

PLANNING COMMISSION

REGULAR MEETING

Date: July 9, 2020

Time: 6:30 P.M.

COMMISSION MEMBERS

Cody Leis, Chair

Rusty Caldwell, Vice Chair

Dale Burke, Commissioner

Roger Abreo, Commissioner

Sophie Steeno, Commissioner

* - * - * - * - * - *

Chris Borchert, Principal Planner

Braden Holly, 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) 947-1224. 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 Chris Borchert, Principal Planner (760) 947-1224. 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
9700 Seventh Ave., Council Chambers, Hesperia, CA 92345

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

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

CALL TO ORDER - 6:30 PM

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

*Chair Cody Leis
Vice Chair Rusty Caldwell
Commissioner Roger Abreo
Commissioner Dale Burke
Commissioner Sophie Steeno*

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 June 11, 2020 Draft Planning Commission Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on June 11, 2020

Staff Person: Executive Secretary Erin Baum

Attachments: [06112020 SIGNED MINUTES.pdf](#)

PUBLIC HEARINGS**2. Page 9**

Consideration of Specific Plan Amendment SPLA20-00002 to increase the maximum allowable floor area ratio and maximum allowable building height limitations within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan.

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2020-10 recommending that the City Council introduce and place on first reading an ordinance approving SPLA20-00002.

Staff Person: Senior Planner Ryan Leonard

Attachments: [Staff Report](#)

[Attachment 1 - MSFCSP Land Use Map](#)

[Attachment 2 - Resolution No. PC-2020-10](#)

[Exhibit A to Attachment 2](#)

3. Page 15

APP20-00002, Appeal of Development Review Committee Denial of CUPE20-00001, A Request for a Three Year Extension of Time for a Proposed 4,990 s.f. Liquor Store

Recommended Action:

That the Planning Commission find that the project site cannot comply with current code requirements and uphold the denial of the extension of time.

Staff Person: Principal Planner Chris Borchert

Attachments: [Staff Report - APP20-00002](#)

[Attachment 1 - CUP17-00005 Staff Report](#)

[Attachment 2 - Site Plan for CUP17-00005](#)

[Attachment 3 - DRC denial letter.pdf](#)

NEW BUSINESS**4. Page 23****Item Continued from June, 11, 2020 Meeting**

Consideration Administrative Appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM-1868, and ADM-1904.

Recommended Action:

It is recommended that the Hesperia City Planning Commission consider the following narrative regarding the appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM1868, and ADM-1904 and uphold the citations.

Staff Person: Code Enforcement Officer Mark Lockwood and Code Enforcement Supervisor Theresa Mauger

Attachments: [Staff Report Mockett](#)
[Attachment 1 - Notice of Violation.pdf](#)
[Attachment 2 - Notice of Public Nuisance.pdf](#)
[Attachment 3 - Admin Cite 1803.pdf](#)
[Attachment 4 - Photos 010720.pdf](#)
[Attachment 5 - Admin Cite 1830.pdf](#)
[Attachment 6 - Photos 012120.pdf](#)
[Attachment 7 - Admin Cite 1850.pdf](#)
[Attachment 8 - Photos 020520.pdf](#)
[Attachment 9 - Citation 1868.pdf](#)
[Attachment 10 - Photos 021920.pdf](#)
[Attachment 11 - Admin Cite 1904.pdf](#)
[Attachment 12 - Photos 041520.pdf](#)
[Attachment 13 - CRC R105.pdf](#)
[Attachment 14 - HMC Section 15.04.010.pdf](#)
[Attachment 15 - HMC Section 8.32.040J.pdf](#)
[Attachment 16 - HMC Section 16.20.072B.pdf](#)
[Attachment 17 - Correction Notice 031020.pdf](#)
[Attachment 18 - Correction Notice 052020.pdf](#)
[Attachment 19 - Appeal app Cite 1803.pdf](#)
[Attachment 20 - Appeal app Cite 1830.pdf](#)
[Attachment 21 - Appeal app Cite 1850.pdf](#)
[Attachment 22 - Appeal app Cite 1868.pdf](#)
[Attachment 23 - Appeal app Cite 1904.pdf](#)

5. Page 61

Consideration of Appeal of Administrative Citations

Recommended Action:

It is recommended that the Planning Commission consider the following narratives regarding the appeal of Administrative Citations ADM-1911, ADM-1920, ADM-1928 issued in the course of case# CE17-00767.

Staff Person: Code Enforcement Officer Mark Lockwood and Code Enforcement Supervisor Theresa Mauger

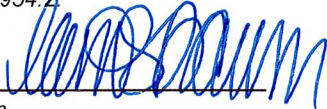
Attachments: [Attachment 1 - SR ADM 1911](#)
[Attachment 2 - SR ADM 1920](#)
[Attachment 3 - SR ADM 1928](#)

PLANNING COMMISSION COMMENTS

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

ADJOURNMENT

I, Erin Baum, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Wednesday, July 1, 2019 at 5:30 p.m. pursuant to California Government Code §54954.2.



Erin Baum,
Planning Commission Secretary



City of Hesperia
Meeting Minutes
Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Thursday, June 11, 2020

6:30 PM

CALL TO ORDER - 6:30 PM

- A. Pledge of Allegiance to the Flag
- B. Invocation led by Commissioner Abreo
- C. Roll Call

Present: 4 – Chair Cody Leis, Commissioner Roger Abreo, Commissioner Dale Burke, Commissioner Sophie Steeno
Absent: 1– Vice Chair Rusty Caldwell

CONSENT CALENDAR

1. Consideration of the May 14, 2020 Planning Commission Draft Meeting Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting held on May 14, 2020.

Sponsors: Office Assistant Amanda Malone

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

Aye: 4- Leis, Abreo, Burke, Caldwell, and Steeno

Nay: 0

Absent: 1- Caldwell

PUBLIC HEARINGS

2. Consideration of a possible revocation of Conditional Use Permit 2004-02 for a Horse Racing Facility at 9983 Choiceana Avenue

Recommended Action:

That the Planning Commission review testimony from the applicant and public and adopt Resolution No. PC-2020-05 revoking Conditional Use Permit CUP2004-02

Sponsors: Principal Planner Chris Borchert

Principal Planner Chris Borchert discussed issues regarding CUP and reasons for revocation Commissioner Burke asked a question regarding improvements done on the project site since 2004 Applicant, Felisnando Monarraz, & Representative, Cory Briggs, spoke in defense of the CUP Commissioner Steeno & Chair Leis asked questions to applicant regarding original CUP David Montoya, neighbor, spoke in support of CUP Commissioners and Staff discussed the item Sanitary restrooms, and covered trash enclosures requested by neighbors

A motion was made by Steeno, seconded by Abreo, that the Planning Commission deny Staffs Recommendation, and not revoke the Conditional Use Permit. The motion carried by the following vote:

Aye: 4 - Abreo, Burke, Leis and Steeno

Nay: 0

Absent: 1 - Caldwell

3. Consideration of Administrative Appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM-1868, and ADM-1904.

Recommended Action:

It is recommended that the Hesperia City Planning Commission consider the following narrative regarding the appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM1868, and ADM-1904 and uphold the citations.

