

PLANNING COMMISSION

REGULAR MEETING

Date: March 14, 2019

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

Cody Leis, Vice Chair

Rusty Caldwell, Commissioner

Kerrie Justice, Commissioner

James Blocker, Commissioner

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

Chris Borchert, Principal Planner

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 Jeff Codega, 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.

THIS PAGE INTENTIONALLY LEFT BLANK



City of Hesperia

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345
www.cityofhesperia.us

Meeting Agenda Planning Commission

Thursday, March 14, 2019

6:30 PM

Council Chambers

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
James Blocker Commissioner
Rusty Caldwell Commissioner
Kerrie Justice 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 Consideration of the February 14, 2019 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 14, 2019.

Staff Person: Senior Office Specialist Cecilia Alonzo

Attachments: 02-14-2019 PC MINUTES

PUBLIC HEARINGS

2. Page 9

Consideration of Conditional Use Permit CUP19-00002 to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant at 17376 Main Street, Unit C (Applicant: M.O.R.R.; APN: 0410-135-56).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2019-07, approving CUP17-00002 to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [Staff Report](#)

[General Plan Map](#)

[Aerial Photo](#)

[Census Tract Map](#)

[Resolution No. 2019-07](#)

[Conditions of Approval](#)

3. Page 18

Consideration of Specific Plan Amendment SPLA19-00002 to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and to increase the floor area ratio in the Neighborhood Commercial (NC) zone.

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2019-06 recommending that the City Council introduce and place on first reading an ordinance approving SPLA19-00002.

Staff Person: Senior Planner Ryan Leonard

Attachments: [Staff Report](#)
[Attachment 1-Aerial Photo of the Pedestrian Commercial Zone](#)
[Attachment 2-MSFCSP Land Use Map](#)
[Attachment 3- Current Pedestrian Commercial and Neighborhood Commercial Z](#)
[Resolution No. PC-2019-06](#)
[Exhibit A](#)

4. Page 44

Consideration of Specific Plan Amendment SPLA19-00001 to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER) located at the southeast corner of Blue Jay Way and Finch Court

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2019-08 recommending that the City Council introduce and place on first reading an ordinance approving SPLA19-00001.

Staff Person: Senior Planner Ryan Leonard
Attachments: [Staff Report](#)
[Attachment 1-General Plan Map](#)
[Attachment 2-Aerial Photo](#)
[Resolution No. PC-2019-08](#)
[Exhibit A](#)

PRINCIPAL PLANNER'S REPORT

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

D. DRC Comments

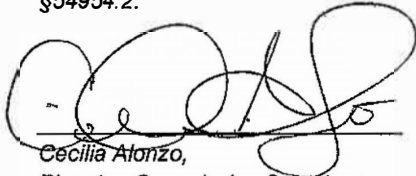
E. Major Project Update

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, Cecilia Alonzo, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, , 2019 at 5:30 p.m. pursuant to California Government Code §54954.2.



Cecilia Alonzo,
Planning Commission Secretary



City of Hesperia

Meeting Minutes

Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345
www.cityofhesperia.us

Thursday, February 14, 2019

6:30 PM

Council Chambers

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 Joline Hahn

C. Roll Call

PRESENT Chair Tom Murphy
Vice Chair Cody Leis
Commissioner James Blocker
Commissioner Kerrie Justice

ABSENT Commissioner Rusty Caldwell

PUBLIC COMMENTS

Chair Tom Murphy opened the Public Comments at 6:35

There were no Public Comments.

Chair Tom Murphy closed the Public Comments at 6:35

CONSENT CALENDAR

1. Consideration of the January 10, 2019 Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on January 10, 2019.

Sponsors: Planning Secretary Cecilia Alonzo

A motion was made by Vice Chair Leis, seconded by Commissioner Justice that this item be approved. The motion was carried by the following vote:

Aye: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Kerrie Justice

Abstained: Commissioner James Blocker

Absent: Commissioner Rusty Caldwell

PUBLIC HEARINGS

2. Consideration of General Plan Amendment GPA17-00003 from Rural Residential-Special Development (RR-SD) to Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000), and Tentative Tract Map TT17-00002 to create 16 single-family residential lots on 11.1 acres of a 20.2 gross acre site located on the west side of Arrowhead Lake Road, approximately 900 feet south of Calpella Avenue. The Planning Commission is also considering the project's Mitigated Negative Declaration (Applicant: Yogesh Goradia; APN: 0398-031-41 & 42).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution Nos. PC-2019-04 and PC-2019-05, recommending that the City Council approve GPA17-00003 and TT17-00002.

Sponsors: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga gave a presentation on the project.

Commissioners discussed and asked questions about the project.

Chair Murphy opened to Public Comments at 6:46.

Resident spoke against project.

Chair Murphy closed Public Comments at 6:49.

Chair Murphy re-opened comments at 6:54 after applicant requested to speak.

Applicant spoke on the project.

Chair Murphy closed Public Comments at 6:56.

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

Aye: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Kerrie Justice
Commissioner James Blocker

Absent: Commissioner Rusty Caldwell

ITEM FOR DISCUSSION

- A. Presentation on Holy Heavenly Lake Master Plan given by Weiya Noble.

Presentation began at 6:59

Presentation ended at 7:27

Public Spoke on Holy Heavenly Lake Project.

Residents spoke for and against the project.

Weiya addressed Public Comments.

- B. Discussion regarding forwarding a recommendation to the City Council about a code amendment to remove the Council as the final approval authority for the off-site sales of alcohol.

PRINCIPAL PLANNER'S REPORT

Principal Planner gave list of updates on current projects in the city.

D. DRC Comments

E. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

No reports given.

ADJOURNMENT

Meeting adjourned at 8:09 until Thursday March 14, 2019.

Tom Murphy
Chair

*Cecilia Alonzo,
Planning Commission Secretary*

THIS PAGE INTENTIONALLY LEFT BLANK

City of Hesperia STAFF REPORT



DATE: March 14, 2019
TO: Planning Commission
FROM: Chris Borchert, Acting Principal Planner
BY: Daniel S. Alcayaga, Senior Planner
SUBJECT: Conditional Use Permit CUP19-00002; Applicant: M.O.R.R.; APN: 0410-135-56

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2019-07, approving CUP19-00002 to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant.

Location: 17376 Main Street, Unit C

Current General, Plan, Zoning and Land Uses: The site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan. Round Table Pizza, the proposed tenant, will occupy an 8,157 square foot restaurant unit within the Hesperia Square. Round Table's proposed floor plan is much larger than their traditional restaurant. This location will offer a clubhouse style restaurant with three banquet rooms, a game room, a sports bar, and an expanded menu. The surrounding land is designated as noted on Attachment 1. There is a bank, a church, a fast-food restaurant, and a pharmacy located on the opposite side of Main Street to the south. A fast-food restaurant exists to the west. A bank exists on the opposite side of 'I' Avenue to the east. There is a mini-storage to the north (Attachment 2). Pasco's Pizza, which is located within the center, will be closing in the near future.

Land Use: The restaurant has applied for a Type 47 license with the California Department of Alcoholic Beverage Control (ABC) to allow the on-sale consumption of alcoholic beverages to include beer, wine and liquor. The Main Street and Freeway Corridor Specific Plan requires approval of a conditional use permit to allow for alcohol sales - on-site. The restaurant is within Census Tract 100.13. There are currently six establishments that serve alcoholic beverages for on-site consumption within this Census Tract. Census Tract 100.13 extends along the north side of Main Street between Santa Fe Avenue and the Mojave River (Attachment 3).

Table 1: Existing On-Sale Licenses in Census Tract 100.13

| Status | Business Name | Business Address | Type of License |
|--------|--------------------------------|------------------------|-------------------------|
| Active | Pascos Pizza | 17348 Main St | 41-Beer & Wine |
| Active | Moose Lodge Victor Valley 1808 | 10230 E Ave | 51-Lodge |
| Active | Sizzler Restaurant | 16988 Main St | 41-Beer & Wine |
| Active | Rotten Reds | 9297 G Ave | 48- Beer, Wine & Liquor |
| Active | El Charro Tacos | 16922 Main St, Suite E | 41-Beer & Wine |
| Active | Taqueria Zacatecas | 17014 Smoke Tree St | 41-Beer & Wine |

ABC allows a maximum of six on-sale licenses within Census Tract 100.13 before the census tract is considered to be over concentrated. As shown in Table 1, there are already currently six active on-sale licenses within this census tract. Therefore, approval of this CUP requires a finding of public convenience or necessity.

Staff believes that the findings of necessity and convenience required to obtain additional licenses in an over-concentrated tract can be made. Main Street is a major commercial corridor that provides convenient shopping and dining services. In particular, the restaurant will be located within the Neighborhood Commercial zone, considered to be a center of activity in the downtown portion of Hesperia. In this area, a variety of uses are expected in order to create a vibrant atmosphere and a convenient location whereby residents could obtain their services. It is the City's intent to continue to attract commercial developments, including sit-down restaurants in this area, which necessitate exceedance of ABC's standards for on-sale licenses. The restaurant with alcohol sales will offer residents a broader selection of dining services.

Schools and Parks: The project site at 17376 Main Street, Unit C is located approximately 625 feet east of Juniper Elementary School. Live Oak Park is located just under a ½ mile to the north of the restaurant.

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

Conclusion: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. Approval of an alcoholic beverage license is necessary in order to allow the restaurant to be competitive with similar businesses. It serves the public convenience and necessity to have a mix of different restaurants within the Neighborhood Commercial zone, serving City residents within the downtown area.

