've also seen instances where people loitering outside these stores leave behind litter that owners of the surrounding businesses have to clean up. The DAO would require alcohol retailers to maintain their businesses in a way that does not foster nuisance related activities such as trash, graffiti and unruly behavior. Of course, some of the alcohol retailers are already doing a good job with this. The DAO would give local law enforcement an additional tool to work with those who are not doing a good job in order to improve the conditions around those particular stores.

No one is asking business owners to solve the homeless problem or any other problems over which they have no control. Under the DAO, they are being asked to partner with the city to ensure they are not selling to youth or serial inebriates and to make sure their businesses are as clean and safe as possible. I am asking that you recommend to our City Council that they move forward with the adoption of a Deemed Approved Ordinance.

Thank you for your consideration,

Yesenia Carbajal
January 12, 2017

ATTACHMENT 3

RESOLUTION NO. PC-2017-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADD SECTION 16.16.370 TO THE HESPERIA MUNICIPAL CODE ESTABLISHING DEEMED APPROVED OPERATING CONDITIONS AND REGULATING OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENTS (DCA16-00005)

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

WHEREAS, the City of Hesperia has the authority, under its police power, to enact regulations for the public peace, morals and welfare of the City pursuant to California Constitution, Article XI, Section 7; and

WHEREAS, California Government Code Section 38771 permits the legislative body of a city to declare what constitutes a nuisance; and

WHEREAS, the Planning Commission acknowledges nuisance conditions are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public; and

WHEREAS, nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and around the premises of on-site and off-site sale alcohol uses; and

WHEREAS, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Development Code revisions regarding off-sale alcoholic beverage establishments can have significant adverse effects on the environment; and

WHEREAS, On January 12, 2017 and March 9, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to donation bins and concluded said hearing on March 9, 2017.

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

NOW THEREFORE, THE PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

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

2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Resolution is consistent with the goals and objectives of the adopted General Plan.
3. The proposed Development Code revisions are exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Code revisions regarding off-sale alcoholic beverage establishments can have significant adverse effects on the environment.
4. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby recommends that the City Council approve and place on first reading Ordinance No. 2017-03, establishing regulations for off-sale alcoholic beverage establishments.
5. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 9th day of March 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT 4

Revisions are shown in **red** text and deletions in **red strikeouts**:

ORDINANCE NO. 2017-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADDING SECTION 16.16.370 TO THE HESPERIA MUNICIPAL CODE ESTABLISHING DEEMED APPROVED OPERATING CONDITIONS AND REGULATING OFF-SALE ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS (DCA16-00005)

WHEREAS, the City of Hesperia has the authority, under its police power, to enact regulations for the public peace, morals and welfare of the City pursuant to California Constitution, Article XI, Section 7; and

WHEREAS, California Government Code Section 38771 permits the legislative body of a city to declare what constitutes a nuisance; and

WHEREAS, the City Council acknowledges nuisance conditions are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public; and

WHEREAS, nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and around the premises of on-site and off-site sale alcohol uses.

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

SECTION 1. Section 16.16.370 is hereby added to Article X of Chapter 16.16 of Title 16 of the Hesperia Municipal Code to read in its entirety as follows:

"Section 16.16.370 -- Alcohol Sales and Deemed Approved Alcohol Sales Regulations.

- A. Purpose. This Section requires land use permits for newly established off-sale alcohol establishments that are in addition to the requirements elsewhere in this Code and in the Hesperia Main Street and Freeway Corridor Specific Plan, confers deemed approved status for all existing permitted, conditionally permitted and legal nonconforming off-sale alcohol establishments, provides standards for the continued operation of alcohol establishments, and sets forth grounds for the modification, revocation and termination of conditional use permits and deemed approved status for establishments violating this Section, in order to protect the general health, safety, and welfare of the residents of the City of Hesperia and to prevent nuisance activities where alcoholic beverage sales occur.

Specific purposes for enacting this Section are as follows:

1. To protect residential, commercial, industrial and civic areas from the harmful effects attributable to the sale of alcoholic beverages and minimize the adverse impacts of nonconforming and incompatible uses;
2. To provide opportunities for alcohol establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services;
3. To provide mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, violence, vandalism, and escalated noise levels;
4. To provide that alcohol establishments are not to become the source of undue public nuisances in the community;
5. To provide for properly maintained alcohol establishments so that the secondary effects of negative impacts generated by these activities on the surrounding environment are mitigated;
6. To monitor deemed approved establishments to ensure they do not substantially change in mode or character of operation; and
7. To promote a healthy and safe business environment in the City of Hesperia through appropriate and consistent land use regulations and to encourage the establishment of businesses that will benefit both the local economy and residents while not placing an undue strain on City resources or surrounding businesses.

This Section does not itself authorize or permit alcohol establishments, but only applies to these establishments where otherwise allowed or permitted within an applicable zoning district. The provisions of this ordinance are intended to complement the state of California alcohol-related laws. The City does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control.

B. Applicability.

1. The provisions of this Section shall apply to the extent permissible under other laws to all alcoholic beverage sales establishments, as defined in Section 16.16.370(C), located in the City of Hesperia.
2. Whenever any provision in this Section, in an existing conditional use permit, or in any other law, ordinance, or regulation of any kind, imposes overlapping or contradictory regulations, or contains restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in this Section.

3. The requirements provided herein are in addition to the requirements found under Chapter 16.20 (General Regulations), Chapter 16.16 (Land Use Designations), the Main Street and Freeway Corridor Specific Plan, any other applicable chapter of the Code, and any other applicable law.

C. Definitions.

The meaning and construction of these words and phrases, as set forth below, shall apply throughout, except where the context clearly indicates a different meaning or construction.

1. “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an ABC license.
2. “Alcoholic beverage sales activity” means the retail sale of alcoholic beverages for off-site consumption.
3. “Alcoholic beverage sales establishment” or “alcohol establishment” means an establishment that conducts alcoholic beverage sales activity. Alcohol establishments include but are not limited to: liquor stores, beer and wine stores, convenience markets, markets, neighborhood specialty food markets, retail sales establishments, wine shops, and service stations. For purposes of this Section, an alcohol establishment also includes a general retail store, a grocery store and a retail pharmacy that devotes any percentage of its gross floor area to the sale and display of alcoholic beverages. As of the Effective Date, an alcohol establishment is an establishment holding (or eligible to hold) an off-sale ABC License Type 20 or 21. For purposes of this Section, an alcohol establishment does not include a lawfully established alcohol beverage production manufacturer such as a winery, brewery or micro-brewery that sells alcohol for off-site consumption.
4. “California Department of Alcoholic Beverage Control” or “ABC” refers to the department of the state of California empowered to act pursuant to Article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.
5. “Deemed approved establishment” means any existing permitted or conditionally permitted alcoholic sales establishment, or any legal nonconforming alcoholic beverage sales establishment. Such establishment shall be considered a deemed approved establishment effective on the Effective Date, as long as it complies with the deemed approved operational standards set forth in Section 16.16.370(J).
6. “Deemed approved status” means the permitted use of land for a deemed approved establishment. Deemed approved status replaces permitted and conditionally permitted status and legal non-conforming status for alcohol establishments with respect to alcoholic beverage sales activity. Deemed

approved status remains in effect as long as an alcohol establishment complies with the deemed approved operational standards provided in Section 16.16.370(J).

7. "Effective Date" means the effective date of the Ordinance adopting this Section 16.16.370.
8. "Enforcement officer" means the city manager or designee, and chief of police or designee.
9. "Illegal establishment" means an alcohol establishment which has been finally determined to be in noncompliance with local, state or federal laws, the conditions of any applicable permits, or the deemed approved operational standards in this Section. Such an establishment may lose its deemed approved status, and if it does it shall no longer be considered a deemed approved establishment.
10. "Legal nonconforming alcoholic beverage sales establishment" or "legal nonconforming establishment" means an off-sale alcoholic beverage sales establishment which was a nonconforming use pursuant to Article IX of Title 16 of this Code, and for which a valid ABC license had been issued and used in the exercise of the rights and privileges conferred by the license at a time immediately prior to the Effective Date. A legal nonconforming establishment also includes existing alcohol establishments that are not in conformance with the regulations applicable to new alcohol establishments contained in this Section, regardless of whether such activities were allowed as part of a conditional use permit granted prior to the Effective Date. Such an establishment shall be considered a deemed approved establishment and shall no longer be considered a legal nonconforming establishment.
11. "Modify" or "modified" as used in Sections 16.16.370(E), (F) and (G) means the expansion or increase in intensity or substantial change of a use, as these terms are used in Article IX of Title 16 of this Code.
12. "Operational standards" means regulations for the business practice activities and land use for alcohol establishments with: (i) a conditional use permit issued in conformance with this Section on or after the Effective Date, or (ii) deemed approved status. Operational standards constitute requirements which must be complied with by an alcohol establishment in order to maintain its conditional use permit or deemed approved status.
13. "Permitted or conditionally permitted alcohol beverage sales establishment" or "permitted or conditionally permitted alcohol establishment" means an alcohol establishment which is a permitted or conditionally permitted use pursuant to the applicable provisions of the Hesperia Municipal Code or Main Street and Freeway Corridor Specific Plan prior to the Effective Date.
14. "Premises" means the actual space in a building devoted to alcoholic beverage sales.