Sponsors: Code Enforcement Officer Mark Lockwood and Code Enforcement Supervisor Theresa Mauger

Code Enforcement Officer Lockwood presented on Code Enforcement Citations being appealed Commissioners asked questions to Staff regarding permits and citations at the subject property Applicants, Mr. William and Mrs. Sheila Mockett, spoke on behalf of the item Commissioners and Staff discussed building permit and citations Mike Hearn, Building Official, spoke on the City's permitting process

A motion was made by Burke, seconded by Leis, that this item be continued until the July Planning Commission meeting. The motion carried by the following vote:

Aye: 4 - Abreo, Burke, Leis and Steeno

Nay: 0

Absent: 1 - Caldwell

4. Consideration of the adoption of a Negative Declaration for the 2020 Growth Management Ballot Initiative to allow the voters within the City of Hesperia to decide on several growth management related development standards which include single family residential lot sizes, multi-family density, and entitlement length.

Recommended Action:

It is recommended that the Planning Commission review the initial study, find that there is no substantial evidence that the ballot initiative may have a significant effect on the environment, and approve the adoption of a Negative Declaration

Sponsor: Principal Planner Chris Borchert

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

Aye: 3 - Abreo, Burke and Leis

Nay: 1 - Steeno

Absent: 1 - Caldwell

PRINCIPAL PLANNER'S REPORT

There were no announcements or reports made.

A. DRC Comments

There were no comments.

B. Major Project Update

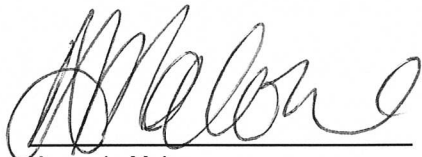
There were no comments.

PLANNING COMMISSION COMMENTS

Commissioners Steeno and Abreo thanked City staff for their recent efforts.

ADJOURNMENT

Meeting was adjourned at 8:11pm until Thursday July 9, 2020.



Amanda Malone,
Planning Commission Secretary

Cody Leis,
Chair

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City of Hesperia

STAFF REPORT



DATE: July 9, 2020

TO: Planning Commission

FROM: Chris Borchert, Principal Planner

BY: Ryan Leonard, Senior Planner

SUBJECT: Specific Plan Amendment SPLA20-00002; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2020-10 recommending that the City Council introduce and place on first reading an ordinance approving SPLA20-00002.

BACKGROUND

Proposal: The proposed Specific Plan Amendment will increase the maximum allowable floor area ratio (FAR) and maximum allowable building height limitations within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan (MSFCSP). Specifically, the proposed Amendment would increase the maximum floor area ratio from 0.35 to 0.50 within the CIBP zone. In addition, the Amendment would increase the maximum building height from 60 feet to 150 feet for certain properties that could be eligible within the CIBP zone, provided that any portion of the building that exceeds 60 feet in height meets added setback requirements.

The proposed Specific Plan Amendment would apply only to the CIBP zone in the MSFCSP (Attachment 1). The intent of the CIBP zone is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, warehousing, and distribution type uses.

ISSUES/ANALYSIS

Maximum Building Height: Over the past few months several developers have approached the City and expressed interest in developing large scale warehouse distribution facilities. The facilities are typically over one-million square feet and are generally located on the west side of Interstate 15, in close proximity to US Highway 395.

Many of the developers have expressed a need for taller buildings within the CIBP zone in order to keep up with emerging trends in the marketplace. Warehouse facilities have evolved significantly over the past few years due to advancements in technology and the surge of e-commerce. Modern warehouse facilities typically utilize advanced technology, robotics and automation. As a result, many prospective tenants are seeking higher interior building clearances for which they can store their product on racking and to accommodate additional heights for equipment and forklift clearances.

Staff believes their request has merit and is proposing a Specific Plan Amendment that will allow for the flexibility of meeting current industry needs for taller buildings. As proposed, the Specific

Plan Amendment would increase the maximum building height in the CIBP zone from 60 feet to 150 feet. The Specific Plan Amendment would only apply to those properties that are zoned CIBP and that are located west of the Interstate 15 freeway. Properties within the CIBP designation that are generally located east of the railroad tracks and west of I Avenue would not be eligible for the height increase. In addition, the Specific Plan Amendment would limit the maximum building height at the front setback line to 60 feet, and thereafter the height could be increased at the rate of 1 foot for every additional 3-foot increase in front setback. Therefore, the maximum building height of 150 feet could only be reached when the building is setback at least 295 feet from the front property line.

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). The City has recently seen an increase in the number of new warehouse distribution projects and some developers have indicated that it is difficult to meet the City's floor area ratio standards in the CIBP zone due to the unique function and space requirements that are typical of warehouse distribution facilities. In addition, if the building height is increased to allow taller buildings, there is a potential for developments to incorporate additional floor area. Therefore, staff is recommending that the FAR be increased from 0.35 to 0.50 in the CIBP zone.

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 does not include any new development. Rather, as future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance. Furthermore, the proposed Specific Plan Amendment would not introduce any new significant environmental impacts that were not previously analyzed in the General Plan Environmental Impact Report (EIR). In addition, several programmatic level projects were recently approved by the City, including changing approximately 130 acres from Regional Commercial to Commercial Industrial Business Park. Because Regional Commercial uses typically create greater impacts to services than Commercial Industrial Business park uses, the impacts that were previously analyzed in the General Plan EIR would actually be less than previously determined. As a result, any additional impacts that would be created by the proposed Specific Plan Amendment would be offset by the changes in land use that were not previously considered in the General Plan EIR.

Conclusion: Staff has seen an increased need for taller buildings in the CIBP zone since warehouse distribution facilities are requiring higher interior building clearances. The proposed Specific Plan Amendment will allow for the flexibility to meet current industry needs for taller buildings. In addition, the proposed Specific Plan Amendment will further the City's goal to attract investment and jobs to the City.