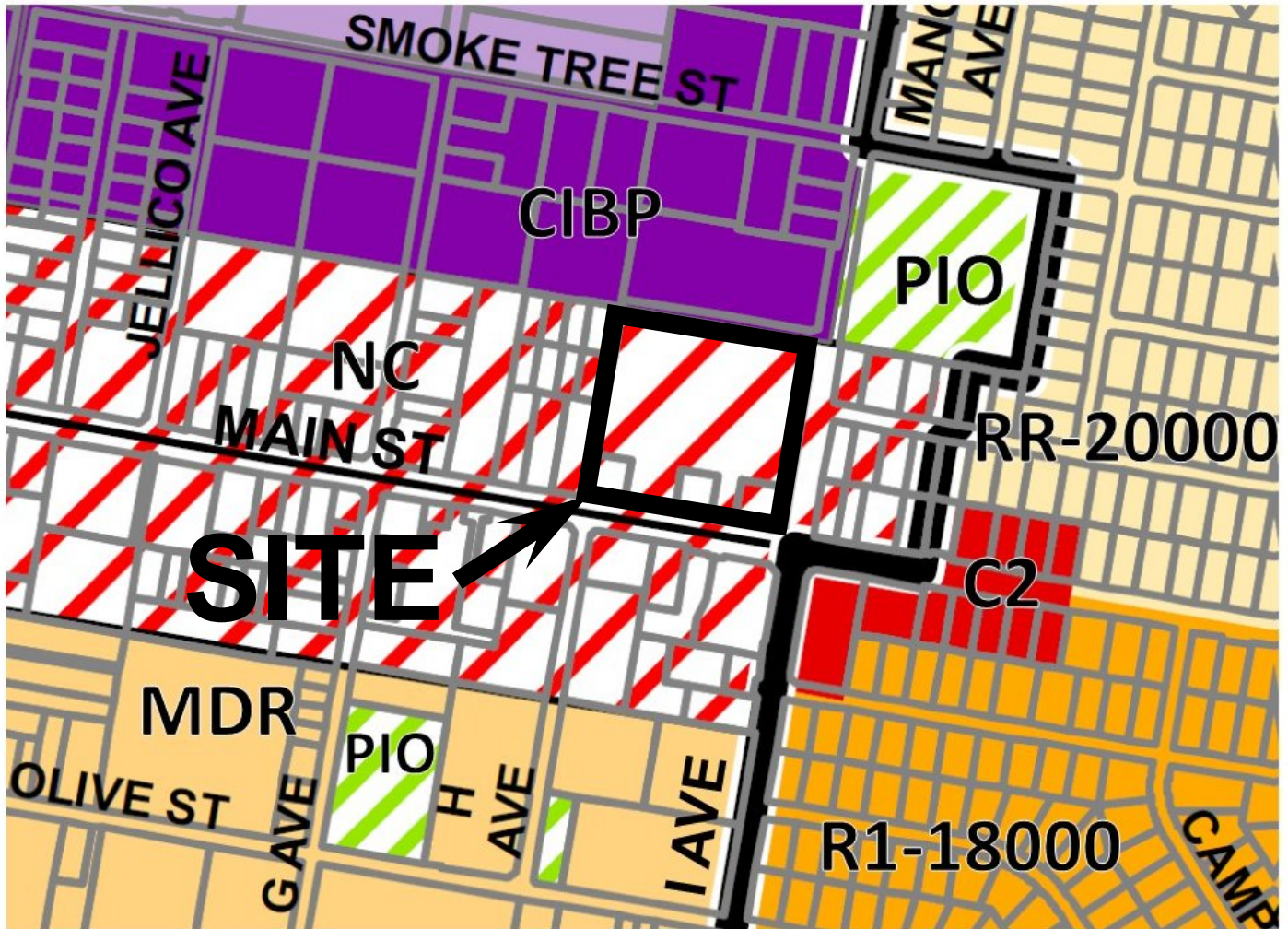
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. General Plan Map
2. Aerial Photo
3. Census Tract Map
4. Resolution No. PC-2019-07, with list of conditions

ATTACHMENT 1



APPLICANT(S): M.O.R.R.

FILE NO(S): CUP19-00002

LOCATION: 17376 MAIN STREET, UNIT C

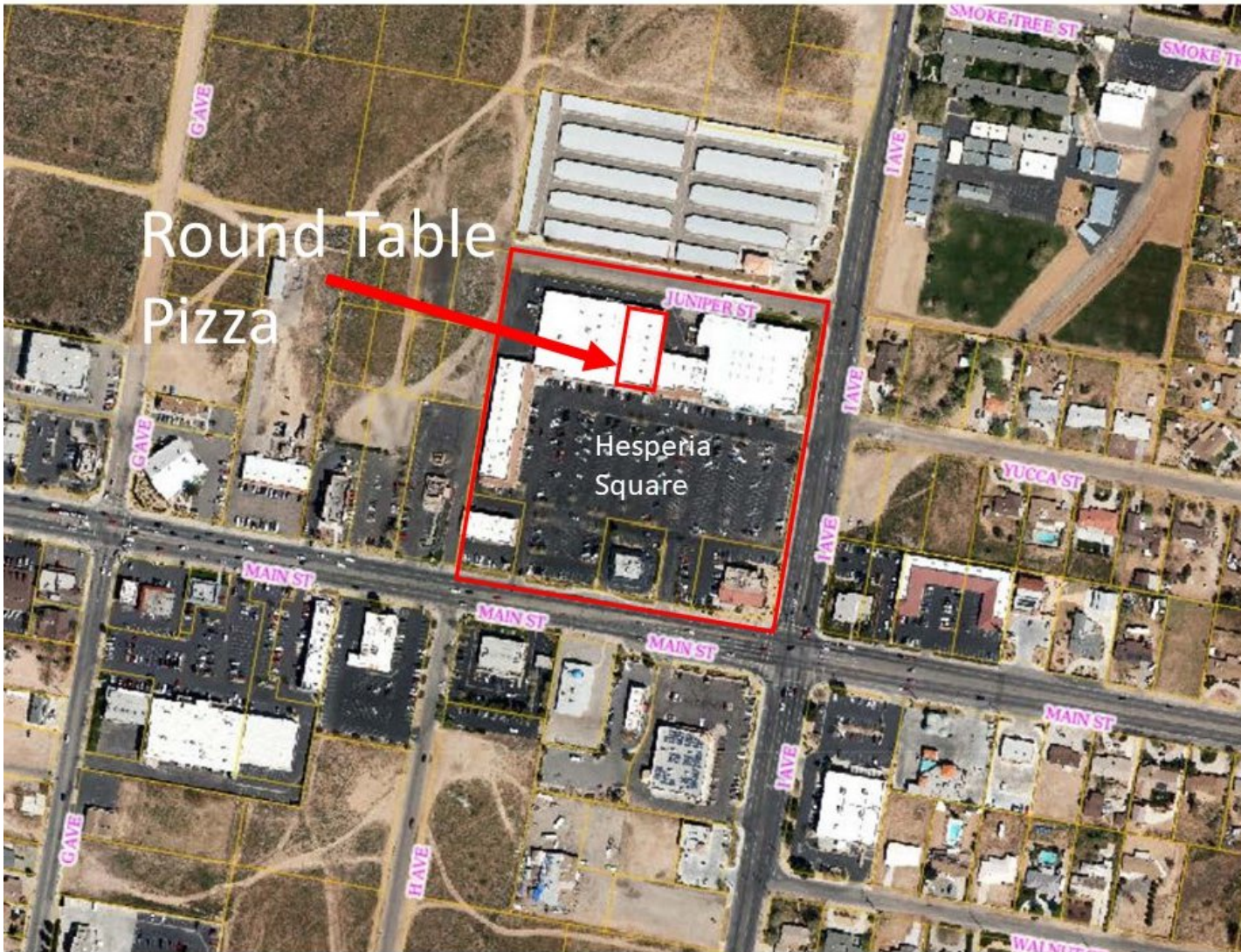
APN(S): 0410-135-56

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT.



GENERAL PLAN MAP

ATTACHMENT 2



APPLICANT(S): M.O.R.R.

FILE NO(S): CUP19-00002

LOCATION: 17376 MAIN STREET, UNIT C

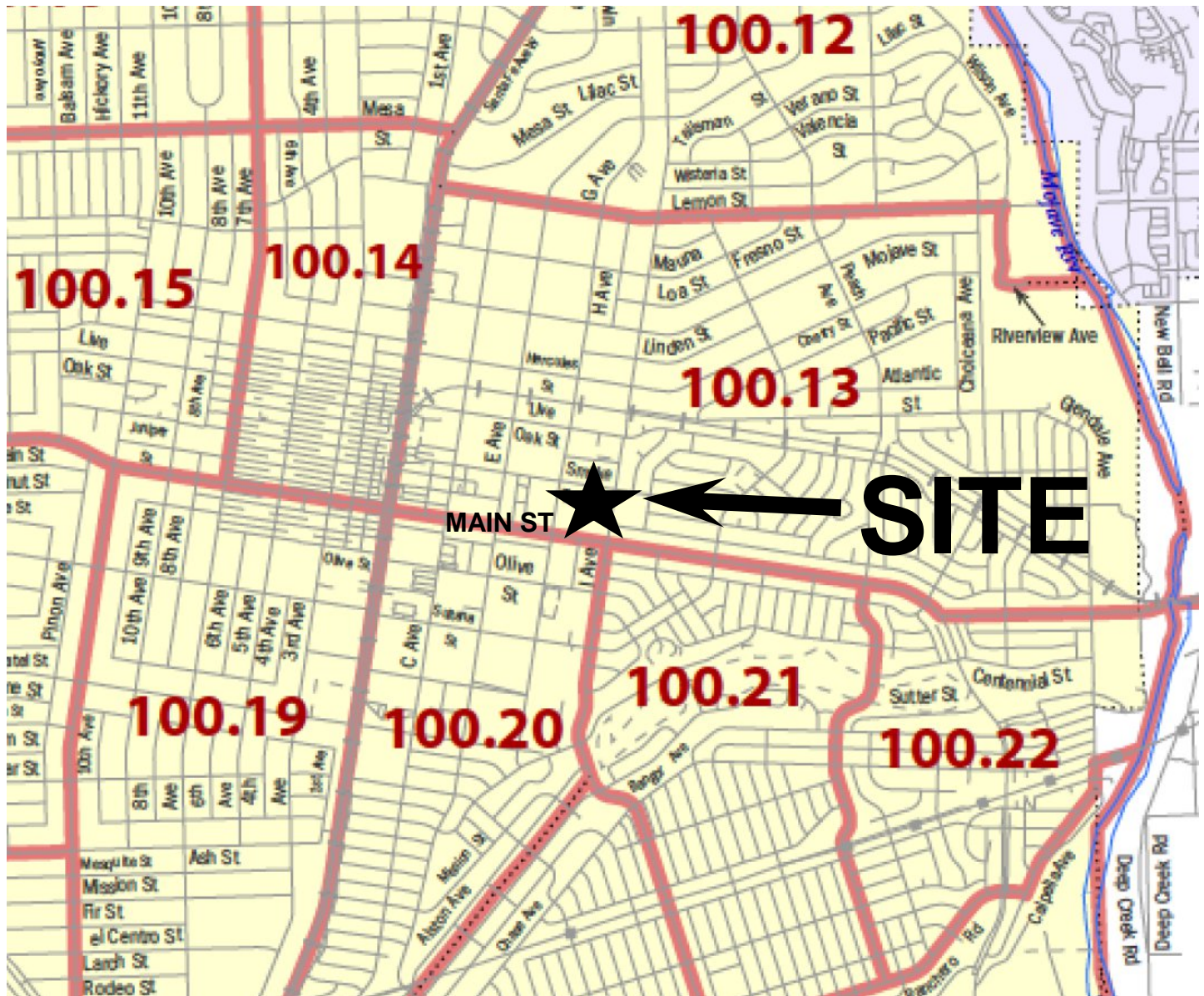
APN(S): 0410-135-56

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT.