15. "Redeveloped" means the demolition of an existing alcohol establishment followed by the immediate reconstruction and operation of a replacement alcohol establishment.

D. Public hearing by Planning Commission.

The Planning Commission may conduct public hearings and make determinations on whether alcohol establishments are in compliance with conditions of approval or operational standards prescribed in these regulations, and may modify, suspend or revoke an establishment's conditional use permit or deemed approved status in order to obtain compliance with the provisions of this Section. This Section is not intended to restrict the powers and duties otherwise pertaining to other City officers or bodies in the field of monitoring and ensuring the harmony of alcoholic beverage sale activities in the City. The Planning Commission shall have the powers and duties assigned to them by the Hesperia Municipal Code and by this Section.

E. Conditional use permit required for alcoholic beverage sales establishments that are new, modified, or redeveloped, or have deemed approved status revoked.

Notwithstanding the provisions of Section 16.12.315, no person shall establish a new alcohol establishment, nor shall any person modify or redevelop an existing alcohol establishment, without first obtaining a conditional use permit pursuant to Article III of Chapter 16.12 of Title 16. The requirements of this Section shall be in addition to any other requirements found in this Code and the Main Street and Freeway Corridor Specific Plan. A conditional use permit shall also be required for any deemed approved establishment when the deemed approved status is revoked in accordance with this Section.

F. Operational standards for alcohol establishments with conditional use permits.

Notwithstanding the provisions of Section 16.12.315, all new, modified, or redeveloped off-sale alcohol establishments, and deemed approved establishments when deemed approved status is revoked and a new conditional use permit is obtained, shall be designed, constructed, and operated to conform to all of the following operational standards:

1. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area, and will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
2. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area and will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, county social service offices, or other alcoholic beverages sales activity establishments.

3. That it does not result in repeated nuisance activities within the premises or associated with the establishment or activity, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct. ~~The establishment shall take all reasonable steps to include (1) immediately calling the police upon observation of the activity, and (2) requesting that those engaging in activities that constitute a nuisance or are otherwise illegal to cease those activities unless personal safety would be threatened in making the request.~~
4. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.
5. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
6. ~~That it complies with the following alcohol sale limitations:~~
 - ~~a. No sale of single-serve alcoholic beverages, including, but not limited to beer, malt liquor and alcoholic energy drinks of any size; wine of less than 750 ml in size; distilled spirits of less than 375 ml in size; or any other individual alcoholic beverage for single-serve consumption.~~
 - ~~b. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.~~
 - ~~c. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.~~
 - ~~d. No display of alcoholic beverages closer than five feet from the store entrance.~~
 - ~~e. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 32 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.~~
7. That it complies with the following public nuisance prevention measures:
 - a. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides

adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.

- b. Litter: Adequate litter receptacles shall be provided in and around the premises. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.
- c. Loitering: The following measures may be required:
 - i. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises **controlled by the establishment**. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, ashtrays, pay phones, etc.
 - ii. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so, **unless personal safety would be threatened in making the request**.
 - iii. No video or other electronic games shall be located in the establishment.
- d. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
- e. ~~Signage: There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products.~~
- f. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, and the predominant language of the patrons:
 - i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."
 - ii. "No Loitering or Public Drinking."
 - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."
- g. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any

enforcement officer or authorized state or county official upon request. A copy of these operational standards (including any conditions of approval), any applicable ABC or City operating conditions, and any training requirements shall also be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

- h. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.
- i. Drug Paraphernalia: An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
- j. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than ~~33~~ 45% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc., notwithstanding the provisions of Section 16.36.040.
- k. ~~Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Hesperia police department or the San Bernardino Sheriff's Station serving Hesperia, as applicable.~~

- 8. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit.

G. Additional Conditions of Approval

Additional conditions of approval that may be imposed as necessary on new, modified, or redeveloped alcohol establishments, and to deemed approved establishments when deemed approved status is revoked and a new conditional use permit is obtained include but are not limited to the following:

1. Program: A “complaint response community relations” program adopted and maintained by the establishment conducting the alcoholic beverage sales activity may be required. The program may include the following:
 - a. Posting at the entry of the establishment providing the telephone number for the watch commander of the police department to any requesting individual.
 - b. Coordinating efforts with the police department to monitor community complaints about the establishment activities.
 - c. Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request attempt to resolve any neighborhood complaints regarding the establishment.
2. Hours of Operation: the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the State of California Department of Alcoholic Beverage Control.
3. Security Cameras: At least two high definition 24-hour time lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the police department capable of color recording and storing a minimum of 30 days of continuous video. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the police department.
4. ~~Security Guards: An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment site and operation. All security guards shall have all required state and City permits and licenses.~~

H. Grounds for conditional use permit suspension, revocation or termination.

1. In addition to the grounds for revocation or modification of a conditional use permit contained in Section 16.12.130, an alcohol establishment's conditional use permit may be suspended for up to one year, modified or revoked by the Planning Commission after holding a public hearing in the manner prescribed in this Title, for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the Planning

Commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in the manner prescribed by this Title.

2. In addition to any and all other provisions of this Section, any conditional use permit shall terminate and cease to apply to any establishment when either of the following has occurred:

- a. The alcohol establishment has ceased its operation for a period of 12 or more calendar months, and when either one of the following events occur:

- i. If, after the 12 calendar months, any application or requested transaction with the California Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the City, and allow the filing of a protest thereon by the City (including person-to-person transfer of existing licenses), and the City has filed such protest; or
- ii. If after such 12-calendar-month period, the existing license shall have ceased to apply to such establishment.

- b. Surrendered its license to the California Department of Alcoholic Beverage Control for a period exceeding 12 calendar months.

I. Automatic deemed approved status for existing alcohol establishments.

1. As of the Effective Date, all existing alcohol establishments, whether permitted, conditionally permitted or legal nonconforming, shall automatically become deemed approved establishments, and shall no longer be considered permitted, conditionally permitted or legal nonconforming establishments. Each deemed approved establishment shall retain its deemed approved status as long as it complies with the deemed approved operational standards set forth in Section 16.16.370(J).
2. The City shall notify the owner and/or operator of an alcohol establishment of its deemed approved status at the address as shown on their City business license, and also, if not the same, any property owner at the address shown on the county assessor's property tax assessment records, of the establishment's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested and shall include a copy of the operational standards in this Section with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the alcohol establishment for public review. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this Section shall not affect the deemed approved status of the establishment.

J. Operational standards for alcohol establishments with deemed approved status.

After the Effective Date, a deemed approved establishment shall retain its deemed approved status only if it conforms to all of the following deemed approved operational standards:

1. The deemed approved establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The deemed approved establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. The deemed approved establishment shall not allow repeated nuisance activities within the premises or associated with the establishment or activity, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct. ~~The establishment shall take all reasonable steps to include (1) immediately calling the police upon observation of the activity, and (2) requesting that those engaging in activities that constitute a nuisance or are otherwise illegal to cease those activities unless personal safety would be threatened in making the request.~~
4. The deemed approved establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual City business license fees.
5. The deemed approved establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
6. A copy of these deemed approved operational standards, any applicable ABC or City operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
7. ~~The owners and all employees of the deemed approved establishment who are involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the Effective Date or within six months of the Effective Date for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on~~

~~Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the state of California.~~

K. Grounds for deemed approved status suspension, revocation or termination.

1. An alcohol establishment's deemed approved status may be suspended for up to one year, modified or revoked by the Planning Commission after holding a public hearing, for failure to comply with the deemed approved operational standards set forth in Section 16.16.370(J). Notice of such hearing by the Planning Commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least 10 days before the date of the hearing.
2. The occurrence of any of the following shall terminate the deemed approved status of the alcohol establishment after notice and a hearing in front of the Planning Commission, and require the application for and issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:
 - a. An existing alcohol establishment changes its activity so that ABC requires a different type of license.
 - b. There is a substantial modification to the mode or character of operation, including but not limited to the following:
 - i. The deemed approved establishment increases the floor or land area or shelf space **by more than 25% that is** devoted to the display or sales of any alcoholic beverage.
 - ii. The deemed approved establishment extends the hours of operation.
 - iii. The deemed approved establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 12 months or greater by ABC.
 - iv. The deemed approved establishment voluntarily discontinues active operation for more than 12 consecutive months or ceases to be licensed by the ABC.
 - c. A "substantial change in the mode of character of operation" shall not include:
 - i. Re-establishment, restoration or repair of an existing deemed approved establishment on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to

the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment.