FISCAL IMPACT

None.

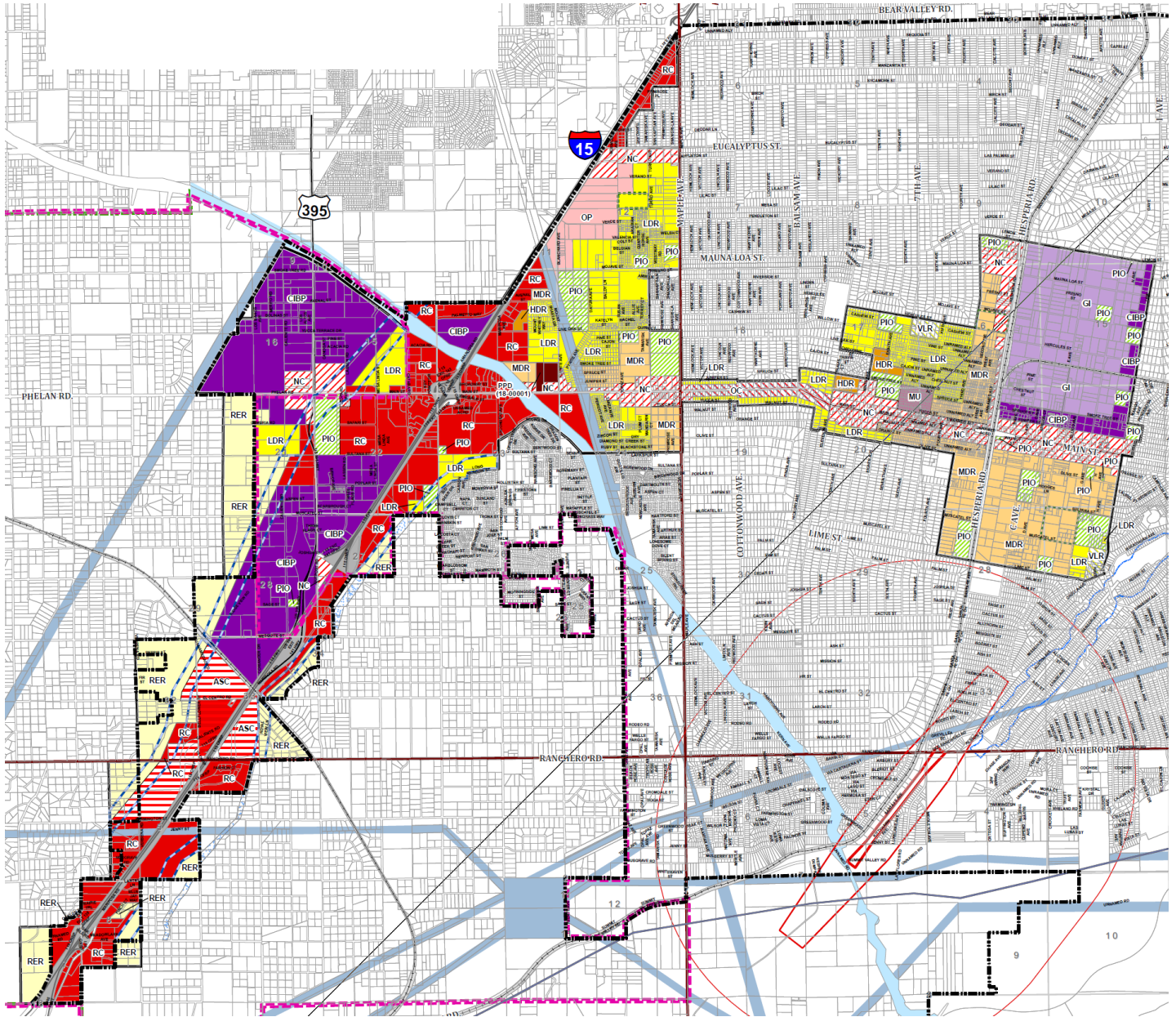
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Main Street and Freeway Corridor Specific Plan Land Uses Map
2. Resolution No. PC-2020-10 with Exhibit "A"

ATTACHMENT 1



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA20-00002

LOCATION:
CITY-WIDE

APN(S):
CITY-WIDE

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO INCREASE THE MAXIMUM ALLOWABLE FLOOR AREA RATIO (FAR) AND MAXIMUM ALLOWABLE BUILDING HEIGHT LIMITATIONS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



MSFCSP LAND USE

ATTACHMENT 2

RESOLUTION NO. PC-2020-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO INCREASE THE MAXIMUM ALLOWABLE FLOOR AREA RATIO (FAR) AND MAXIMUM ALLOWABLE BUILDING HEIGHT LIMITATIONS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (SPLA20-00002)

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 finds it necessary to amend the development standards within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan to increase the maximum allowable floor area ratio (FAR) and maximum allowable building height limitations; and

WHEREAS, there has been increased interest from developers to develop large warehouse distribution facilities in the Commercial Industrial Business Park (CIBP) zone that require higher buildings with greater building clearances. The proposed Specific Plan Amendment will allow for the flexibility of meeting current industry needs for taller buildings; and

WHEREAS, allowing taller buildings in the Commercial Industrial Business Park (CIBP) zone has necessitated that the minimum floor area ratio be increased from 0.35 to 0.50; and

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

WHEREAS, on July 9, 2020, 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 SPLA20-00002, to amend the development standards within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan to increase the maximum allowable floor area ratio (FAR) and maximum allowable building height limitations as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 9th day of July 2020.

Cody Leis, Chair, Planning Commission

ATTEST:

Amanda Malone, Secretary, Planning Commission

EXHIBIT “A”

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

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN Chapter 9, Subsection (G) (4) shall be amended to read:

4.2 Maximum Gross Floor Area Ratio

The maximum gross floor area ratio shall be 0.350.50.

4.3 Maximum Building Height

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

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

City of Hesperia

STAFF REPORT



DATE: July 9, 2020

TO: Planning Commission

FROM: Mike Blay, Assistant City Manager

BY: Chris Borchert, Principal Planner

SUBJECT: APP20-00002, Appeal of Development Review Committee Denial of CUPE20-00001, A Request for a Three Year Extension of Time for a Proposed 5,000 s.f. Liquor Store; Applicant: Tom Steeno, Architect

RECOMMENDED ACTION

That the Planning Commission find that the project site cannot comply with current code requirements and uphold the denial of the extension of time.