AERIAL PHOTO

ATTACHMENT 3



APPLICANT(S): M.O.R.R.

FILE NO(S): CUP19-00002

LOCATION: 17376 MAIN STREET, UNIT C

APN(S): 0410-135-56

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT.



CENSUS TRACT MAP

ATTACHMENT 4

RESOLUTION NO. PC-2019-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT AT 17376 MAIN STREET, UNIT C (CUP19-00002)

WHEREAS, M.O.R.R. has filed an application requesting approval of Conditional Use Permit CUP19-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a restaurant at 17376 Main Street, Unit C and consists of Assessor's Parcel Number 0410-135-56; and

WHEREAS, the Application, as contemplated, proposes the sale of beer, wine and liquor (Type 47) for on-site consumption within a restaurant; and

WHEREAS, the subject site is presently occupied by an existing 8,157 square foot restaurant. The shopping center from which the unit is located is situated along Main Street and surrounded by commercial and retail businesses. There is a mini-storage to the north; and

WHEREAS, the subject property as well as the surrounding properties to the south, east and west are within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The property to the north is zoned Commercial/Industrial Business Park (CIBP); 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 14, 2019, 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 14, 2019 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed sale of beer, wine and liquor (Type 47) for on-site consumption in conjunction with a 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 CUP19-00002. 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 on-sale alcohol license 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 unit previously used as a restaurant. The sale of alcohol to include beer, wine, and liquor 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 on-sale alcohol use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP19-00002, 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 14th day of March 2019.

Tom Murphy, Chair, Planning Commission

ATTEST:

Cecilia Alonzo, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP19-00002

Approval Date: March 14, 2019
Effective Date: March 26, 2019
Expiration Date: March 26, 2022

This list of conditions applies to: Consideration of Conditional Use Permit CUP19-00002 to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant located at 17376 Main Street (Applicant: M.O.R.R. Pizza; APN: 0410-135-56)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITIONAL CONDITIONS

| | | |
|-------------------------|---------------------------|--|
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | VALID LICENSE. At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | PERMIT REVOCATION. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | ALCOHOL CONSUMPTION. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | EMPLOYEE AGE. All employees of the applicant serving alcohol must be at least 21 years of age. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | ABC REQUIREMENTS. The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | ABC LICENSE. The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, |

mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

| | |
|--|-----------------|
| (B) Building Division | 947-1300 |
| (E) Engineering Division | 947-1476 |
| (F) Fire Prevention Division | 947-1603 |
| (P) Planning Division | 947-1200 |
| (RPD) Hesperia Recreation and Park District | 244-5488 |



DATE: March 14, 2019

TO: Planning Commission

FROM: Chris Borchert, Acting Principal Planner

BY: Ryan Leonard, Senior Planner

SUBJECT: Specific Plan Amendment SPLA19-00002; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2019-06 recommending that the City Council introduce and place on first reading an ordinance approving SPLA19-00002.

BACKGROUND

The Main Street and Freeway Corridor Specific Plan (MSFCSP) was adopted by the City Council on September 16, 2008. The MSFCSP encompasses approximately 10,636 acres and includes all properties that are parallel to the freeway corridor as well as commercial, industrial, and residential properties that are adjacent to Main Street. The MSFCSP includes 15 different zoning designations including 2 industrial zones, 5 residential zones, 6 commercial zones, a Mixed Use zone and a Public/Institutional overlay. The purpose of the MSFCSP is to facilitate and encourage development and improvements along the Main Street and freeway corridors that help realize the community's vision for the area which is to provide new shopping, service and entertainment venues and to bring quality development to Main Street.

The proposed Specific Plan Amendment would change approximately 109 acres within the MSFCSP from Pedestrian Commercial to Neighborhood Commercial (Attachment 1). The Pedestrian Commercial zone is described in the Specific Plan as a vital, active pedestrian oriented area that encourages a concentration of uses and mix of activities that generate activity during daytime, evening and weekend hours. Development and design standards for this zone are designed to create a continuous street front experience, with areas of open space, plazas and courtyards, to maximize the quality of the pedestrian environment.

At the December 20, 2018 Planning Commission meeting staff held a workshop to discuss potential changes to the Pedestrian Commercial zoning standards. The Commission did not take an action but unanimously expressed their support for a wider variety of allowable uses and less restrictive development standards.

ISSUES/ANALYSIS

Over the years it has been problematic for staff to implement the vision and associated policies and codes in the Pedestrian Commercial zone. For example, most of the area along Main Street is already developed with uses that do not conform to the standards in the Pedestrian Commercial

zone. As a result, there is very little development opportunity along Main Street for encouraging pedestrian uses. In addition, some of the development regulations pertaining to setbacks are inconsistent with the zoning standards in place for other commercial designations. For instance, the development regulations in this zone require 0 foot setbacks along the street and limit the amount of parking that can be provided in front of the building. These types of standards are common in an old downtown area with a combination of street parking and parking at the rear of the buildings, however, they are probably not realistic along Main Street.

There are currently 169 parcels within the Pedestrian Commercial zone that total approximately 109 acres. However, a majority of these parcels are already developed; approximately 111 are developed and 58 are vacant. In addition, of the 169 parcels, approximately 71 parcels are located along Main Street and 9 parcels are vacant.

Land Use: The proposed Specific Plan Amendment includes all parcels that are presently zoned Pedestrian Commercial and proposes to change the zoning designation to Neighborhood Commercial. The Neighborhood Commercial zone is the most prevalent of the commercial zones along Main Street (Attachment 2). The Neighborhood Commercial zone is described in the Specific Plan as immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods. This zone promotes a concentration of businesses that provide convenience goods and services frequented by local residents. Site development regulations are intended to make such uses compatible to and harmonious with the character of surrounding residential areas by promoting human scale elements and providing a sensitive transition between these uses and neighboring residences.

If the Specific Plan Amendment is adopted it would allow for a wider variety of commercial uses and development opportunity. With regard to permitted uses, the Neighborhood Commercial zone allows for shopping centers up to 5 acres in size, grocery stores, health and fitness clubs, medical and dental offices, veterinary offices, automotive parts and accessories stores, and retail sales under 60,000 square feet as permitted uses. In the Pedestrian Commercial zone these uses are either not allowed, or require a conditional use permit. In addition, retail sales are limited to 10,000 square feet in the Pedestrian Commercial zone (Attachment 3-current Pedestrian Commercial and Neighborhood Commercial zoning standards).

In addition, the Neighborhood Commercial zone allows shopping centers larger than 5 acres, vehicle fuel stations, vehicle rental, minor vehicle repair, vehicle wash facilities, day care centers, and equipment sales and rentals as conditionally permitted uses. In the Pedestrian Commercial zone these uses are not allowed.

There is only one use that is allowed in the Pedestrian Commercial zone that is not allowed in the Neighborhood Commercial zone; a farmer's market. At this time staff is not proposing to modify the Neighborhood Commercial zone to allow for a farmer's market.

With regard to development standards, the Neighborhood Commercial zone requires a front yard setback of 25 feet and a street side yard setback of 15 feet. The Pedestrian Commercial zone requires a 0-foot setback in the front and street side setback. As previously mentioned the 0-foot setback requirement is problematic for staff to implement and many developers have expressed difficulty in meeting this requirement. The rear yard setback and interior side yard setback are the same between the two zoning designations and would not change.

Parking Standards: Staff is also proposing to remove the development standard in the MSFCSP that prohibits parking in the street side setback (generally within the first 25 feet of the front yard and 15 feet of a street side yard). This development standard currently applies to all commercial

and industrial zones in the MSFCSP. However, over the years staff has had difficulty applying this standard equitably. In some instances staff was not able to enforce the development standard because the site was either too small, or lacked the amount of space to accommodate a relocated parking area. In addition, the parking restriction is only required for commercial and industrial properties within the MSFCSP; it is not required for properties that are located outside the MSFCSP (i.e. Bear Valley Road, Hesperia Road). Finally, City Municipal Code Section 16.20.610 (D) requires an 8-foot wide landscape planter to be located adjacent to the front and street side property lines for all commercial and industrial properties. The proposed Specific Plan Amendment would not modify any existing landscape requirements. It would allow for parking spaces to be located within the street side setback but behind the required landscape planter.

Floor Area Ratio: The Floor Area Ratio is the relationship of buildable floor area (total amount of square feet) to a given site area (amount of land). If the parking standards are revised to allow parking in the street side setbacks, it would allow developers to utilize more of the site for development. Therefore, staff is recommending that the FAR be increased to 0.35 in the Neighborhood Commercial (NC) zone. Furthermore, staff would like to take a closer look at the maximum floor area requirements for all of the zones in the MSFCSP and may come back at a later time with recommended changes.

Environmental: Approval of the Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposal will provide an underlying zoning designation that will serve the community with commercial uses that are already allowed in the Neighborhood Commercial zone. Furthermore, as future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance.