- ii. Temporary closure for not more than twelve months in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment, provided notice is provided to the City. The Development Services Director may, upon request of an owner of a deemed approved establishment made prior to the expiration of twelve months, grant one or more extensions to the period of temporary closure, in accordance with Section 16.12.315(F).

- d. There has been a discontinuance of active operation for 12 consecutive months or a cessation of ABC licensing, which shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of 12 consecutive months or more, the City Manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. Pursuant to Chapter 16.12 of this Title, the property owner may appeal the determination to the Planning Commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the use was not discontinued for a period of 12 consecutive months or more.

L. Violations; Enforcement.

1. In addition to the penalties provided in this Section, this Section shall be enforced pursuant to Chapter 1.12 of the Hesperia Municipal Code.
2. It is not the intent of this Section to discourage owners and employees of alcohol establishments to report nuisance or criminal activity. Nuisance or criminal activity that is reported by owners and employees shall not be considered for the purposes of revoking a conditional use permit or deemed approved status.

M. Annual alcohol sales regulatory fee.

1. The intent and purpose of this Section is to impose a regulatory fee upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this Section or obtained a conditional use permit after the Effective Date. This fee shall provide for the enforcement and administration of the conditions of approval, operational standards, and other applicable regulations set forth in this Section with regard to off-sale alcohol establishments.

2. The regulatory fee shall be established by resolution of the City Council, and may include an annual component and a compliance component. The fee shall be calculated so as to recover the total cost of both administration and enforcement of the operational standards and other applicable regulations set forth under this Section upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this Section or obtained a conditional use permit after the Effective Date, including, for example, notifying establishments of their deemed approved status, administering the program, establishment inspection and compliance checks, documentation of violations, conducting hearings and prosecution of violators, but shall not exceed the cost of the total program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law."

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrase, or portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall be effective thirty (30) days after its adoption.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hesperia, California, at a regular meeting held on this__th day of ____, 2016.

_____, Mayor

ATTEST:

Melinda Sayre, City Clerk

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DATE: March 9, 2017
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner

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

RECOMMENDED ACTION

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

BACKGROUND

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

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

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

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

The report also includes forms required by the Department of Housing and Community Development to report progress towards completion of the goals in the Housing Element. As noted, this report will be transmitted to the Office of Planning and Research, and the Department of Housing and Community Development. This annual report will cover the 2016 calendar year.

ISSUES/ANALYSIS

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

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

FISCAL IMPACT

None

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Hesperia General Plan Annual Report - 2016

HESPERIA GENERAL PLAN ANNUAL REPORT

2016



ANNUAL REPORT ON THE STATUS OF THE GENERAL PLAN

INTRODUCTION

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

This document serves three purposes for the City of Hesperia. First, this report serves as the required annual report for the 2016 calendar year. Second, this report is the Implementation Plan for the General Plan, providing a comprehensive picture of the steps taken by the City in realizing the major policies established in the General Plan. Finally, since many of the General Plan policies are environmental mitigation measures from the Final Environmental Impact Report (FEIR) adopted for the General Plan, this report is the method through which the City of Hesperia complies with the requirements of Section 21081.6 of the California Public Resources Code (the "California Environmental Quality Act") which mandates monitoring of the mitigation measures.

ACTIONS COMPLETED, ONGOING OR INITIATED IN 2016

The following activities have been completed, initiated, implemented or processed by the City of Hesperia in 2016, which relate to General Plan goals and/or mitigation measures. These activities are categorized by the General Plan element they relate to and assist in implementation. Many of the policies, actions and mitigation measures contained within the General Plan are on-going in nature and are not listed below.

The General Plan Update was adopted on September 7, 2010. This was the first comprehensive update since the original General Plan was adopted in 1991. The update covers the entire City and all seven elements of the General Plan. Of particular importance was the goal to convert the plan to a one-map system where all land uses are designated on the General Plan map, eliminating the zoning map and any remaining inconsistencies. This enables the public to easily determine the appropriate land uses for any parcel in the City and sphere of influence.

The General Plan is the City's "Constitution" and guide for development, outlining what the City is and how it will develop in the future. All decisions made by the City, from the annual budget and capital improvement program, to the issuance of building permits, must be consistent with the General Plan.

The City's population, size and composition have changed considerably in the last 25 years. The City has grown from about 50,000 residents to over 93,000 and is 75 square miles in area compared to 50 square miles at incorporation. Another 36 square miles of unincorporated land is in the City's Sphere of influence. As this is an area that bears

direct relationship to the City's planning, the State requires that Hesperia's General Plan include this area as well. The update addressed new laws, regulations and circumstances that did not exist when the original plan was adopted. For example, the State enacted several laws addressing climate change that will require cities to take actions that reduce carbon emissions. There were also new mandates regarding endangered species, housing and sustainable communities. Finally, the updated General Plan included the Main Street and Freeway Corridor Specific Plan, as adopted in October 2008.

General Plan Goals:

In addition to addressing the current circumstances of the City as described above, the overall goals of the General Plan Update are as follows:

- Preserve existing neighborhoods;
- Enhance the quality of residential areas in a variety of densities, with landscaping and architectural standards;
- Reinforce efforts to build a local job base and establish sales tax-producing businesses along Bear Valley Road, Main Street and the Freeway Corridor;
- Preserve lot sizes and prevent premature subdivision of land;
- Enhance the quality of life in higher residential density developments with paseos, parks and other amenities;
- Establish a circulation system of arterial and connector streets to carry traffic efficiently within and across the City;
- Support the urban design framework, which has two new greenways to link the freeway corridor with the downtown area;
- Dedicate housing units for senior citizens as well as for all income levels;
- Permit mixed-use developments in the downtown area and along the freeway corridor.

In addition, the General Plan Update addressed climate change issues as mandated by Assembly Bill AB32 and Senate Bill SB375. The General Plan text identifies each implementation measure that specifically mitigates impacts to the production of greenhouse gasses. The Climate Action Plan was adopted separately as a special program to be implemented that outlines requirements for new development, as well as feasible measures the City will take to address global climate change.

General Plan Elements:

The General Plan consists of seven chapters, or elements. These elements address the seven subjects required by state law. A summary of each element and the associated issues are as follows:

Land Use: The most frequently referenced part of the General Plan is the Land Use Map. This map shows the location of residential, commercial, industrial uses, as well as schools and parks. The map also shows other features such as railroads, the airport and the California Aqueduct. Residential uses are classified by density in dwelling units per acre. The current land use map superseded and replaced both the previous land use plan as well as the zoning map. Therefore, the City has a one-map system. This will eliminate any inconsistencies between the two current maps.

Staff completed a comparison of all of the parcels where the General Plan designation was inconsistent with the Zoning map. In every case, staff revised either the General Plan or zoning designation to support the preservation of residential lot sizes and the predominant land use in the neighborhood. The Land Use map also incorporates the Main Street and Freeway Corridor Specific Plan, adopted in 2008.

The current land use map also consolidated and reduced the six previous residential General Plan designations and six zoning districts to a total of 11 designations based principally on lot size. Because adoption of the General Plan Update does not repeal or revise any part of the Development Code, the Development Code has been revised to directly address the new General Plan designations.

The text of the Land Use Element includes a description of the City's existing land uses, infrastructure and public services. Residential, commercial and industrial uses are described as well as the City's three specific plans. All of the proposed land use designations are listed and described. The implementation measures to address these issues include:

- Improving the quality of life in residential areas;
- Promoting balanced, efficient commercial development to generate sales taxes;
- Providing for industrial development to increase opportunities for local employment;
- Designate and protect land for public and open space uses;
- Sustainable development measures, including water conservation, energy efficient design and Leadership in Energy Efficient Design (LEED) building certification.

Circulation: The Circulation Element classifies and defines the City's system of arterial roadways. The Transportation Plan maps their locations and shows the right-of-way width as well as the curb-to-curb width. The plan also shows where special street-sections will be used, such as within the Township area. As the Circulation Element also

addresses other transportation modes, the Non-Motorized Transportation Plan shows the City's system of bike paths. Most of the City's streets include room for bike paths to encourage their use. Finally, the Urban Design Framework map shows how the City's bike paths, bus routes, equestrian trails and greenways link the City's parks and schools. This supports the goal of providing alternatives to the automobile.