BACKGROUND

Conditional Use Permit CUP17-00005 was approved on June 27, 2017 with a Minor Exception to allow for a reduction of three parking spaces. The project is proposed on a vacant parcel immediately adjacent to the existing Mesa Mart convenience/liquor store and gas station. At the hearing, the owner of the Mesa Mart opposed the project and provided a petition with 178 customer signatures opposing the project.

In September of 2017, the City Council adopted Development Code Amendment DCA17-00006 which required all off-site sales of alcohol, in buildings less than 12,000 square feet, be located within 500 feet of the intersection of two arterial (or larger) streets, and be approved by the City Council.

ISSUES/ANALYSIS

One of the primary purposes associated with an extension of time is ensuring the project and conditions of approval comply with any changes made to the municipal codes since the original approval. Section 16.12 is titled Permits and Procedures and it includes the following:

16.12.060 - Approval period for land use decisions.

- A. Any land use decision made in accordance with the provisions of this title shall be subject to the following time limitations:
- B. Unless substantial construction in reliance upon building permits has occurred or division of land authorized by the land use decision has taken place or been recorded within the time specified for each land use application type within this title, the land use decision shall become null and void.
- C. Where circumstances warrant, the development review committee may grant extensions of time for a period of time not to exceed twelve (12) months each. The development review committee shall consider each extension of time on its own merits and may amend the conditions as necessary to bring the project into compliance with the development standards

in effect at the time of review of the extension. The development review committee may refer such request for extension to the planning commission for action.

With the change in code requirements, the project is not located within 500 feet of two arterial or larger streets. Danbury Avenue is a secondary arterial, which is smaller than an arterial, therefore the site is not eligible for off-site alcohol sales.

Additionally, the project does not comply with the Deemed Approved ordinance with regard to the restriction on single serve alcoholic beverages, nor did the project receive City Council approval.

The DRC denial letter did not mention the arterial street requirement because it was assumed that the project complied with most code requirements when it was accepted at the counter for the extension of time. Staff was basing the denial on the ongoing Council concerns and discussions regarding off-site alcohol sales which lean towards more regulation. The applicant was informed that the extension may be denied for those reasons before submitting, however, staff offered a refund for both applications if they chose to withdraw their application prior to the Commission hearing.

ATTACHMENT(S)

1. CUP17-00005 Staff Report
2. Site Plan from CUP17-00005
3. DRC denial letter

City of Hesperia
STAFF REPORT
Attachment 1



DATE: June 8, 2016
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Ryan Leonard, AICP, Associate Planner
SUBJECT: Conditional Use Permit CUP17-00005 and Minor Exception ME17-00003;
Applicant: Maida Holdings, LLC; APN: 0398-303-18

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-17 approving CUP17-00005 and PC-2017-18 approving Minor Exception ME17-00003.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to construct a 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21) and a Minor Exception (ME17-00003) to allow a reduction of three parking spaces (Attachment 1).

Location: On the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road.

Current General Plan, Zoning and Land Uses: The site is within the Convenience Commercial (C1) designation. The surrounding land is designated as noted on Attachment 2. The site is currently vacant. An existing gas station and convenience store that includes the sale of beer, wine and liquor for off-site consumption is located immediately adjacent to the east of the site. The properties to the south and west are vacant. The properties to the north are improved with single family residences (Attachment 3).

ISSUES/ANALYSIS

The Convenience Commercial (C1) zoning designation requires approval of a CUP for the proposed sale of alcoholic beverages. The proposed CUP consists of the development of a new 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21)

With the exception of parking, the proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and building setbacks. The parking ordinance requires a minimum of 5 spaces for every 1,000 square feet of floor area. As the project proposes a 4,990 square foot building, the parking ordinance requires a minimum of 25 spaces. As proposed, the project includes 22 parking spaces. Therefore a Minor Exception is required to allow for a reduction of 3 parking spaces.

Staff believes that a minor exception can be approved to allow for a reduction of 3 parking spaces. Specifically, staff analyzed the parking requirements for all existing type 20 or type 21 businesses in the City. The California Department of ABC maintains a database of all existing

licenses and reports that there are currently 69 off-sale licenses within the City. Of those 69 off-sale licenses, 1 license is no longer active, 2 licenses are located outside the City limits, 19 licenses are associated with a major chain store (i.e. Stater Bros), 16 licenses are located within a multi-tenant commercial shopping center, and 25 licenses are associated with a gas station. These businesses were not considered comparable to the proposed project for parking purposes as they are mostly located within multi-tenant shopping centers with the opportunity to share parking spaces. Of the 5 licenses that are considered comparable to the proposed project, 1 business was deficient in parking by 3 spaces, 3 businesses met current parking requirements, and the square footage for 1 business could not be determined, the results of which were not used as a part of the analysis.

In addition staff reviewed the parking requirements of the adjacent business. The existing gas station and convenience store is required to provide 20 parking spaces. However this site only provides 14 striped spaces and 2 fuel islands that provide an additional 4 spaces. Therefore the adjacent site is deficient by 2 parking spaces. Finally, it can be reasonably expected that the patrons who will frequent the site will stay for short durations and will not occupy the required parking spaces for extended periods of time resulting in parking demand reduction. If the Minor Exception is not approved by the Planning Commission than the applicant would be required to reduce the size of the proposed building to 4,400 square feet in order to meet the City's parking requirement.

The proposed development complies with all building setback requirements including a 20-foot building setback along the northern boundary of the property, since this boundary abuts a residential zone. Prior to development, a condition of approval requires a photometric study to be submitted, demonstrating that parking lot lighting will not exceed 0.5 foot-candles at the property lines. The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the total site; the project provides 2,986 square feet (17.5%) of total landscape coverage.

The site design complies with the architectural guidelines in the City's Development Code. The exterior of the building includes variation in wall and roof planes and the use of a variety of exterior materials and colors. The building proposes a stucco finish on all sides with dark grey tile veneer accent walls on the frontage to create a main entry feature. Other architectural features include cornices and decorative lighting on the walls of the buildings (Attachment 5).

The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). ABC authorizes this census tract to have two off-sale licenses. As shown in Table 1 below, ABC only identifies one active off-sale alcoholic beverage license within Census Tract 100.22 (Attachment 6). Therefore, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 1: Existing On-Sale Licenses in Census Tract 100.22

| Status | Business Name | Business Address | Type of License |
|--------|--------------------|-------------------|--------------------------|
| Active | Hesperia Mesa Mart | 18920 Danbury Ave | 21-Beer, Wine and Liquor |

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. A landscaped detention basin and an underground drainage system are proposed to store the necessary volume. Upon completion of the on-site drainage improvements,

the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The development will be connected to an existing 8-inch water line along Danbury Avenue. The project is allowed to use an approved on-site septic waste system.