Conclusion: Staff supports the Specific Plan Amendment because it will allow for a wider variety of commercial uses and development opportunity. Approval of the Specific Plan Amendment would not create any non-conforming land uses as all of the allowed uses in the Pedestrian Commercial zone are also allowed in the Neighborhood Commercial zone, with the exception of a farmers market. Approval of the Specific Plan Amendment will also resolve inconsistencies with development standards currently found in the Pedestrian Commercial zone. In addition, the Specific Plan Amendment will remove parking restrictions within the street side setback for commercial and industrial properties that are within the MSFCSP as these requirements have been difficult and problematic for staff to implement.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Aerial Photo of the Pedestrian Commercial Zone
2. MSFCSP Land Use Map
3. Current Pedestrian Commercial and Neighborhood Commercial zoning standards.
4. Resolution No. PC-2019-06, with Exhibit "A"

ATTACHMENT 1



Pedestrian Commercial Zone

APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA19-00002

LOCATION:
CITY-WIDE

APN(S):
CITY-WIDE

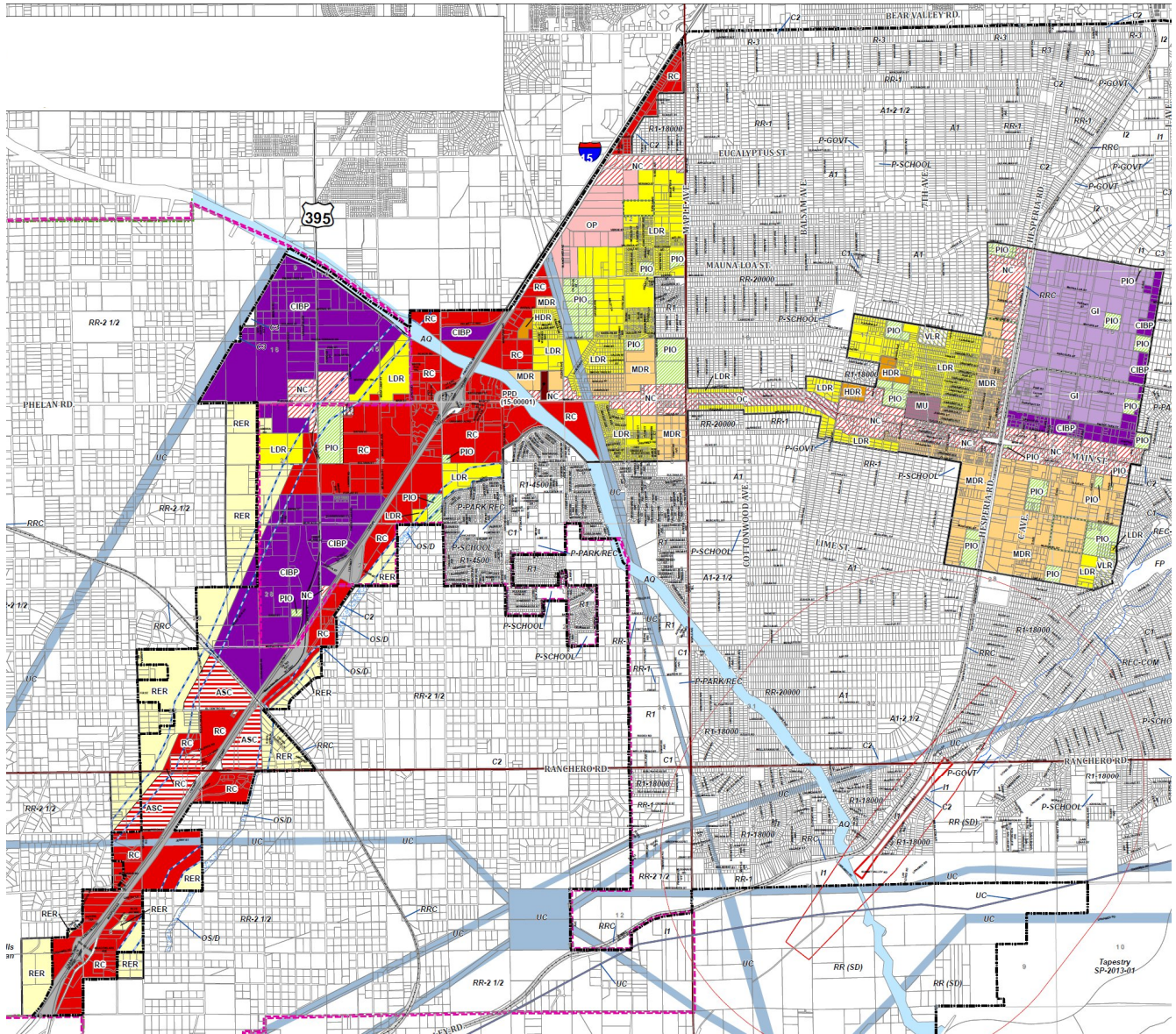
PROPOSAL:

CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 109 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM PEDESTRIAN COMMERCIAL (PC) TO NEIGHBORHOOD COMMERCIAL (NC); TO REMOVE ALL DEVELOPMENT STANDARDS THAT PROHIBIT PARKING IN THE STREET SIDE SETBACK FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES; AND TO INCREASE THE FLOOR AREA RATIO IN THE NEIGHBORHOOD COMMERCIAL ZONE.



AERIAL OF THE PEDESTRIAN COMMERCIAL ZONE

ATTACHMENT 2



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA19-00002

LOCATION:
CITY-WIDE

APN(S):
CITY-WIDE

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 109 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM PEDESTRIAN COMMERCIAL (PC) TO NEIGHBORHOOD COMMERCIAL (NC); TO REMOVE ALL DEVELOPMENT STANDARDS THAT PROHIBIT PARKING IN THE STREET SIDE SETBACK FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES; AND TO INCREASE THE FLOOR AREA RATIO IN THE NEIGHBORHOOD COMMERCIAL ZONE.



MSFCSP LAND USE

Attachment 3- Pedestrian Commercial and Neighborhood Commercial Zoning Standards

Refer to Chapter 6 (Specific Plan Zones) of this Plan for general provisions. Refer to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan for site and architectural design standards and guidelines, including landscape design standards and guidelines, for commercial uses.

4.15 Review Process

All new development in this zone shall be subject to the approval of a Site Plan Review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of the HMC.

All new development in this zone that is conditionally permitted in the Specific Plan area shall be subject to the approval of a Conditional Use Permit pursuant to the procedures set forth in Chapter 16.12, Article III (Conditional Use Permits) of the HMC, unless otherwise specified.

F. PEDESTRIAN COMMERCIAL ZONE

The Pedestrian Commercial zone falls entirely in the City Center District of the Specific Plan, as described in Chapter 5 (Land Use Districts) of this Plan.

The purpose of this Specific Plan zone is to serve the specialty retail, office, restaurant, and entertainment needs of the city's residents, along with creating opportunities to attract visitors from the region. This zone is established as a vital, active pedestrian-oriented area that encourages a concentration of uses and mix of activities that generate activity during daytime, evening and weekend hours. Development and design standards for this zone are designed to create a continuous street front experience, with areas of open space, plazas and courtyards, to maximize the quality of the pedestrian environment.





Examples of Pedestrian-oriented commercial uses.

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

1. Permitted Uses

The following uses are permitted in the Pedestrian Commercial zone:

- a) Artist studio (including photo).
- b) Assemblies of people – entertainment – (e.g., theatre – live performance, motion picture, auditoriums, banquet halls, night clubs, etc.)
- c) Business support services and facilities (including graphic reproduction, computer-services, etc.).
- d) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores) – under 10,000 square feet.
- e) Offices (administrative, business, executive and professional, but not including medical or dental)



- f) Outdoor sales and display, incidental to the primary use.
- g) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, self-service laundry, etc.).
- h) Restaurants (sit down and take out), including outdoor dining.
- i) Retail sales – under 10,000 square feet.
- j) Schools - specialty non-degree (e.g., dance and martial arts).
- k) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- l) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

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

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Bars, saloons, cocktail lounges and taverns.
- d) Farmers' markets – certified.
- e) Health and fitness clubs.
- f) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- g) Schools – vocational and technical – total enrollment 20 persons or less or a total size of 2,000 square feet or less.
- h) Medical and dental services.

3. Prohibited Uses

The following uses are prohibited in the Pedestrian Commercial zone:

- a) Agricultural uses.
- b) Bus terminals.
- c) Drive thru lanes, incidental to the primary use, pursuant to the HMC.
- d) Hotel.
- e) Industrial uses.
- f) Mini-storage.
- g) Motel.
- h) Shopping center – more than 5 acres in size.
- i) Vehicle fuel stations (i.e., gasoline stations).
- j) Vehicle repair facilities.
- k) Vehicle sales, leasing or rental – new or used.



- l) Vehicle wash facilities.
- m) Other uses not specifically authorized or determined by the Development Services Director or his/her designee to be detrimental to the public welfare.

4. Development Standards

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

4.1 Minimum Lot Size and Dimensions

The minimum site size and dimensions for new lots in this zone are as listed below:

- (1) The minimum gross lot area shall be 20,000 square feet.
- (2) The minimum lot width shall be 80 feet.
- (3) The minimum lot depth shall be 150 feet.

4.2 Maximum Gross Floor Area Ratio

The maximum gross floor area ratio shall be 0.35.

4.3 Maximum Building Height

The maximum building height shall be 35 feet.

4.4 Street Yard Setbacks

There shall be no street yard setback. Buildings shall be contiguous with the front property line (0-foot setback). The street yard setback shall apply to all yards adjacent to a public street. The following exceptions apply to street yard setbacks:

- (1) A portion of the front building elevation, not to exceed fifty percent of the length of the building frontage or 30 feet, whichever is less, may be setback up to 15 feet to allow for outdoor use, such as outdoor patio dining, display, public art, entry forecourts, or other amenity appropriate to an urban setback.
- (2) No parking is permitted in the front yard setback.

4.5 Rear Yard Setbacks

No minimum rear yard setbacks are required, except for the following:

- (1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be 20 feet.
- (2) If a rear yard setback is required, refer to section 16.20 Article XII of the HMC for minimum landscape requirements, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

No minimum interior side yard setbacks are required, except for the following:

- (1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be 20 feet.