The text addresses the challenges the City faces, including the current need for more freeway interchanges and more crossings at the railroad and the Mojave River. Intersections operating below acceptable levels are identified. Each street cross-section is illustrated and described. Implementation measures include:

- Require road dedications in accordance with the Transportation Plan;
- Increasing the number of railroad grade separations;
- Expand park-and-ride facilities, rail spurs and bus routes;
- Construct the bike path system;
- Collect Development Impact Fees to fund construction of the transportation system;

Housing: The Housing Element addresses the requirement for the City to assure that housing is provided for all economic segments of the community. The Element satisfies the State's goals and includes the current Regional Housing Needs Assessment (RHNA). The Housing Element is the only element that requires approval by the State's Department of Housing and Community Development (HCD) as part of its adoption. The Southern California Associated Governments (SCAG) adopted its Sustainable Communities Strategies (SCS) in late 2012. The City prepared an updated Housing Element in 2013 as mandated by SB375. The Planning Commission recommended adoption of the Housing Element in December 2013. The City Council adopted the Housing Element in February 2014. The City is now under a new RHNA cycle (2013-2021).

The Housing Element contains a complete demographic profile of the City, including income, ethnicity, employment and age. The type and age of the City's housing stock is described. An inventory of land available for multi-family housing is included. This shows that the City has an abundant amount of land to meet its RHNA without zoning any additional land for multi-family units. The Element reviews the City's past accomplishments and discusses affordable projects completed or in the planning process. The progress towards the RHNA's required number of units for each income category is shown. Finally, the City is required to report to the State the annual progress made towards meeting these goals.

The Element describes the City's program to support construction of new housing and outlines the City's Housing Plan. The Plan consists of 6 goals and 19 programs to achieve the City's objectives. These include:

- Density bonuses and/or design concessions to encourage the development of affordable projects;
- The Main Street and Freeway Corridor Specific Plan includes two zones where development may occur at above 15-units per acre. The high density residential zone allows up to 20 units per acre and the Regional Commercial zone allows up to 25 units per acre;
- Other programs include down-payment assistance, or other financial assistance for financing or infrastructure, including the township program;
- The Hesperia Community Redevelopment Agency was required to set-aside 20 percent of its tax increment to assist in the development of affordable housing. These funds were used to provide direct assistance to qualified projects or to build roads, water or sewer lines that benefit an affordable project. However, since this agency ceased operation in February 2012, alternative sources of financing may have to be developed;
- Community Development Block Grant (CDBG) funds are used to rehabilitate lower-income households.

Open Space: The Open Space Element details the City's plans to preserve natural areas and resources and to provide parks, recreational facilities and trails for its residents. Natural resources include habitat for endangered or threatened species. The City is in the historical range of the Desert Tortoise and the Mojave Ground Squirrel. Arroyo Toads have been found in portions of the West Fork of the Mojave River. The City is also required to survey for the Burrowing Owl before any ground-disturbing activity. Finally, Joshua Trees and other native plants are protected by City ordinance. As part of the development review process, surveys are required for these species and plants. Should any occur on the site, appropriate action is taken, depending on the species found and the associated regulations applicable to those animals or plants.

Open space also includes scenic areas, such as the Mojave River or the mountains to the south of the City. The Oro Grande Wash also provides visual separation from the freeway corridor and Oak Hills. Other wash areas include the unnamed wash on the east side of the freeway, the Antelope Valley Wash, and the area known as Honda Valley. Open spaces identified in the Open Space Element and the Conservation Element are protected through setbacks, buffering and other regulations.

The City's park and recreation areas are described. The Hesperia Recreation and Park District's 2006 Master Plan includes regional, community and local parks. These include Hesperia Lake Park (owned by the City) and Hesperia Community Park. The District also recently assumed operation of the Hesperia Golf and Country Club, which is also owned by the City. The City or Water District also owns several other parcels managed by the District, including Civic Plaza Park, located west of City Hall.

The Element discusses the City's requirements to acquire and develop new park land. The City requires dedication of three acres of land for every 1,000 persons. In addition to this, the City requires two acres of open space for 1,000 persons. Based on this

standard, at projected build out within both the City and Park District (which is larger than the City) there will be an abundance of open space for current and future use. Finally, the Element describes the City's system of bike paths and equestrian trails, consistent with the Circulation Element. Implementation measures are consistent with the Circulation Element to support development of this trail system.

Noise: The Noise Element is a comprehensive program to include noise control in the planning and development process. Noise at excessive levels can affect our environment and quality of life.

The Element discusses sources of noise, including roads, railroads and industrial areas. Land uses sensitive to noise, such as residential areas, schools, libraries and parks are mentioned. The Element includes compatibility standards based on state and federal standards as well as accepted methodologies. The City's noise ordinance is also discussed and is not proposed to be modified.

Implementation measures to control noise include:

- Requiring acoustical analysis for all residential structures near noise sources such as the railroad, airport or major roads;
- Requiring enhanced construction methods to limit interior noise within residences adjacent to noise sources;
- Locating or screening loading docks and other site features to protect sensitive areas or uses;
- Limiting delivery hours to commercial or industrial uses near residential areas.

Conservation: The Conservation Element establishes the City's priorities as they relate to natural, historical and paleontological resources and outlines the means for their preservation. This element is most closely tied to Open Space and Safety, as many of these areas identified for their value as visual amenities or drainage courses are also ideal for conservation.

Implementation measures include:

- Require use of water conserving plants and native vegetation in landscaped areas and use low-water consumption fixtures in homes and businesses;
- Coordinate activities with the Victor Valley Wastewater Reclamation Authority (VWWRA) to develop sub-regional treatment facilities and encourage and provide for use of reclaimed water for irrigation;
- Preserve areas associated with wildlife habitat and open space uses;
- Coordinate with the County Museum to research records, perform additional research and preserve any artifacts that may be found;

- Contact Native American representatives to comply with all requirements concerning monitoring and preservation of Native American artifacts and places;
- Implement the green building program and encourage LEED, or similar certification of buildings;
- Coordinate with other San Bernardino County cities to develop a greenhouse gas inventory;
- Promote the use of alternative, renewable energy sources;

Safety: The Safety Element describes the City's hazards, including:

- Seismic hazards from ground shaking, including potential for liquefaction and slope failure;
- Geologic hazards not related to earthquakes, including slope instability and subsidence;
- Flood hazards;
- Fire hazards, including structure and wildland fires;
- Hazardous materials including waste sites.

The Element also discusses emergency plans, evacuation routes and emergency shelters. Maps showing these areas and routes are included.

Implementation measures to address these issues include:

- Require geo-technical and soil reports to assure proper grading and compaction of soils;
- New construction to adhere to current building codes, including provisions for lateral forces;
- Encourage assessment of older structures and conduct seismic retrofits as necessary;
- Require that new development retain additional runoff from rooftops, parking lots and driveways;
- Restrict development in floodways and FEMA defined flood areas;
- Support recycling and disposal of hazardous materials;
- Maintain mutual aid agreements with neighboring cities and the County.

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

Land Use Element:

The City is continuing to implement the Main Street and Freeway Corridor Specific Plan, which became effective in October 2008. As mentioned above, this plan was incorporated into the General Plan Update. This plan addresses land use and design standards, as well as motorized, bicycle and pedestrian circulation in a 10,000 acre area encompassing the City's two most important thoroughfares Main Street and the I-15 Freeway. The plan includes new zone districts, which take advantage of the City's existing and planned land use patterns to create a vibrant and attractive downtown area. The plan also anticipates regional commercial, auto sales and industrial uses to establish sales tax producing businesses and locally based jobs along the freeway corridor. The Specific Plan also includes architectural and design standards. The City reviews all new development for compliance with these standards. This assures compatibility with adjacent uses and high quality architecture.

The High Desert Gateway Shopping Center, featuring a Super Target and a Golden Corral restaurant, opened in October 2008. This center is consistent with the land use goal to establish regional commercial uses along the freeway. The design and architecture meets the requirements of the Specific Plan to create a visually interesting and attractive place to shop or dine. Marshall's, Ross and Rue 21 opened in 2010. Two more retail chains (Joann's and Pier 1) opened in 2012, along with a Chase Bank branch and a Farmers Boy's restaurant. This center approached build out with the completion of Planet Fitness in 2015. In 2014, the developer obtained land use approval for four additional buildings located west of Cataba, initiating the second phase of the development. In 2015, Tractor Supply opened a store at the corner of Main Street and Mesa Linda Avenue.

Walmart opened a Supercenter in August 2012. The store employs approximately 300 and is already attracting interest to develop the surrounding out-pads. A Panda Express restaurant opened in December 2013 and a carwash was completed in spring 2015. In addition, a Petco store opened in this center, as well as a multi-tenant building that includes Pieology Pizza, the Habit Burger Grill, Firehouse Subs and Daniel's Jewelers. Plans for an auto parts store have also been submitted for the vacant pad along Escondido Avenue.