Traffic/Street Improvements: As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along Danbury Avenue. This will necessitate replacing an existing Victor Valley Transit Authority (VVTa) bus stop bench in front of the site. In addition the developer is required to construct alley improvements from Arrowhead Lake Road to the site.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Comments Received: As of the writing of this staff report staff has received one petition in opposition to the project. The petition argues that the area is adequately served by existing liquor stores. The petition was signed by approximately 178 individuals (Attachment 9).

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of Minor Exception ME17-00003. Further, approval of the sale of beer, wine and liquor is appropriate, particularly to allow the convenience store to compete with surrounding businesses and to meet customer demand.

FISCAL IMPACT

None.

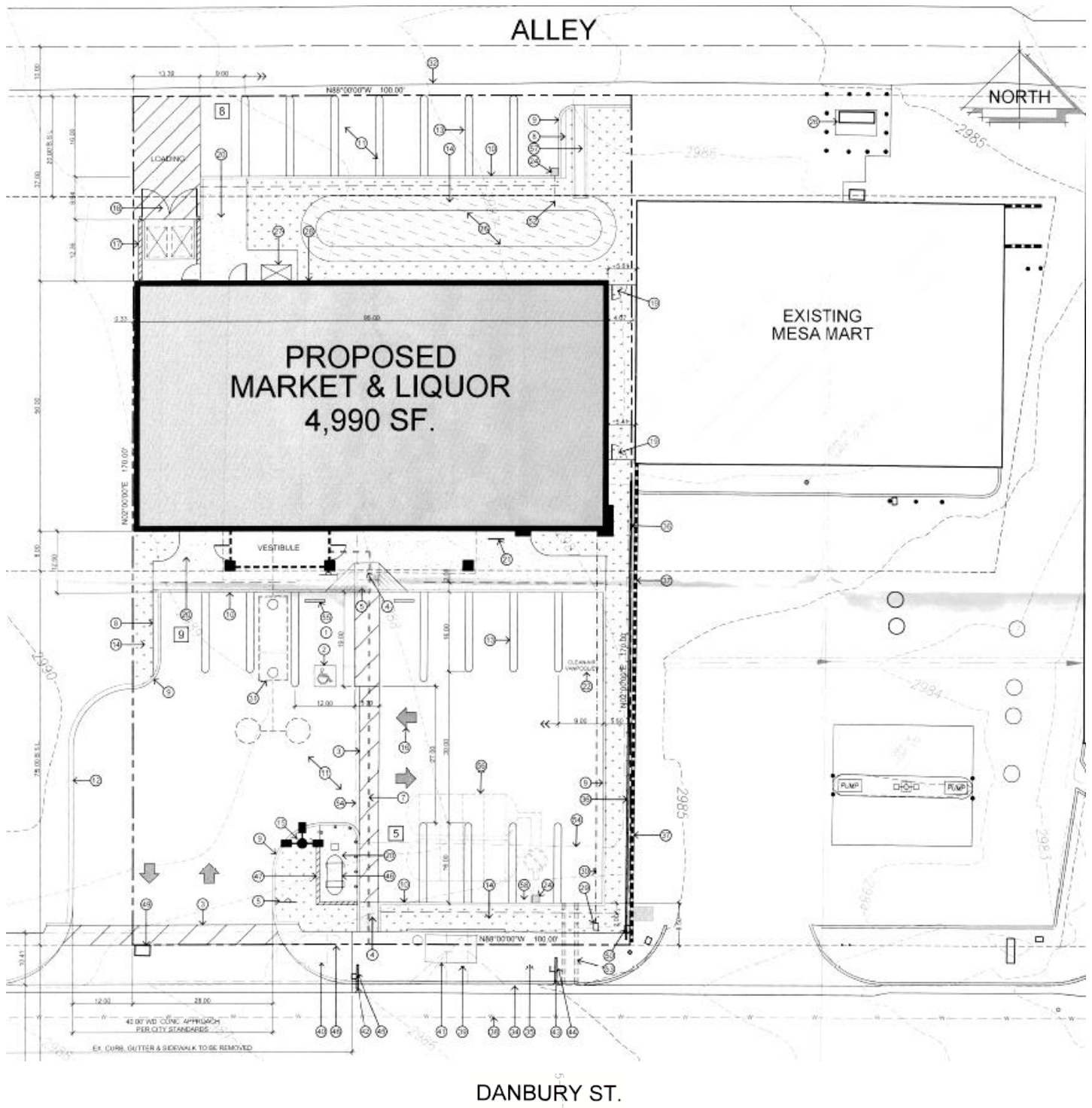
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2017-17, with list of conditions
8. Resolution No. PC-2017-18
9. Comments Received

ATTACHMENT 2



APPLICANT(S): MAIDA HOLDINGS LLC

FILE NO(S): CUP17-00005

LOCATION: NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD

APN(S):
0398-303-18

PROPOSAL: A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION (TYPE 21) AND A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES



SITE PLAN



June 3, 2020

Steen Design Studio Inc.
11774 Hesperia Road Suite B1
Hesperia, CA 92345

RE: Conditional Use Permit Extension CUPE20-00001 (APN: 0398-303-18)

Dear Mr. Steeno:

Conditional Use Permit CUP17-00005 proposed the construction of a 4,990 square foot convenience store with the sale of beer, wine and liquor for off-site consumption. Since no plans have been submitted, an extension of time was filed to keep the entitlement alive. After reviewing the information pertaining to this application, your Conditional Use Permit Extension application has been denied by the Development Review Committee due to the following:

- An existing liquor store exists on the property immediately to the east at 18920 Danbury Avenue, so there is no additional convenience provided to the public;
- The City Council has expressed concerns about the amount of alcohol outlets throughout the city and the potential impact they have on underage youth;
- Other than a developed property, another convenience store with alcohol provides no benefit in terms of new or additional sales tax revenue;

In accordance with Section 16.12.055, you may appeal this decision to the Planning Commission within 10 days. **Unless this decision is appealed to the Planning Commission by June 13, 2020, Conditional Use Permit Extension 20-00001 will stand denied.**

All appeals must be submitted on forms available at this office, along with the required fee.