- (2) If an interior side yard setback is required, refer to section 16.20 Article XII of the HMC for minimum landscape requirements, pursuant to Section 4.8 below.

4.7 Parking and Loading

In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of the HMC, the following shall apply:

- (1) No parking is permitted in the street side setbacks. Except for required landscape areas, parking and loading is permitted in the interior side yard and rear yard setbacks.
- (2) Parking areas shall be landscaped along the perimeter as well as in the interior of the parking lot, pursuant to the requirements set forth in this chapter and Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.
- (3) Shared parking between adjacent businesses and/or developments is highly encouraged where feasible. Section B.4.18 (Shared Parking Provisions) of this chapter provides guidance on reduction in parking requirements, if shared parking is provided.
- (4) Loading facilities shall not be located at the front of buildings or in public areas of the development. Such facilities are more suitably located at the rear of the site where they can be screening appropriately.

4.8 Open Space and Landscaping

- (1) Drought-tolerant and water conserving landscaping and water efficient irrigation systems and techniques shall be utilized whenever possible.
- (2) In addition, the design standards and guidelines included in Chapter 10 (Commercial Design Standards and Guidelines) of this Plan shall apply.

The provisions of Chapter 16.20, Article XII (Landscape Regulations) and Chapter 16.24 (Protected Plants) of the HMC shall apply with the following exceptions/additions:

- (3) Commercial development in this zone shall provide a minimum of five percent on-site landscaping, including that required in setback areas.
- (4) Open space areas shall be clustered into larger landscape areas rather than equally distributing them into areas of low impact such as at site and building peripheries, behind a structure or areas of little impact to public view, or where they are not required as a land use buffer or required yard setback.

4.9 Walls and Fences

No perimeter walls or fences are permitted, except as follows:

- (1) A commercial development adjacent to any residential zone shall have a six-foot high wall along property lines adjacent to such districts. Both sides of any perimeter walls shall be architecturally treated. Appropriate materials include decorative masonry, concrete, stone and brick.

4.10 Trash Collection Areas

Standards provided in Section B.4.11 of this chapter shall apply.



4.11 Mechanical Equipment Screening

Standards provided in Section B.4.12 of this chapter shall apply.

4.12 Additional Standards and Guidelines

Refer to Chapter 6 (Specific Plan Zones) of this Plan for general provisions. Refer to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan for site and architectural design standards and guidelines, including landscape design standards and guidelines, for commercial uses.

4.13 Review Process

All new development in this zone shall be subject to the approval of a Site Plan Review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of the HMC.

5. Standards for Outdoor Dining in the Pedestrian Commercial Zone

Hesperia's climate is well suited for outdoor dining most of the year. The provision of outdoor dining in the Pedestrian Commercial zone within the City Center District of the Specific Plan area will add interest, vitality and contribute to the reality and perception of safety and security. Outdoor dining may be provided either in private patios or within the public sidewalk right-of-way. These two kinds of outdoor dining areas are defined as follows:

"Patio Dining Space" is an area adjacent to a street (or alley) level eating or drinking establishment, located within private property line and is used exclusively for dining, drinking and circulation therein. This space may be open or covered with temporary structures such as trellises, umbrellas or permanent structures such as overhangs and upper floors of the building.

"Sidewalk Dining Space" is an area adjacent to a street level eating or drinking establishment located within the sidewalk area of the public right-of-way and is used exclusively for dining, drinking and circulation therein. A barrier that separates the dining area from the remainder of the sidewalk and is in place during hours of operation defines the area. Sidewalk dining may be provided with either self-service or waiter/waitress service.

The minimum width of the public walkway where sidewalk dining is proposed should not be less than 10 feet. Sidewalk dining within the public walkway shall maintain a clear passage, free from all obstructions, for pedestrians, of not less than seven feet. A clear passage of 10 feet in width is preferred.

The following standards and guidelines shall be followed relative to Outdoor (Sidewalk and Patio) Dining Spaces:

5.1 Sidewalk Dining Locations

Sidewalk Dining shall be permitted within the public sidewalk rights-of-way only when located in the City Center District subject to the clear widths available. (See 5.4 below)



5.2 *Patio Dining Locations*

Patio Dining shall be permitted within private property adjacent to the streets or public alley walkways. Outdoor patio dining is allowed within the street yard setback areas as noted in 4.4 (Street Yard Setbacks) for the Pedestrian Commercial zone earlier in this section.

5.3 *Adjacency to Buildings*

Sidewalk Dining within the public sidewalk rights-of-way shall be located immediately adjacent to the buildings with the pedestrian path immediately along the curb.

5.4 *Maintenance of Clear Passage*

- (1) Sidewalk Dining within the public sidewalk rights-of-way shall maintain a clear pathway, free from all obstructions, for pedestrians not less than seven feet depending on the exact sidewalk width and extent of pedestrian activity in the streetscape segment.
- (2) For purposes of calculating the clear pathway dimension, trees, traffic signs, meters, and all similar obstacles shall count as obstructions. City Staff shall define exact clear pathway requirement within this range, on a case-by-case basis. The Development Services Director or his/her designee based on the particular site conditions may grant exemption to the minimum requirements.

5.5 *Demarcation of Sidewalk Dining Areas*

- (1) The sidewalk dining area adjacent to the building shall be demarcated by barriers such as railings, fencing, or a combination of railings or fencing, and landscaping in planter boxes, or movable bollards. No solid walls shall be allowed.
- (2) All the outdoor barriers shall be movable and removed from the sidewalk at the close of the business establishment daily. Some discretion in terms of pots and planters placed directly adjacent to the building façade shall be allowed.

5.6 *Demarcation of Patio Dining Spaces*

The patio dining spaces adjacent to streets or alley walkways shall be demarcated by either temporary or permanent boundary definers such as railings, fencing, or a combination of railings or fencing, and landscaping in planter boxes, or movable bollards.

5.7 *Outdoor Dining within arcades along sidewalk rights-of-way or alley walkways*

The provision of a dining space in a covered arcade that is open to the sidewalk is permitted as long as the architectural integrity of the façade is maintained in conformance with the requirements in Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

5.8 *Windows or Doors to Outdoor Dining along sidewalk rights-of-way or alley walkways*



The provision of windows and doors from indoor dining areas that open to the sidewalk or alley walkway is permitted and encouraged as long as the architectural integrity of the façade is maintained in conformance with the other sections of this chapter and the requirements in Chapter 10 (Commercial Design Standards and Guidelines) of this Plan, and the open doors and windows do not obstruct the pedestrian right-of-way.

5.9 Parking Requirements

The area used for Sidewalk Dining shall not be included in the eating or drinking establishment's area for the purposes of calculating the establishment's parking requirement.

The area used for Patio Dining shall be included in the eating or drinking establishment's area for the purposes of calculating the establishment's parking requirement.

5.10 Materials

The style and materials of the barriers that demarcate the outdoor dining space should be compatible in color and finish with the adjacent structure and approved by City Staff.

5.11 Hours of Operation

The outdoor dining space hours of operation shall be limited to the hours of operation of the associated dining establishment.

5.12 Display of Outdoor Menu Display

A single-sided framed menu attached to a moveable barrier that defines the Sidewalk or Patio Dining Space is permitted within the Sidewalk and Patio Dining Spaces. The size of the frame shall not exceed three square feet. Freestanding pedestal menus or A-frame displays are prohibited.

5.13 Maintenance of Outdoor Dining Furniture

Outdoor dining furniture shall be maintained to be safe, sanitary and attractive at all times.

5.14 Conformance to ADA and Title 24 requirements

All outdoor dining areas shall conform to federal and state requirements as per the Americans with Disability Act and California Title 24 Accessibility Guidelines. All other requirements per the City Engineering and Building Departments shall also be addressed.

5.15 Permit Requirements

An Encroachment Permit is required for all sidewalk dining areas. The City may also require additional liability insurance. Please see the Development Services Department for details on how to apply. See Figure 9.1 for a typical layout of a sidewalk dining space and photos below for examples of suitable outdoor dining.





Removable bollards demarcate the dining space. Potted plants and temporary sun umbrellas are used to create a pleasant ambience.



Removable metal fencing is used to demarcate the dining space. Planters and temporary sun umbrellas create an attractive environment.



Removable bollards demarcate the dining space. Shade is provided by the retractable canopy overhead.



A dining patio on private property adjacent to the sidewalk is demarcated with metal fencing. Plantings and temporary sun umbrellas are used.



A private outdoor dining patio is created facing the alley. Trees, planters and temporary sun umbrellas are used to create a pleasant ambience.