Since 2006, the City completed construction of the Hesperia Branch Library, City Hall, Civic Plaza Park, the Police Station and County High Desert Government Center, on 30 acres the City had acquired. All of these buildings exhibit common architecture, which unifies the Civic Plaza around the park. Cinema West opened a 12-screen theatre on land west of the park in December 2012. Desert Barn Microbrewery also opened on Hesperia Road.

In 2012, the City has completed the first phase (Spruce and Smoke Tree streets) of the Downtown Revitalization Program. This consists of installing new curb, gutter, sidewalks, landscaping and front yard fencing in a one-square mile area immediately east of the Civic Plaza. Water lines were replaced and new sewer lines were installed. Street trees

have been added to complete the thematic improvements in harmony with the City's plans for the Civic Plaza. The intent is to increase the property values in this area to encourage construction or remodeling of the existing homes and apartments in this area, many of which are in dilapidated or sub-standard condition. Each of the aforementioned projects involved Redevelopment Tax Increment expenditures.

In 2014, the City adopted a park use policy and updated the Housing Element to reflect the new 8-year RHNA cycle.

Finally, on February 2, 2016, the City Council adopted the Tapestry Specific Plan after a review process that took over two years. Ultimately, the Specific Plan will have about 16,000 new dwelling units, 500,000 to 700,000 square feet of retail, office and administrative uses, eight elementary schools, two middle schools and two high schools. The 9,365 acre project will have over 387 acres of parks, 170 miles of trails and paths and over 4,000 acres of open space.

Circulation Element:

As part of the General Plan Update, the City identified new land use districts that better suited the locations along two major corridors. A traffic model was created to address impacts over a 20-year period.

Capital Improvement Program

Projects underway in 2016 which implement the Transportation Plan goals are as follows:

- **Ranchero Corridor** – the project includes construction of street widening for the 5 mile stretch between I-15 and 7th Avenue to increase capacity from 2 lanes to 5 lanes together with an aqueduct bridge reconstruction and an at-grade railroad crossing improvement. In 2016, the City completed project design and environmental compliance processing for the street widening project. In 2017, the City will continue to complete right-of-way acquisition and funding coordination. The City has commenced design and permit processing with the Department of Water Resources for the bridge replacement project. Replacement bridge construction schedule has not been determined.
- **CDBG Pavement Program** – the City prepared design documents for bidding of nearly 30,000 feet of street rehabilitation located in the north-central area of the City. The project will be constructed during the first quarter of 2017.
- **2014-2015 Annual Street Improvement Program** – the City completed pavement rehabilitation along Main Street between Oakwood Avenue and Balsam Avenue, along Walnut Street from Main Street to Peach Avenue, along Pacific Street from Timberlane to Carrissa, and along E Avenue from Danbury to Alston. In addition, the project included nearly 77,000 feet of street slurry seal.
- **Traffic Signal Improvements at Main Street and I Avenue and Cottonwood Avenue and Main Street** – the City installed 2 traffic signals.

- 2015-2016 Annual Street Improvement Program – the City completed pavement rehabilitation along Main Street between Pyrite Avenue and La Junta Road and along 4th Avenue between Mesa Street and Sycamore Street together with nearly 42,000 feet of street slurry seal.
- Willow St – in 2016, the City began design for street improvements between 3rd Avenue and 8th Avenue. Construction will be completed in 2017.
- Escondido Av. Basin – the project consists of a 400 acre foot basin and related facilities located on the east side of Escondido Avenue between Sultana and Main Street. The project will enhance flood protection along numerous streets. In 2016, the City commenced preliminary design sizing the basin as well as determining downstream system capacity requirements. In 2017, the City is planning to commence site acquisition and design.
- Bear Valley at the NB I-15 off ramp to Mariposa – concrete and paving (project managed by the City of Victorville, the City paid for its side of the street).
- Fir St. and Rodeo Rd. – dirt roads paved between 7th and 11th Avenues.
- Main St. Traffic Signals – Camera mounted system between I Ave and 11th Ave designed to improve traffic flow and reduce wait time on Main Street.

The Main Street and Freeway Corridor Specific Plan addresses land uses along the City's important thoroughfares. Land uses are located to take maximum advantage of planned transportation facilities. For example, auto sales uses are planned along the freeway, adjacent to the Ranchero Road freeway interchange. This will provide exposure for the auto dealerships and convenient access from the freeway. In addition, this interchange will facilitate commuter access from Ranchero Road, which extends east to the southern portion of the City.

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

The City has also planned for housing and office uses to be located within the Civic Plaza area, so that the employees and residents may access commercial uses along Main Street and Eighth Avenue. The last 68 units of the KDF apartments, which are reserved for low income households, were completed in January 2010. As mentioned above, the police station and County Government center have been completed. These new employees and residents will enhance the prospects for businesses in this area.

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

Safety Element:

The City completed interim emergency repairs to the H-01 drainage course where it washed out Third Avenue. Permanent repairs are being planned with assistance by the Federal Emergency Management Agency (FEMA). A negative declaration was circulated and approved by the City Council in December 2013. The negative declaration found that the environmental impacts were not significant. In 2016 the City was informed that the FEMA funding was being withdrawn due to the fact that we exceeded the two-year time limit for completion of improvements. In addition, the funding awarded to the City was not programmed for constructing permanent repairs. Staff is reviewing other options for funding this project.

Fire Station 305 on the west side of the freeway continues operating. This 18,000 SF station protects the west side of Hesperia as well as the commercial and industrial areas along the freeway corridor. The City has also bid the rebuilding of Fire Station 301, but due to budget constraints, the project was not awarded. Revisions to the plans and specifications were made, but have not been rebid. A temporary station with use of portable trailers was re-established in February 2014. The City was awarded a Federal FEMA Staffing for Adequate Fire and Emergency Response (SAFER) grant that was originally awarded in 2013 to staff this station which lapsed in 2015. At this time the station remains vacant and is anticipated to remain unstaffed due to the pending dissolution of the Hesperia Fire Protection District. The City approved the Public Safety Operations Center (PSOC) within the County's High Desert Government Center in 2011. A 175-foot communications tower was constructed adjacent to the County Government Center in 2013. The second floor was concurrently remodeled to serve as the regional Emergency Operations Center (EOC).

In 2010, The City completed Community Emergency Response Team (CERT) training for all staff. The City is now offering this training to residents. The City also maintains a Reverse 911 system to allow residents to receive automatic emergency notifications. The City's new social media websites also feature these notices. Due to the Pilot Rock and Blue Cut fires, which occurred back to back in August, the City activated its EOC this year for about two weeks. While over 37,000 acres were burned and 105 homes were lost in the adjacent County areas, only one structure within the City was lost in the Blue Cut fire (the Summit Inn).

Open Space Element:

The City has worked with Hesperia Recreation and Park District (HRPD), a separate government agency, to develop and expand the park system in the City. As part of new residential development on the west side of the City, three parks have been developed, totaling 16 acres. In addition, a paseo system was established to link these parks with Hesperia Community Park, located west of Datura Avenue. The first phase of a fourth park, Maple Park was completed west of Maple Avenue in 2010, containing soccer fields.

In 2008, the City opened Civic Plaza Park adjacent to City Hall and the Hesperia Branch Library, is operated by HRPD for various purposes throughout the year.

The General Plan includes a Non-Motorized Transportation Plan. This plan established a city-wide system of paths and trails. The plan includes class 1, 2 and 3 bike trails as well as equestrian trails in power line easements and open space areas, such as the Mojave River. The Mojave River Trail connects to the Pacific Crest Trail in Summit Valley.

As mentioned above, the City uses a variety of alternatives to acquire and preserve open spaces as development occurs.

Conservation Element:

The City's adopted landscape ordinance was established in 2007 to be consistent with the State's Model Ordinance. This requires use of an approved plant list as well as restrictions on the use of turf and spray irrigation. In 2011, the ordinance was last amended to incorporate the mandated water budget standards in AB 1881.

The City's General Plan identifies washes, open spaces and culturally sensitive areas within the City and Sphere of Influence. As part of the review of any development project, the City applies mitigations for drainage facilities, preservation of protected plants and hillsides as well as surveys for cultural and archaeological resources as recommended by the County Museum.

The City continues to implement its Fats, Oils and Grease (FOG) program, adopted in 2010. The FOG program requires restaurants and other food uses to monitor and maintain grease interceptors and properly dispose of FOG products to reduce potential blockages of the City's sewer system. Lack of maintenance can lead to blocked sewer pipes, poor drainage and Sanitary Sewer Overflows (SSO's). SSO's can subject the City to fines from the Lahontan Regional Water Quality Control Board.