If you have any questions, please contact me at (760) 947-1231.

Sincerely,

Chris Borchert
Principal Planner

*Russ Blewett, Mayor
Bill Holland, Mayor Pro Tem
Larry Bird, Council Member
Paul Russ, Council Member
Rebekah Swanson, Council Member*

*9700 Seventh Avenue
Hesperia, CA 92345
760-947-1000
TD 760-947-1119*

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City of Hesperia STAFF REPORT



CONTINUED FROM JUNE 11, 2020 MEETING

DATE: June 11, 2020

TO: Planning Commission

FROM: Mark Lockwood, Code Enforcement Officer

SUBJECT: Appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM-1868 and ADM-1904

PROPERTY: 11986 Calcite Ave **CASE #:** CE17-00767

OWNER: William A. Mockett
11986 Calcite Ave
Hesperia, CA 92345 **APN #:** 0415-052-12

RECOMMENDED ACTION:

It is recommended that the Hesperia City Planning Commission consider the following narrative regarding the appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM-1868, and ADM-1904 and uphold the citations.

CASE BACKGROUND:

This property has had enforcement activity on it for over three years. After issuing the property owner, Mr. William Mockett, a Notice of Violation on May 9, 2017 instructing him to obtain a building permit for his wall, and a Notice of Public Nuisance on May 23, 2017 for the same violation, we began issuing him administrative citations during the months of June, July and August of 2017.

On September 22, 2017, Mr. Mockett finally obtained a building permit (WAL17-00124). However, the wall was never completed and he failed to call for inspections. Mr. Mockett's building permit expired on March 15, 2019.

While the block wall violates several Municipal Code sections, the Planning Commission is only acting on those provisions related to the Building Code, specifically that he built the wall without first obtaining a permit and that after obtaining the permit he has never completed the wall nor received a final inspection.

Due to the height of the wall, the materials used and the wall being a solid wall, it is required that the property owner obtain a building permit. The property is in violation of Hesperia Municipal Code Section HMC 15.04.010, "California Codes Adopted", and California Residential Code Section R105.1, "Permits required" which states, "Any owner or authorized agent who intends to construct...or to cause any such work to be done, shall first make application to the building officer and obtain a required permit."

OFFICER STATEMENT:

On January 7, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1803. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

Staff Report to the Planning Commission Members

Administrative Appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM-1868 and ADM-1904.

On January 21, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1830. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

On February 5, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1850. I posted a copy on the front gate of the property. Before I left the property, Mr. Mockett made contact with me at the gate. I explained the violations to him and handed a copy of the administrative citation to him. I also mailed a copy to the property owner.

On February 19, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1868. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

On April 15, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1904. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

Violations Cited:

CRC R105 Residential Permits Required

HMC 15.04.010 California Codes Adopted

HMC 16.20.072B General Use Provisions/Fence Standards and Height Requirements (to be heard by DataTicket at a separate hearing)

HMC 8.32.040J Fence Material/Maintenance (to be heard by DataTicket at a separate hearing).

Attachments:

#1: Copy of Notice of Violation

#2: Copy of Notice of Public Nuisance

#3: Copy of Administrative Citation ADM-1803

#4: Photographs of the property, taken on January 7, 2020

#5: Copy of Administrative Citation ADM-1830

#6: Photographs of the property, taken on January 21, 2020

#7: Copy of Administrative Citation ADM-1850

#8: Photographs of the property, taken on February 5, 2020

#9: Copy of Administrative Citation ADM-1868

#10: Photographs of the property taken on February 19, 2020

#11: Copy of Administrative Citation ADM-1904

#12: Photographs of the property, taken on April 15, 2020

#13: Copy of CRC R105

#14: Copy of HMC Section 15.04.010

#15: Copy of HMC Section 8.32.040J

#16: Copy of HMC Section 16.20.072B

#17: Copy of Correction Notice dated March 10, 2020

#18: Copy of Correction Notice dated May 20, 2020

Staff Report to the Planning Commission Members

Administrative Appeal of Administrative Citations ADM-1803, ADM-1830, ADM-1850, ADM-1868 and ADM-1904.

#19: Appeal application for ADM-1803

#20: Appeal application for ADM-1830

#21: Appeal application for ADM-1850

#22: Appeal application for ADM-1868

#23: Appeal application for ADM-1904



ATTACHMENT 1

City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

NOTICE OF VIOLATION

05/09/2017

Date of Notice

To: MOCKETT, WILLIAM A
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

The City of Hesperia has investigated a possible code violation for the above mentioned property. Our site inspection of your property revealed the following violation(s) exist:

Violation

CA CODES ADOPTED
PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
HEIGHT REQUIREMENTS

The City requires that the following action be taken to correct the noted violation(s):

Obtain permits and submit plans for all solid fencing over 36 inches in height.
Remove or repair and replace all dilapidated and illegal fencing on your property.
Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

ALL VIOLATIONS MUST BE CORRECTED BY 05/23/2017

Failure to comply will result in further action, which may include criminal prosecution, and/or recordation of property with abatement fees.

If you have any questions regarding this matter, contact the Code Enforcement Department Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed below.
Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Sincerely,

MARK LOCKWOOD
Code Enforcement Officer

760-947-1661
Phone Number



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

ATTACHMENT 2

NOTICE OF PUBLIC NUISANCE

05/23/2017

Date of Notice

To: MOCKETT, WILLIAM A
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

On 05/23/2017, an inspection of the above-referenced real property was conducted. The following Public Nuisance(s) was/were found:

Violation

CA CODES ADOPTED
PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
HEIGHT REQUIREMENTS

To abate the public nuisance(s) the following action(s) must be completed by 06/02/2017

Obtain permits and submit plans for all solid fencing over 36 inches in height.
Remove or repair and replace all dilapidated and illegal fencing on your property.
Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

Code Enforcement Officers will be available Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed above.

Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Right of Appeal

If you object to the determination of a public nuisance(s), you have a right to appeal to a Hearing Officer pursuant to Hesperia Municipal Code. Any appeal must be in writing and received by the Hesperia Code Enforcement Officer at 15840 Smoke Tree St., Hesperia, CA 92345 within ten (10) calendar days of the date of this notice. The appeal shall (i) be dated and signed by the person filing the appeal, (ii) contain the typed or printed name, address, and telephone number of the person appealing, (iii) the address of the property where the public nuisance is alleged to exist, and (iv) the reason(s) for the appeal. The appeal must be accompanied by the appeal fee as set by the Hesperia City Council.