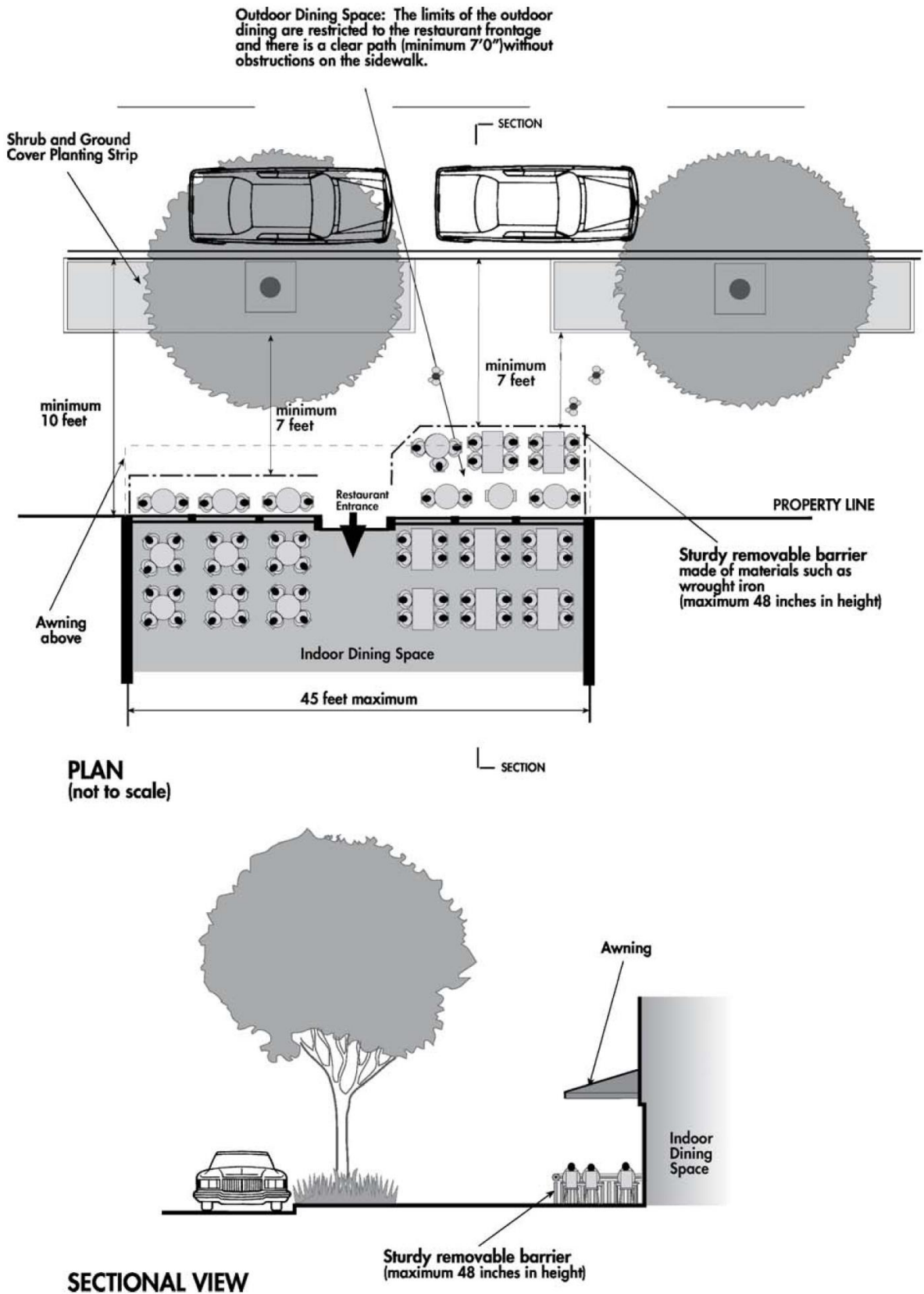


Figure 9.1: Typical Layout of Outdoor Dining Spaces



G. NEIGHBORHOOD COMMERCIAL ZONE

The Neighborhood Commercial zone is the most prevalent of the commercial zones and falls in seven of the eight land use districts, as described in Chapter 5 (Land Use Districts) of this Plan.

This Specific Plan zone has been created to provide areas for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods. This zone promotes a concentration of businesses that provide convenience goods and services frequented by local residents. Site development regulations are intended to make such uses compatible to and harmonious with the character of surrounding residential areas by promoting human scale elements and providing a sensitive transition between these uses and neighboring residences.

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

1. Permitted Uses

The following uses are permitted in the Neighborhood Commercial zone:

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



- s) Drive thru lanes, incidental to the primary use, pursuant to the HMC
- t) Other similar uses, as interpreted by the Development Services Director or his/her designee.



Examples of appropriate Neighborhood Commercial uses

2. Conditionally Permitted Uses

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

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Assemblies of people - entertainment - (e.g., theatre – live performance, auditoriums, banquet halls, nightclubs, etc.)
- d) Bars, saloons, cocktail lounges and taverns.
- e) Bus terminals.
- f) Day care centers – child or adult, pursuant to the HMC.
- g) Equipment (small) sales and rental.
- h) Home improvement sales and service, retail (hardware, lumber and building material stores) - 10,000 square feet or more.
- i) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- j) Schools – vocational and technical.



- k) Shopping center – more than 5 acres in size.
- l) Vehicle fuel stations (i.e., gasoline stations).
- m) Vehicle rental.
- n) Vehicle repair facilities – minor.
- o) Vehicle wash facilities.

3. Prohibited Uses

The following uses are prohibited in the Neighborhood Commercial zone:

- a) Agricultural uses.
- b) Hotel.
- c) Industrial uses.
- d) Mini-storage.
- e) Motel.
- f) Residential uses.
- g) Other uses not specifically authorized or determined by the Development Services Director or his/her designee to be detrimental to the public welfare.

4. Development Standards

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

4.1 *Minimum Lot Size and Dimensions*

- (1) The minimum site size and dimensions for new lots in this zone are as listed below, except in the case when a conditional use permit or planned development is submitted, in which case, no minimum is established. This exception is only applicable when the site is being developed as one integrated development and appropriate measures are taken to ensure reciprocal access, parking and maintenance.
- (2) The minimum gross lot area shall be 2 acres.
- (3) The minimum lot width shall be 200 feet.
- (4) The minimum lot depth shall be 200 feet.

4.2 *Maximum Gross Floor Area Ratio*

The maximum gross floor area ratio shall be 0.23.

4.3 *Maximum Building Height*

The maximum building height shall be 45 feet.

4.4 *Street Yard Setbacks*



- (1) The minimum street yard setback shall be 25 feet, front yard setback shall be 25 feet and street side yards shall be 15 feet.
- (2) Refer to section 16.20 Article XII of the HMC for minimum landscape requirements, pursuant to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

4.5 Rear Yard Setbacks

The following are the minimum requirements for rear yard setbacks:

- (1) Where the rear property line abuts a residential zone, the minimum rear yard setback shall be 20 feet.
- (2) Where the rear property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum rear yard setback shall be 0 feet.
- (3) Refer to section 16.20 Article XII of the HMC for minimum landscape requirements, pursuant to Section 4.8 below.

4.6 Interior Side Yard Setbacks

The following are the minimum requirements for interior side yard setbacks:

- (1) Where the interior property line abuts a residential zone, the minimum interior yard setback shall be 20 feet.
- (2) Where the interior side property line abuts any non-residential (commercial, industrial, institutional or public facilities) zone, the minimum interior side yard setback shall be 0 feet.
- (3) Refer to section 16.20 Article XII of the HMC for minimum landscaping requirements, pursuant to Section 4.8 below.

4.7 Parking and Loading

In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of the HMC, the following shall apply:

- (1) No parking is permitted in the street side setbacks. Except for required landscape areas, parking and loading is permitted in the interior side yard and rear yard setbacks.
- (2) Parking areas shall be landscaped along the perimeter as well as in the interior of the parking lot, pursuant to the requirements set forth in this chapter and Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.
- (3) Shared parking between adjacent businesses and/or developments is highly encouraged where feasible. Section B.4.18 (Shared Parking Provisions) of this chapter provides guidance on reduction in parking requirements, if shared parking is provided.
- (4) Loading facilities shall not be located at the front of buildings or in public areas of the development. Such facilities are more suitably located at the rear of the site where they can be screening appropriately.
- (5) When it is not possible to locate loading facilities at the rear of the building, loading docks and doors may be located along the sides of the buildings, but should not



dominate the facades and must be screened from the public areas of the development. Loading facilities should be offset from driveway openings.

4.8 Open Space and Landscaping

- (1) Drought-tolerant and water conserving landscaping and water efficient irrigation systems and techniques shall be utilized whenever possible.
- (2) In addition, the design standards and guidelines included in Chapter 10 (Commercial Design Standards and Guidelines) of this Plan shall apply.

The provisions of Chapter 16.20, Article XII (Landscape Regulations) and Chapter 16.24 (Protected Plants) of the HMC shall apply with the following exceptions/additions:

- (3) Commercial development in this zone shall provide a minimum of ten percent on-site landscaping, including that required in setback areas.
- (4) Open space areas shall be clustered into larger landscape areas rather than equally distributing them into areas of low impact such as at site and building peripheries, behind a structure or areas of little impact to public view, or where they are not required as a land use buffer or required yard setback.

4.9 Walls and Fences

Standards provided in Section B.4.9 of this chapter shall apply.

4.10 Outdoor Displays, Storage, Equipment, and Work Areas

Standards provided in Section B.4.10 of this chapter shall apply.

4.11 Trash Collection Areas

Standards provided in Section B.4.11 of this chapter shall apply.

4.12 Mechanical Equipment Screening

Standards provided in Section B.4.12 of this chapter shall apply.

4.13 Standards for Vehicle Fuel Stations

Standards provided in Section 16.16.480G of the HMC shall apply.

4.14 Standards for Vehicle Service and Minor Repairs

Standards provided in Section C.4.18 of this chapter shall apply with the following exception:

- (1) No major automotive repair shall be permitted.

4.15 Standards for Vehicle Wash Facilities

Standards provided in Section C.4.19 of this chapter shall apply.

4.16 Additional Standards and Guidelines

Refer to Chapter 6 (Specific Plan Zones) of this Plan for general provisions. Refer to Chapter 10 (Commercial Design Standards and Guidelines) of this Plan for site and



architectural design standards and guidelines, including landscape design standards and guidelines, for commercial uses.

4.17 Review Process

All new development in this zone shall be subject to the approval of a Site Plan Review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of the HMC.

All new development in this zone that is conditionally permitted in the Specific Plan area shall be subject to the approval of a Conditional Use Permit pursuant to the procedures set forth in Chapter 16.12, Article III (Conditional Use Permits) of the HMC, unless otherwise specified.

H. COMMERCIAL/INDUSTRIAL BUSINESS PARK ZONE

The Commercial/Industrial Business Park zone primarily falls in three of the land use districts, Main Street/Interstate-15 District, Highway 395/Interstate-15 District and Industrial District, as described in Chapter 5 (Land Use Districts) of this Plan.



Examples of appropriate developments in the Commercial/Industrial Business Park zone.

Main Street/Interstate-15 District and Highway 395/Interstate-15 District provide enhanced vehicular, truck and rail accessibility by taking advantage of their location along the Interstate-15 corridor with its connection to Highway 395, and its linkage to the Southern California Logistics Airport (SCLA). In the Industrial District, along I Avenue, this zone serves as a transition from residential and other commercial uses.