The City requires that new development, as well as public projects, irrigate their landscaping with provisions to convert to the use of reclaimed water when it becomes available. The City, in conjunction with the regional wastewater authority, is building sub-regional treatment plants that will supply treated water for this purpose. The Lahontan Regional Water Quality Control Board approved a plan for the VVWRA to construct a sub-regional treatment plant located at the corner of Mojave Street and Tamarisk Avenue. The project is currently under construction, with construction anticipated to be completed in August, 2018. The plant is expected to go on-line by November, 2018. The City also requires best management practices for new construction including watering of graded areas and dirt access ways, Storm Water Pollution Prevention Program (SWPPP) measures and surveys for cultural or biological resources, as applicable to each project. The City is in the third year of its MS4 Municipal Storm Water Permit which has significant requirements related to storm water capture, treatment, and controlled release, along with requirements for Low Impact Development (LID) features. City staff will be modifying existing ordinances and crafting new ones to meet the requirements of the permit.

Noise Element:

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

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

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

Housing Element:

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

In 2010, the City completed the General Plan Update, including the Housing Element. The new Housing Element addressed the previous RHNA reporting period, which was from January 1, 2006 to June 30, 2014. Following the State's adoption of Senate Bill SB375, a new Housing Element cycle was established from 2013 to 2021. The City updated the Housing Element in 2013, using the new RHNA assigned by the State. The City Council adopted the updated Housing Element in February 2014.

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

Table A is the annual building activity for 2016. The report indicates that 20 very-low income, 75 low income, and 0 moderate income units were constructed. **Table A2** shows that 172 single family residence permits and permits for 96 apartment units were issued in 2016.

Table B shows the City's progress towards meeting the regional Housing Needs Assessment Needs numbers. No very-low, low or moderate income units were constructed in 2015. As mentioned above, 172 permits for single family residences and permits for 96 apartment units were issued in 2016. As the City's RHNA is now 1,715 units under the new housing element cycle established by SB375, this leaves 1,239 units to be constructed to meet the current RHNA. Finally, **Table C** lists the progress the

City and Housing Authority made during FY 2015-2016 towards meeting the program goals in the City's Housing Element.

Due to the enactment by the State of Assembly Bill AB 26X, which dissolved redevelopment agencies as of 2012, funding for affordable housing was significantly affected. The City evaluated the impacts of this action, and modified programs previously funded by redevelopment "20% housing set-aside", as no replacement funding for such programs is available.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Hesperia

Reporting Period 1-Jan-16 - 31-Dec-16

Table A

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

| Housing Development Information | | | | | | | | Housing with Financial Assistance and/or Deed Restrictions | | Housing without Financial Assistance or Deed Restrictions |
|---|------------------|-------------------------------|------------------------------------|----------------|---------------------|------------------------------|-------------------------------|--|-----------------------------|--|
| 1 | 2 | 3 | 4 | | | | 5 | 6 | 7 | 8 |
| Project Identifier
(may be APN No.,
project name or
address) | Unit
Category | Tenure
R=Renter
O=Owner | Affordability by Household Incomes | | | | Total Units
per
Project | Assistance
Programs
for Each
Development | Deed
Restricted
Units | Note below the number
of units determined to
be affordable without
financial or deed
restrictions and attach
an explanation how the
jurisdiction determined
the units were
affordable. Refer to
instructions. |
| | | | Very Low-
Income | Low-
Income | Moderate-
Income | Above
Moderate-
Income | | See Instructions | See
Instructions | |
| Eagle Hesperia 55,
LLC Apartments | | | 20 | 75 | | 1 | 96 | | 95 | 1 (caretaker) |
| | | | 0 | 0 | | | 0 | | 0 | 0 |

| | | | | | | | | | | |
|--|--|--|---|---|---|---|---|--|---|---|
| | | | 0 | 0 | 0 | 0 | 0 | 1)RDA/LMIHF
2) 4%Tax
Credits
3) Tax-
Exempt Multi-
Family
Revenue
Bonds | 0 | 0 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| (9) Total of Above Moderate from Table A2 ▶ ▶ ▶ ▶ ▶ ▶ | | | | | | | 0 | 172 | | |
| (10) Total by income units
(Field 5) Table A ▶ ▶ ▶ | | | 0 | 0 | 0 | | | 96 | | |

Table A2

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

| | Single Family | 2 - 4 Units | 5+ Units | Second Unit | Mobile Homes | Total |
|---|---------------|-------------|----------|-------------|--------------|-------|
| No. of Units Permitted for
Above Moderate | 172 | 0 | 0 | 0 | 0 | 172 |

Table B
Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

| Enter Calendar Year starting with the first year of the RHNA allocation period. See Example. | | | | | | | | | | | | Total Units to Date (all years) | Total Remaining RHNA by Income Level | |
|--|----------|---------------------|---------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|---------------------------------|--------------------------------------|--------|
| Income Level | | | RHNA Allocation by Income Level | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | | | Year 9 |
| | Very Low | Deed Restricted | 398 | 0 | 0 | 0 | 20 | | | | | | 20 | 378 |
| | | Non-deed restricted | | 0 | 0 | 0 | 0 | | | | | | | |
| | Low | Deed Restricted | 274 | 0 | 0 | 0 | 75 | | | | | | 75 | 199 |
| | | Non-deed restricted | | 0 | 0 | 0 | 0 | | | | | | | |
| | Moderate | Deed Restricted | 314 | 0 | 0 | 0 | 0 | | | | | | | 314 |
| | | Non-deed restricted | | 0 | 0 | 0 | 0 | | | | | | | |
| Above Moderate | | | 729 | 28 | 82 | 98 | 173 | | | | | | 381 | 348 |
| Total RHNA by COG. Enter allocation number: | | | 1,715 | 28 | 82 | 98 | 268 | | | | | | 476 | 1,239 |
| Total Units ► ► ► | | | | | | | | | | | | | | |
| Remaining Need for RHNA Period ► ► ► ► ► | | | | | | | | | | | | | | |

Table C
Program Implementation Status

| Program Description
(By Housing Element Program Names) | | Housing Programs Progress Report – Government Code Section 65583.
Describe progress of all programs including progress in removing regulatory barriers as identified in the Housing Element | | |
|---|---|--|---|--|
| Name of Program | Objective | Deadline in H.E. | Status of Program Implementation
The City of Hesperia has continued to implement the goals and objectives of the H.E. The following data represents implementation for the 2015-2016 fiscal year | |
| PROGRAM 1:

FIRST-TIME HOMEBUYER
DOWNPAYMENT ASSISTANCE
PROGRAM (DAP). | <p>Assist 5 (5) low and moderate-income first-time homebuyers.</p> <p>Implement federal HOME funds (via State HCD) as awarded, and annually apply for additional funding for homeowner assistance programs.</p> <p>Utilize Hesperia Housing Authority funds to assist with downpayment assistance.</p> <p>Promote programs that will increase the level of home ownership in Hesperia to reduce the number of foreclosed, vacant and HUD owned homes by a minimum of 10%.</p> <p>Note: Numerical goals are based on a 5-year period</p> | Ongoing from 2014 | <p>During fiscal year 2015-16 the City's Housing Authority -funded Downpayment Assistance Program (DAP) that offered a 30-year, zero percent interest loan with payments deferred for thirty years was on hold. During this fiscal year the City did not fund any DAP loans.</p> <p>During the 2015-2016 fiscal year, staff applied for funding through the City's Community Development Block Grant (CDBG) entitlement for a First Time Homebuyer Program. Funding was approved in the amount of \$200,000 for the 2016-2017 CDBG Program Year.</p> <p>The City has Spanish translators available on staff if needed.</p> | |
| PROGRAM 2:

SECTION 8 RENTAL ASSISTANCE
PROGRAM. | <p>Provide Section 8 rental assistance through the County of San Bernardino Housing Authority to three hundred (300) very-low and low-income people.</p> <p>Provide information at the public counter and the City's website.</p> <p>Note: Numerical goals are based on a 5-year period</p> | Ongoing | <p>This federally funded program provides rental assistance in the form of a Section 8 Housing Choice Voucher to very low income families, senior citizens, disabled, handicapped, and other individuals for the purpose of securing decent, affordable housing. The City is not a direct recipient of Section 8 Housing Choice Vouchers, instead the San Bernardino County Housing Authority (HASB) obtains the vouchers and recipients of the vouchers may choose to use them in the City. During the 2015-2016 program year, HACSB continued providing housing and public services to existing residents of HUD Public Housing units and HACSB-owned affordable housing units. Additionally, in February 2015, HACSB opened enrollment for its waitlist for tenant-based rental assistance (Section 8) units. In addition, the HASB has 100 Authority owned housing units.</p> | |

| | | | |
|--|---|--------------|---|
| | | | The City of Hesperia continues to work with the Housing Authority of the County of San Bernardino to maintain its Section 8 Rental Assistance lease-up rate at full utilization of contract authority. |
| PROGRAM 3:

AFFORDABLE HOUSING DEVELOPMENT.