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



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1803

ADMINISTRATIVE CITATION

☐ Warning☐ Order to Remedy☒ Order to PayDate: 01/07/2020Time: 8:40 AMName: MOCKETT, WILLIAM AAddress: 11986 CALCITE AVECity: HESPERIAState: CAZip: 92345

CDL/ID: _____

DOB: _____

Location of Violation: 11986 CALCITE AVE
 Case Number: CE17-00767

Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|--|-----------|
| CRC Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE | Remove or repair and replace all dilapidated and illegal fencing on your property. | \$ 500.00 |
| HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND HEIGHT REQUIREMENTS | Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum. | \$ 500.00 |

Fine Amount \$ 1,500.00

Administrative Fee \$ 0.00

Total Penalty: \$ 1,500.00

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILEDDate: 01/07/2020MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

MLOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 1-22-20

By 5:00 P.M.



ATTACHMENT 3

OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See ORDER TO PAY, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

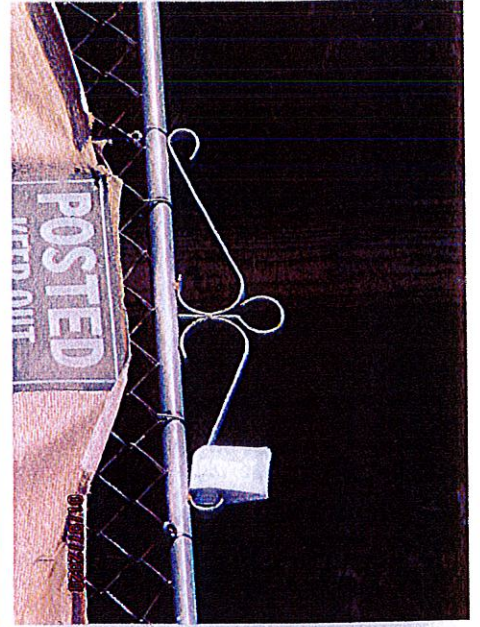
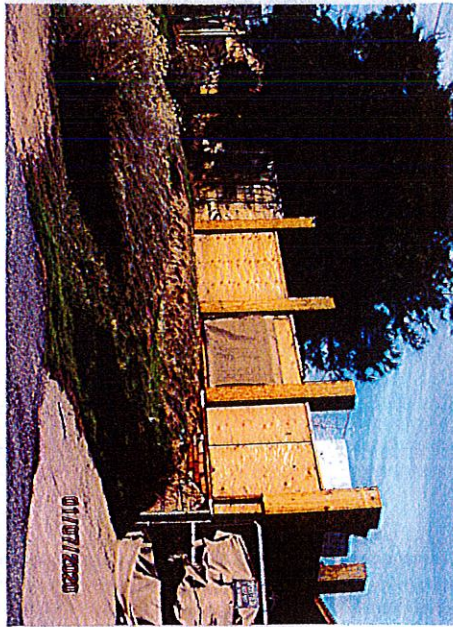
MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

ATTACHMENT 4



11986 CALCRE AVE

01/07/2020 ml

ATTACHMENT 5



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1830

ADMINISTRATIVE CITATION

☐ Warning☐ Order to Remedy☒ Order to Pay

Date: 01/21/2020

Time: 8:30 AM

Name: MOCKETT, WILLIAM A

Address: 11986 CALCITE AVE

City: HESPERIA

State: CA

Zip: 92345

CDL/ID:

DOB:

Location of Violation: 11986 CALCITE AVE
Case Number: CE17-00767

Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|--|-----------|
| CRC Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE | Remove or repair and replace all dilapidated and illegal fencing on your property. | \$ 500.00 |
| HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND HEIGHT REQUIREMENTS | Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum. | \$ 500.00 |

Fine Amount \$ 1,500.00

Administrative Fee \$ 0.00

Total Penalty: \$ 1,500.00

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILED

Date: 01/21/2020

MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

MLOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 2-5-20

By 5:00 P.M.



ATTACHMENT 5

OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See ORDER TO PAY, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

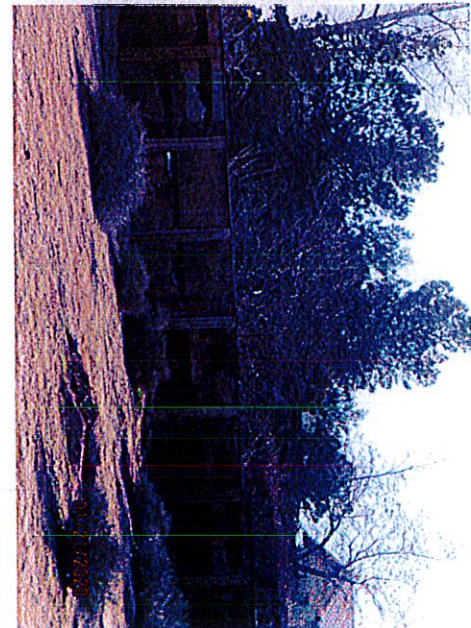
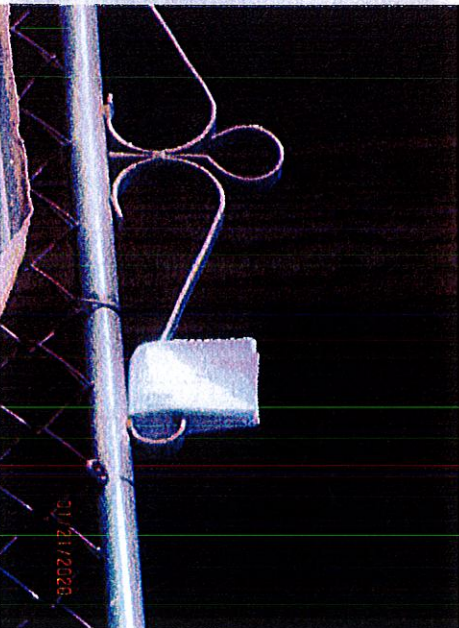
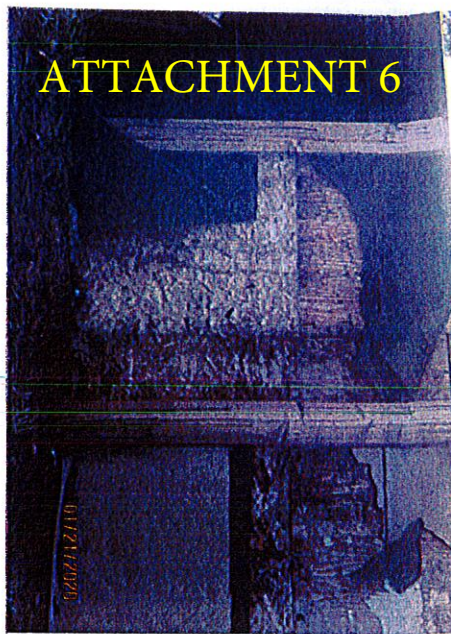
MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