ATTACHMENT 4

RESOLUTION NO. PC-2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 109 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM PEDESTRIAN COMMERCIAL (PC) TO NEIGHBORHOOD COMMERCIAL (NC); TO REMOVE ALL DEVELOPMENT STANDARDS THAT PROHIBIT PARKING IN THE STREET SIDE SETBACK FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES; AND TO INCREASE THE FLOOR AREA RATIO IN THE NEIGHBORHOOD COMMERCIAL ZONE (SPLA19-00002)

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

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

WHEREAS, the City of Hesperia has filed an application requesting approval of SPLA19-00002 described herein (hereinafter referred to as the "Application"); and

WHEREAS, the application proposes to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC) and to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and

WHEREAS, the Pedestrian Commercial zone includes 169 parcels, and approximately 111 are developed and 58 are vacant. Of the 169 parcels, approximately 71 parcels are located along Main Street, of which 9 are vacant. Many of the developed parcels and existing uses do not comply with the current standards in the Pedestrian Commercial zone; and

WHEREAS, the intent of the Pedestrian Commercial zone is inconsistent with the development potential of the area as there are very few vacant parcels; and

WHEREAS, existing development standards in the Specific Plan that restrict parking in the street side setback for commercial and industrial zoned properties have been problematic for staff to implement and have not been applied equally for all development proposals; and

WHEREAS, the removal of parking standards in the street side setback has necessitated that the minimum floor area ratio in the Neighborhood Commercial zone be increased from 0.23 to 0.35; and

WHEREAS, the City finds it necessary to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and to increase the floor area ratio in the Neighborhood Commercial zone; and

WHEREAS, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty

that there is no significant effect on the environment. The proposal will provide an underlying zoning designation that will serve the community with commercial uses that are already allowed in the Neighborhood Commercial zone. Furthermore, as future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance; and

WHEREAS, on March 14, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPLA19-00002, to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and to increase the floor area ratio for the Neighborhood Commercial zone as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 14th day of March 2019.

Tom Murphy, Chair, Planning Commission

ATTEST:

Cecilia Alonzo, Secretary, Planning Commission

EXHIBIT “A”

- 1) The following are modifications to Chapter 9 Subsection (F) of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

Chapter 9, Subsection (F) shall be deleted in its entirety. Subsequent subsections, beginning with Chapter 9 Subsection (G) shall be updated accordingly. In addition, all references to “Pedestrian Commercial” shall be removed throughout the entire Specific Plan.

- 2) The following are modifications to Chapter 9, Subsections (B) (C) (D) (E) (G) (H) (I) of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4.7 Parking and Loading

In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of the HMC, the following shall apply:

- (1) ~~No parking is permitted in the street side setbacks. Except for required landscape areas, parking and loading is permitted in the interior side yard and rear yard setbacks.~~

(~~2~~ 1) Parking areas shall be landscaped along the perimeter as well as the interior of the parking lot, pursuant to requirements set forth in this chapter and Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

- 3) The following are modifications to Chapter 9, Subsections (G) of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4.2 Maximum Gross Floor Area Ratio

The maximum gross floor area ratio shall be ~~0.23~~ 0.35.

City of Hesperia STAFF REPORT



DATE: March 14, 2019
TO: Planning Commission
FROM: Chris Borchert, Acting Principal Planner
BY: Ryan Leonard, Senior Planner
SUBJECT: Specific Plan Amendment SPLA19-00001; Guillermo Calixto; APNs: 0357-303-04 & 05

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2019-08 recommending that the City Council introduce and place on first reading an ordinance approving SPLA19-00001.

BACKGROUND

Proposal: A Specific Plan Amendment to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER) (Attachment 1). The Rural Estate Residential (RER) would permit single-family residences on lot sizes of 18,000 square feet or more, and would be permitted to have accessory or animal uses similar to those permitted in Rural Residential areas of the City.

Location: At the southeast corner of Blue Jay Way and Finch Court (APNs: 0357-303-04 & 05)

General Plan and Land Uses: The subject property consists of two parcels totaling approximately 4.9 gross acres. Approximately 4.1 gross acres of the site is zoned Regional Commercial (RC) within the Main Street and Freeway Corridor Specific Plan (Specific Plan) and approximately 0.8 gross acres is zoned Rural Estate Residential within the Specific Plan. The surrounding land is designated as noted on Attachment 1. Single-family residences are located to the south and east of the site. The properties to the north and west are vacant (Attachment 2). The eastern portion of APN 0357-303-05 is affected by the Oro Grande Wash and approximately 35,000 square feet is within the Wash Protection Overlay of the Specific Plan.

ISSUES/ANALYSIS

Land Use: In 2015 the applicant purchased the subject property with the intention of building a family home. After the applicant purchased the property they were informed that the parcels were zoned Regional Commercial (RC) and single family homes were not a permitted use. The applicant is now proposing a Specific Plan Amendment to change approximately 4.1 acres, of a 4.9 acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER).

The subject parcels are bordered by other single family homes to the south and east. Furthermore, the properties to the west and south of the site are zoned Rural Estate Residential within the

Specific Plan. The properties to the east are unincorporated but are also zoned Rural Residential. Therefore, the proposed Specific Plan Amendment is consistent with the properties to the east, west and south of the site.

In addition, the subject parcels are located approximately 700 feet east of Mariposa Road. The subject parcels are served by residential streets and are located near residential properties. Therefore, the site is not suitable for commercial development and is unlikely to be developed as a commercial use in the future. For these reasons staff supports the proposed Specific Plan Amendment.

Drainage: The development is required to handle the increase in storm water runoff as a result of construction of this project. The applicant will be required to submit a drainage study when they apply for building permits.

Water and Sewer: The applicant shall obtain approval of an Out-Of-Area Service Agreement and Will Serve letter from County Service Area 70, Zone J. The subject parcels will be served by an approved septic system.

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

Conclusion: The proposed Specific Plan Amendment will allow the applicant to build a single family home. The subject parcels are located adjacent to other single family homes and residentially zoned properties. The proposed Rural Estate Residential zoning is appropriate at this location and conforms to the policies of the City's General Plan and standards of the Development Code and Specific Plan with adoption of the Specific Plan Amendment.

FISCAL IMPACT

None.

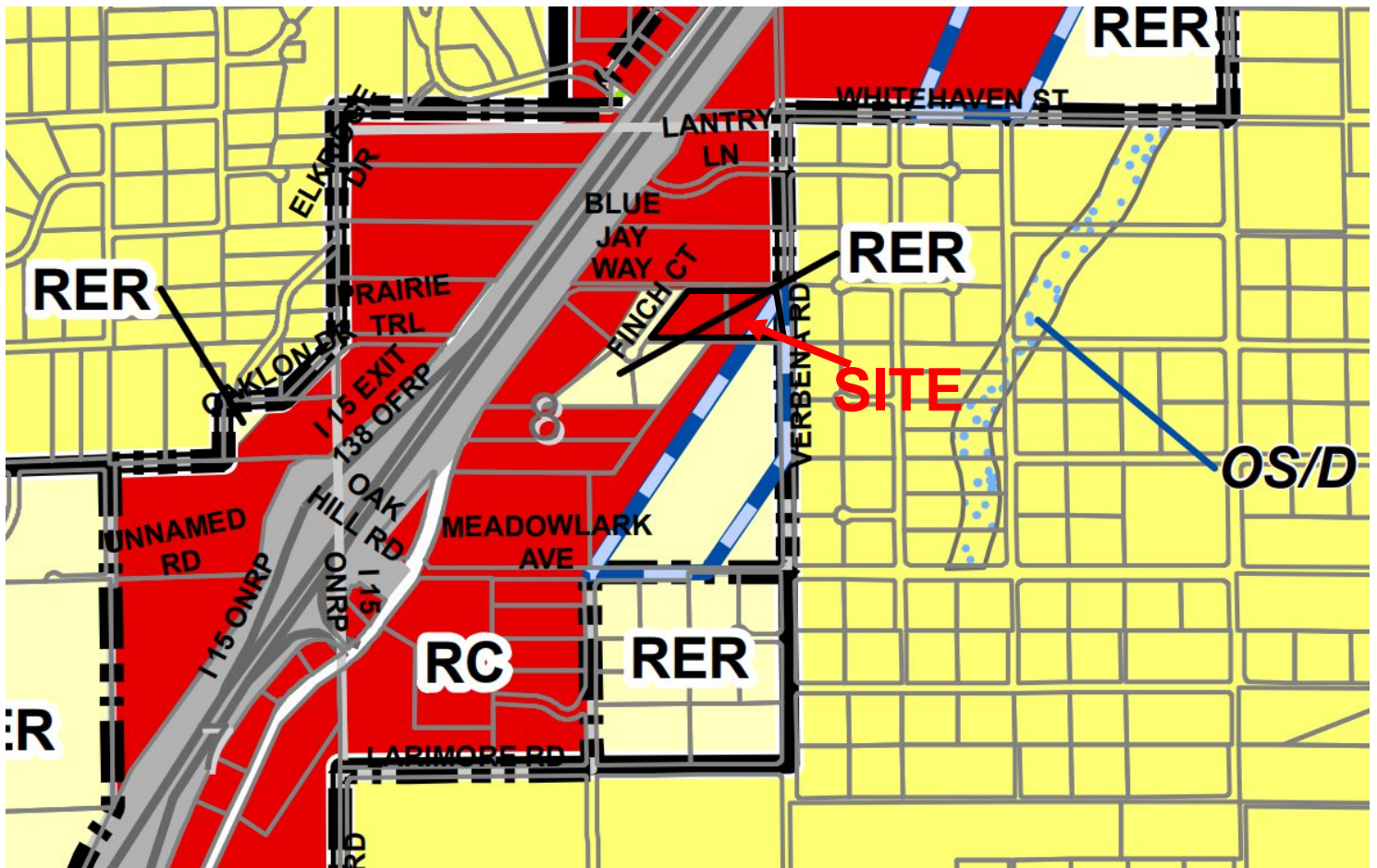
ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENT(S)