DENSITY BONUSES AND REGULATORY CONCESSIONS.

FINANCIAL ASSISTANCE, IDENTIFICATION OF AVAILABLE SITES. | <p>Based on available funds, issue a NOFA to solicit housing developers.</p> <p>Purchase vacant and underutilized sites.</p> <p>Achieve 595 affordable housing units, (291 extremely/very low and 304 low income units)</p> | 2008 to 2014 | <p>A final NOFA has been approved by the City Council but is on hold indefinitely.</p> <p>The City approved a loan for an affordable new construction apartment project for seniors in an amount not to exceed \$3,831,975. The complex will consist of 96 units on a portion of 9.41 acres. The project includes 20 units at 50% AMI and 76 units at 80% AMI.</p> <p>The City adopted revised density bonus provisions in its Development Code in 2011. The city offers and promotes density bonuses in conjunction with design concessions to enable developers to construct affordable units within the City. The City's current inventory for multiple-family properties has been included in the adopted 2014-2021 Housing Element. This list is made available to housing providers and developers.</p> <p>There are Public Housing projects in the City of Hesperia; however, they are not sponsored by the City. The City is actively involved in the efforts of the Housing Authority of the County of San Bernardino (HASB) and its endeavor to provide public housing for low-income and special needs households. The City reviews HASB's administrative, annual and five-year plans to ensure (1) there is a system in place for public housing residents input; (2) consistency with the City's Consolidated Plan goals; and (3) that public housing priorities reflect the needs of the community. To the extent possible, the City encourages landlords to renew their agreements with the HASB to preserve the affordable housing options for recipients of Section 8 vouchers.</p> <p>The City utilized \$830,269 in 2015-16 and prior year CDBG funds for programs including Public Service, Housing Rehabilitation, Energy Efficiency and Minor Home Repair, Fair Housing, and Neighborhood and Infrastructure Improvement. In addition, the City's Housing Authority continued to implement housing programs using CDBG and NSP funds.</p> |
| PROGRAM 4:

LARGE SITES FOR LOWER INCOME HOUSING PROGRAM. (2-10 ACRES) | <p>Streamlining approval process.</p> <p>Reduced fees</p> <p>Provide technical assistance</p> | Ongoing | <p>The City adopted the Main Street and Freeway Corridor Specific Plan in 2008. This plan includes the majority of the City's land designated for multiple-family housing as well as the CDBG target areas. As a result, densities in these properties have been maintained or increased. This will enable developers to realize the development potential and position the City to implement the</p> |

| | | | |
|--|--|---------|---|
| | Modification of development requirements | | available design incentives and concessions necessary to develop affordable housing. In 2011, the City also adopted new density bonus regulations to be consistent with State law and Housing Element requirements. In 2014, the City defined and permitted transitional and supportive housing within all zones that permit residential uses. Standards for single room occupancies were also adopted. |
| PROGRAM 5:
ADEQUATE SITES MONITORING PROGRAM. | Monitor development to assure remaining capacity of site is adequate to accommodate city RHNA

Annually update land inventory and provide to interested developers. | Ongoing | The City's current inventory for multiple-family properties has been included in the 2014-2021 adopted Housing Element. Should development occur on any of these parcels, the inventory will be updated to reflect their status. The City has more than enough available property to accommodate its RHNA. The likelihood that any of these properties would be rezoned or developed as anything other than housing is extremely remote. As of 2015, no inventoried land has been rezoned or developed. |
| PROGRAM 6:
GREEN BUILDING PROGRAM. | Promote LEED certification

Provide incentives for wind and solar power

Include green building program in 2013 building code adoption (Completed) | Ongoing | In 2009 and as amended in 2011, the City adopted an ordinance to allow wind and solar power on residential, commercial and industrial uses. The City, through the development review process also gives priority processing for residential solar permits as well as enforces the mandatory measures in the Green Building Code related to parking of clean air vehicles. |
| PROGRAM 7:
ASSISTANCE FOR THE HOMELESS.

PROVIDE SERVICES AND/OR HOUSING ASSISTANCE FOR HOMELESS PERSONS OR PERSONS AT-RISK OF BECOMING HOMELESS. | Provide homeless assistance services, emergency shelter, transitional shelter, and supportive housing for twelve hundred (1200) homeless persons, and persons at-risk of becoming homeless on an annual basis.

Participate in regional efforts to develop a continuum of care.

Provide handouts for available services at public counters.

Note: Numerical goals are based on a 5-year period | Ongoing | In order to effectively address homelessness in a comprehensive manner, HUD asks cities to form Continuums of Care. A Continuum of care refers to an overall plan to coordinate the efforts of all involved parties to meet the needs of homeless persons and persons at risk of homelessness. The components of a continuum include homeless prevention, emergency shelter, transitional shelter, permanent supportive housing, and supportive services. The overall objective is to move homeless persons and families outside the service delivery system into emergency housing, then to transitional housing, and finally to self-sufficiency or permanent supportive housing.

In addition, City CDBG funds were used to assist the Family Assistance Program for a domestic violence emergency shelter and the High Desert Homeless Services which provides shelter and support services for homeless women with children, families and single adults. Homeless Prevention and Special Needs Services were provided to 223 homeless persons. |

| | | | |
|---|--|------------------|--|
| <p>PROGRAM 8:</p> <p>CITY OF HESPERIA TOWNSHIP PROGRAM.</p> | <p>Improve streets in the Township area with curb, gutter, sidewalks landscaping and front-yard fencing.</p> <p>Rehabilitate and improve the remaining streets as funds become available.</p> <p>Actively pursue funding for this program.</p> | <p>2009-2014</p> | <p>The City's original township (one square mile) had fallen on challenging times and suffered from significant disinvestment, high crime rates, gang activity and graffiti, failing infrastructure, and abnormally high number of vacant homes. The increasing cost of law enforcement in this area resulted in the City dedicating one full time officer to implement community-based policing. This aggressive stance resulted in a significant drop in crime rates which started a trend towards neighborhood recovery. The City and Agency realized that direct investment in the Township Area was necessary if revitalization efforts were to be successful.</p> <p>The City has performed public improvement in the first phase of the Township Improvement and Redevelopment Project. The City performed overlay paving and added curb and gutters and landscaping on two streets in the targeted area, which included new water lines, sewer lines, and storm drains. The City utilized redevelopment funds and water funds to complete the first phase of the project leveraging the resources available through CDBG funding. Due to the abolishment of the Agency, the Community Development Commission will administer future involvement in this program.</p> |
| <p>PROGRAM 9:</p> <p>CODE ENFORCEMENT.</p> | <p>Provide Code Enforcement service to 175 households in the designated low-income enhancement areas.</p> <p>Provide Code Enforcement assistance to 20 low-income households.</p> <p>Note: Numerical goals are based on a 5-year period</p> | <p>Ongoing</p> | <p>The Code Enforcement Program provided services for the elimination and abatement of public nuisances in low income designated target areas. Also, code enforcement increased City efforts to improve existing housing stock and eliminate blighted structures. Code Enforcement did not utilize CDBG funds for this program during FY 2015-16.</p> <p>Neighborhood Police Services have proven to be successful in reducing illegal activities in creating a suitable living environment for the residents in CDBG eligible areas.</p> <p>The Graffiti Removal Program provided services for the elimination of blight utilizing City general funds.</p> |
| <p>PROGRAM 10:</p> <p>OWNER-OCCUPIED HOUSING REHABILITATION LOAN PROGRAM (HRLP) AND SEWER CONNECTION PROGRAM (SCP).</p> | <p>Offer HRLP loans between \$15-50,000 to properties within the City's projects and township areas.</p> <p>Provide five rehabilitation and/or sewer connection loans.</p> <p>Advertise program on website and at the public counter.</p> | <p>Ongoing</p> | <p>The Hesperia Housing Authority (HHA) manages the HRLP. The HRLP provides eligible borrowers with fully deferred, non-interest bearing loans (not grants). The minimum HRLP Loan is \$15,000. Typical HRLP Loans may not exceed \$40,000.</p> <p>The HRLP incorporates necessary repairs to bring the housing units up to code and to make them accessible to disabled residents. During this fiscal year the City did not fund any HHA HRLP loans.</p> <p>The HHA HRLP is not currently active.</p> |