1. General Plan Map
2. Aerial Photo
3. Resolution No. PC-2019-08 with Exhibit "A"

ATTACHMENT 1



APPLICANT:
GUILLERMO CALIXTO

FILE NO:
SPLA19-00001

LOCATION:
SOUTHEAST CORNER OF BLUE JAY WAY AND FINCH COURT

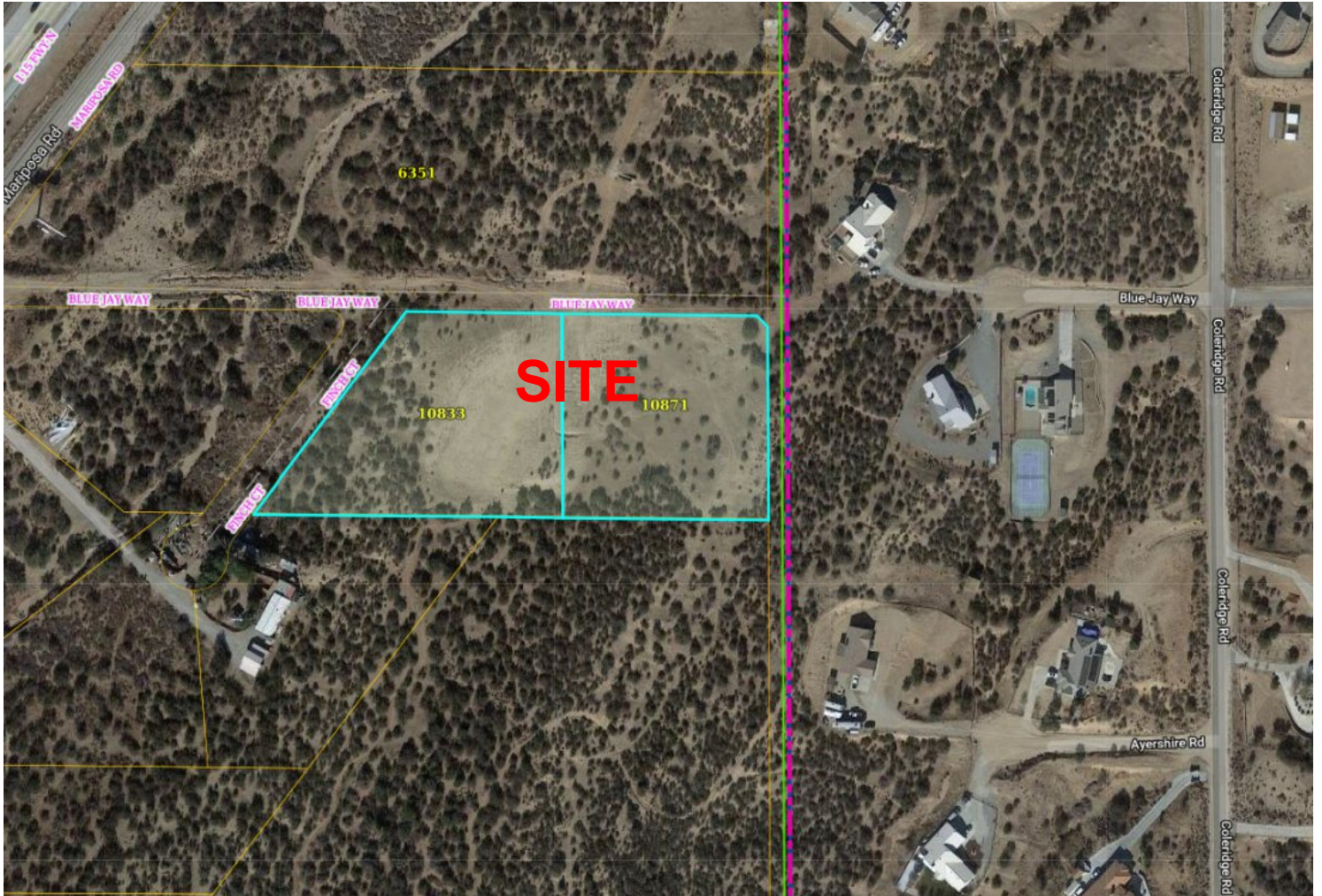
APN (S): 0357-303-04 & 05)

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPLA19-00001 TO CHANGE APPROXIMATELY 4.1 ACRES, OF A 4.9 GROSS ACRE SITE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO RURAL ESTATE RESIDENTIAL (RER)



GENERAL PLAN MAP

ATTACHMENT 2



APPLICANT:
GUILLERMO CALIXTO

FILE NO:
SPLA19-00001

LOCATION:
SOUTHEAST CORNER OF BLUE JAY WAY AND FINCH COURT

APN (S): 0357-303-04 &
05)

PROPOSAL:
CONSIDERATION OF SPECIFIC PLAN AMENDMENT SPLA19-00001 TO CHANGE APPROXIMATELY 4.1 ACRES, OF A 4.9 GROSS ACRE SITE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO RURAL ESTATE RESIDENTIAL (RER)



AERIAL PHOTO

ATTACHMENT 4

RESOLUTION NO. PC-2019-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 4.1 GROSS ACRES, OF A 4.9 GROSS ACRE SITE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO RURAL ESTATE RESIDENTIAL (RER) (SPLA19-00001)

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

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

WHEREAS, Guillermo Calixto has filed an application requesting approval of SPLA19-00001 described herein (hereinafter referred to as the "Application"); and

WHEREAS, the application proposes to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER); and

WHEREAS, the application consists of two parcels totaling approximately 4.9 gross acres. Approximately 4.1 gross acres of the site is zoned Regional Commercial (RC) within the Main Street and Freeway Corridor Specific Plan (Specific Plan) and approximately 0.8 gross acres is zoned Rural Estate Residential within the Specific Plan; and

WHEREAS, single-family residences are located to the south and east of the site. The properties to the north and west are vacant; and

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

WHEREAS, on March 14, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

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

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

Section 2. The site of the proposed Amendment is suitable for the land uses allowed in the Rural Estate Residential zoning classification, and a single family residence can meet the standards for setbacks, height, lot coverage, parking and circulation within the proposed Specific Plan designation.

Section 3. The proposed change in zone will not have a significant adverse impact on surrounding properties or the community in general, because the majority of the surrounding properties are already developed with existing single-family residences. Zone J currently serves the residences in the surrounding area and has issued a will-serve letter for the subject site.

Section 4. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan. The subject site is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

Section 5. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPLA19-00001, to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER) as shown on Exhibit "A."

Section 6. That the Secretary shall certify to the adoption of this Resolution.

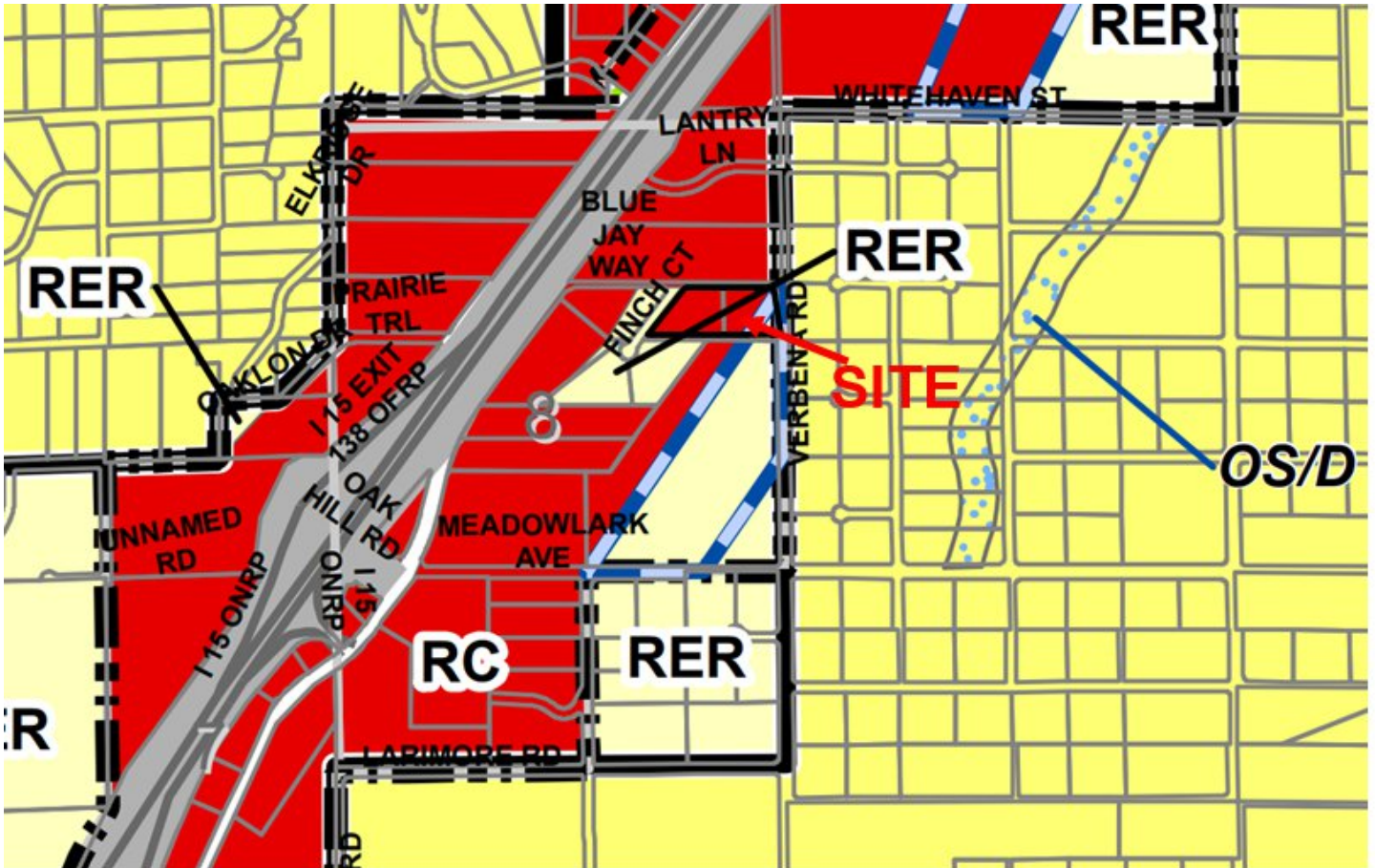
ADOPTED AND APPROVED on this 14th day of March 2019.

Tom Murphy, Chair, Planning Commission

ATTEST:

Cecilia Alonzo, Secretary, Planning Commission

Exhibit "A"



SPLA19-00001

A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 4.1 GROSS ACRES, OF A 4.9 GROSS ACRE SITE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO RURAL ESTATE RESIDENTIAL (RER)