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| <p>PROGRAM 11:</p> <p>COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION LOAN PROGRAM (CDBG-HRLP).</p> | <p>Assist lower-income home owners with loans up to \$20,000.</p> <p>Provide loans to five lower-income housing units.</p> <p>Advertise program on website and at the front counter.</p> | <p>Ongoing</p> | <p>The CDBG Housing Rehabilitation Loan program (HRLP) was available to provide loans and grants of up to \$30,000 for low-income homeowners for housing repairs. During this fiscal year the City did not funded three (3) CDBG-HRLP Loans.</p> <p>The City funded twenty one (21) Energy Efficiency and Minor Home Repair Rehabilitation grants/forgivable loans during this fiscal year.</p> <p>One of the City's primary goals for this Program is to assist in serving to increase, improve, and preserve the supply of low- and moderate-income housing within the City for qualified low- and moderate-income individuals.</p> |
| <p>PROGRAM 12:</p> <p>LEAD-BASED PAINT EDUCATION AND OUTREACH EFFORTS.</p> | <p>Provide lead-based paint education and outreach to 75 low and moderate income households.</p> <p>Provide lead-based paint testing as needed.</p> <p>Note: Numerical goals are based on a 5-year period</p> | <p>Ongoing</p> | <p>As the lead agency for the CDBG programs, the Economic Development Department will continually refine its outreach efforts to ensure that households are educated about lead-based paint (LBP).</p> <p>According to the Consolidated Plan, the incidence of lead-poisoning in Hesperia is not extensive. In addition to supporting HUD and EPA efforts in disseminating public information on the health hazards of LBP, the City addresses LBP issues through its Housing Rehabilitation Loan Program (HRLP) and through its participation in the State's HOME programs.</p> <p>In addition, all housing units acquired or participants applying for assistance under the Neighborhood Stabilization Program (NSP) were implemented in compliance with the HUD LBP requirements. The Program's housing inspector is required to comply with the federal requirements for lead-based paint hazards and removal.</p> |
| <p>PROGRAM 13:</p> <p>AFFORDABLE HOUSING MONITORING.</p> | <p>Monitor affordable housing projects annually for compliance with affordability restrictions income eligibilities and housing quality standards.</p> | <p>Ongoing</p> | <p>The City offers a wide range of housing and density bonuses, design concessions and financial assistance to projects that commit units to affordable rents or sales levels as well as to seniors. To date, the City has deed restricted provisions in effect on 9 projects, totaling 623 units. Staff monitors the projects annually for compliance with their Regulatory Agreements. In addition, Compliance Managers at the affordable complexes submit biannual monitoring reports to City staff. The City's 2010 General Plan Update includes within the Housing Element provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas.</p> <p>For the implementation of the City's Fair Housing Services, the City funded Inland Fair Housing and Mediation Board in the amount of \$15,000. The funds were used for the provision of fair</p> |

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| | | | housing outreach, education and enforcement activities, including landlord-tenant matters. During the program year, this activity exceeded its service goal of 130 people by 686 people, serving 816 people in fiscal year 2015-2016. |
| PROGRAM 14:

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN. | <p>The Specific Plan includes five residential zones with densities up to 25 units per acre.</p> <p>Promote densities and development tools to developers.</p> <p>Implement shared parking, density bonus and other design incentives for affordable projects in the Specific Plan area.</p> | Ongoing | The City adopted the Main Street and Freeway Corridor Specific Plan in 2008. This plan incorporates design standards and establishes mixed use and higher density residential zoning in commuter-friendly locations along the City's two principal thoroughfares. The plan also places higher density residential in proximity to the City's new Civic Plaza and pedestrian commercial zoning along Main Street to create a walkable downtown area. The City's completed the General Plan Update in 2010 and included provisions to reinforce mixed use zoning, affordable housing and higher densities within multiple family areas. |
| PROGRAM 15:

DENSITY BONUS PROGRAM. | <p>Amend Development Code to be consistent with current density bonus laws (completed)</p> <p>Market density bonus incentives to developers.</p> <p>Provide financial and non-financial housing development incentives, seek financing for needed on and off site improvement through assessment districts or Community Facilities Districts, assist private developers who propose construction of low or moderately priced housing units, coordinate City efforts with available County programs, incorporating State and federal funds, as available.</p> | Ongoing | <p>The City adopted revised density bonus provisions in its Development Code in 2011. The City offers and promotes density bonuses in conjunction with design concessions for enable developers to construct affordable units within the City. One project, consisting of 192 senior units, (a 28% density bonus) was approved in 2016, and is currently under construction.</p> <p>The City's Housing Authority provides assistance by providing low interest loans.</p> |
| PROGRAM 16:

HOUSING FOR THE HOMELESS/EXTREMELY LOW INCOME HOUSEHOLDS. | <p>Provide for two zones where emergency/homeless shelters are permitted.</p> <p>Provide for design standards for emergency/homeless shelters.</p> | Completed | The Main Street and Freeway Corridor Specific Plan provides for two zones (Mixed-Use and Medium Density Residential) to permit emergency/homeless shelters. The design will be generally held to similar institutional uses, depending on the services offered by the shelter. These zones are in proximity to the City's commercial core as well as the Civic Plaza. This enables the homeless to access services necessary to provide substance and maintain contact with society. In 2014, the city defined and recognized Transitional/supportive housing and permitted them in the same manner as other housing allowed in all residential zones. Standards for single room occupancies (SRO's) were also adopted. |

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| <p>PROGRAM 17:</p> <p>FARMWORKER HOUSING.</p> | <p>Amend the Development code to permit farmworker housing in agricultural zones</p> <p>Amend the Development Code to permit employee housing on land where agricultural uses are permitted</p> | <p>Completed</p> | <p>In 2011, the City revised its residential and agricultural zoning to be consistent with the General Plan update. The agricultural zones permit accessory units, guest houses and farm labor camps to augment the full range of agricultural uses and activities expected to occur on these properties.</p> |
| <p>PROGRAM 18:</p> <p>HOUSING FOR PERSONS WITH DISABILITIES.</p> | <p>Develop a reasonable accommodation process to review and approve projects related to housing for people with disabilities.</p> | <p>2013</p> | <p>The City has trained two plan checkers in the latest requirements for construction of accommodations for persons with disabilities.</p> <p>The City enforces applicable California Title 24 disabled access regulations on all new development. This includes the public right-of-way as well as on-site and within the building. Plan check on these plans or improvements is conducted in conjunction with the remainder of the building and public improvement plans and does not pose a constraint. Accommodations are also made for the retrofit of existing buildings to permit their use in special circumstances.</p> <p>There were no ADA projects budgeted during this program year due to the limitation on available funds.</p> |
| <p>PROGRAM 19:</p> <p>FAIR HOUSING SUPPORT AND SERVICES.</p> | <p>Provide fair housing services and annual outreach meeting to assist residents, landlords and housing professionals.</p> <p>Place fair housing information and resources in the website and at the front counter.</p> | <p>Ongoing</p> | <p>The Inland Fair Housing and Mediation Board provided fair housing services, including, landlord/tenant mediation, and discrimination complaint counseling. IFHMB also provided fair housing education and outreach services to residents of Hesperia.</p> <p>The Inland Fair Housing and Mediation Board assisted eight hundred and sixteen (816) people.</p> |

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**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, FEBRUARY 8, 2017**

A. PROPOSALS:

1. KATSUNORI CORP.; (CUP17-00002)

Proposal: Consideration of a Conditional Use Permit to expand onsite alcohol sales from beer and wine to include liquor in conjunction with an existing restaurant.

Location: 14073 Main Street, Suite 109 (3057-071-05)

Planner: Stan Liudahl

Action Taken: Forwarded to Planning Commission Meeting of March 9, 2017



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, FEBRUARY 22, 2017**

A. PROPOSALS:

1. OLIVETREE APARTMENTS; (VAR16-00001 & SPR15-00012)

Proposal: Consideration of a Variance and a Site Plan Review to allow a 15-foot street side yard setback and a minimum 10-foot distance between buildings instead of the 25-foot street side yard setback and 15-foot building separation in conjunction with Site Plan Review SPR15-00012, to construct a 186-unit multi-family development in four phases replacing two single-family residences on 22.8 gross acres.

Location: South side of Olive Street between Third Avenue and Hesperia Road (0413-162-09, 10, 35 & 36)

Planner: Stan Liudahl

Action Taken: Administrative Approval

2. CHARLENE LOTT; (CUP16-00009 & GPA16-00002)

Proposal: Consideration of a Conditional Use Permit to construct a gas station, a 5,000 square foot convenience store with a drive-thru restaurant and an automated car wash, a 19,000 square foot commercial building, and a 3,300 square foot drive-thru restaurant and General Plan Amendment GPA16-00002 to change the zoning from A1 to C1 on 3.46 gross acres. Project also includes a Type 21 license for the sale of beer, wine and liquor.

Location: Northeast corner of Ranchero Road and Seventh Avenue (0412-172-01)

Planner: Ryan Leonard

Action Taken: Administrative Approval