ATTACHMENT 6



11986 CALTE AVE

01/21/2020 ML



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1850

ADMINISTRATIVE CITATION

☐ Warning☐ Order to Remedy☒ Order to PayDate: 02/05/2020Time: 1:30 PMName: MOCKETT, WILLIAM AAddress: 11986 CALCITE AVECity: HESPERIAState: CAZip: 92345

CDL/ID: _____

DOB: _____

Location of Violation: 11986 CALCITE AVE
 Case Number: CE17-00767

Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|--|-----------|
| CRG Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE | Remove or repair and replace all dilapidated and illegal fencing on your property. | \$ 500.00 |
| HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND HEIGHT REQUIREMENTS | Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum. | \$ 500.00 |

Fine Amount \$ 1,500.00

Administrative Fee \$ 0.00

Total Penalty: \$ 1,500.00

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILEDDate: 02/05/2020MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

MLOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 2.20.20

By 5:00 P.M.



ATTACHMENT 7

OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

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ORDER TO PAY

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NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

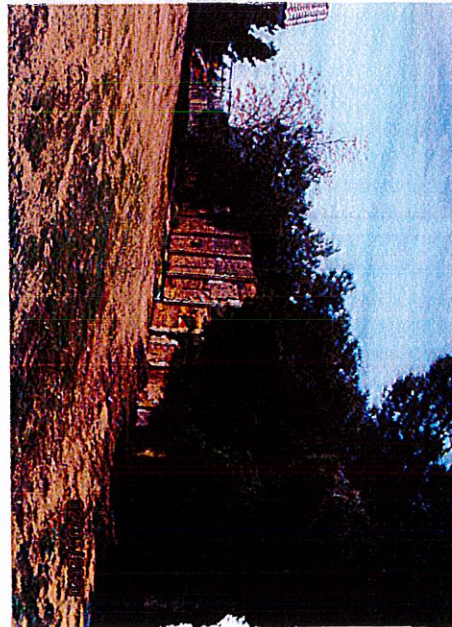
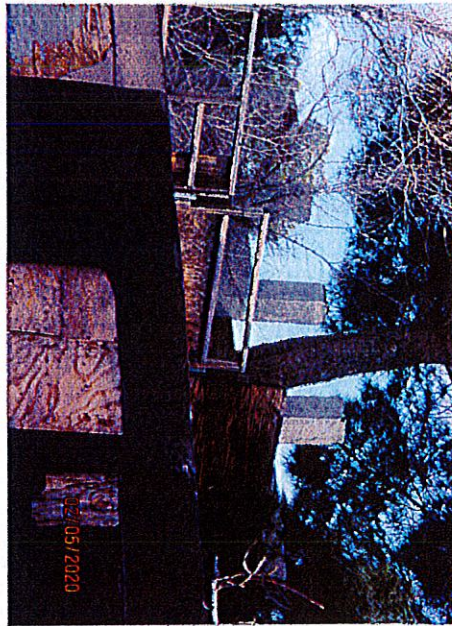
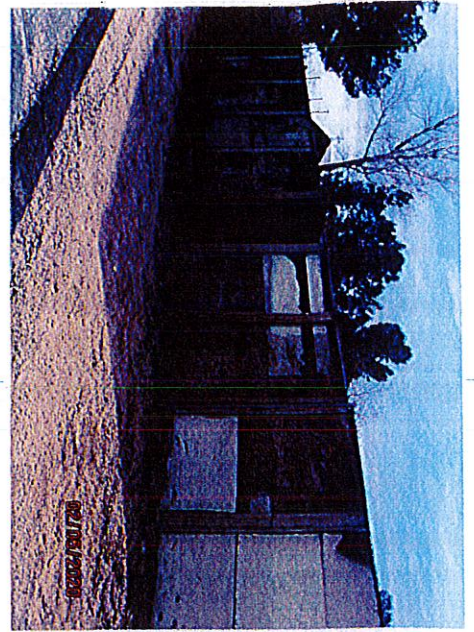
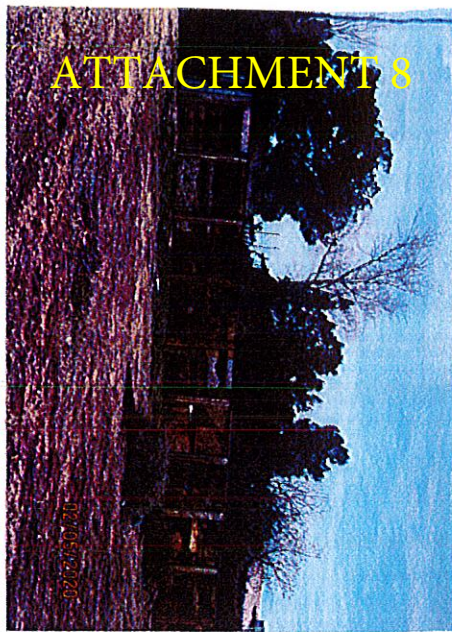
MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

ATTACHMENT 8



11 986 CALCITE AVE

02/05/2020



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1868

ADMINISTRATIVE CITATION

☐ Warning☐ Order to Remedy☒ Order to PayDate: 02/19/2020Time: 11:00 PMName: MOCKETT, WILLIAM AAddress: 11986 CALCITE AVECity: HESPERIAState: CAZip: 92345

CDL/ID: _____

DOB: _____

Location of Violation: 11986 CALCITE AVE
 Case Number: CE17-00767

Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|--|-----------|
| HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE | Remove or repair and replace all dilapidated and illegal fencing on your property. | \$ 500.00 |
| HMC 16.20.072B GENERAL USE PROVISIONS/FENCING STANDARDS AND HEIGHT REQUIREMENTS | Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum. | \$ 500.00 |

Fine Amount \$ 1,000.00

Administrative Fee \$ 0.00

Total Penalty: \$ 1,000.00

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILEDDate: 05/20/2020MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

MLOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

ATTACHMENT 9

OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See ORDER TO PAY, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

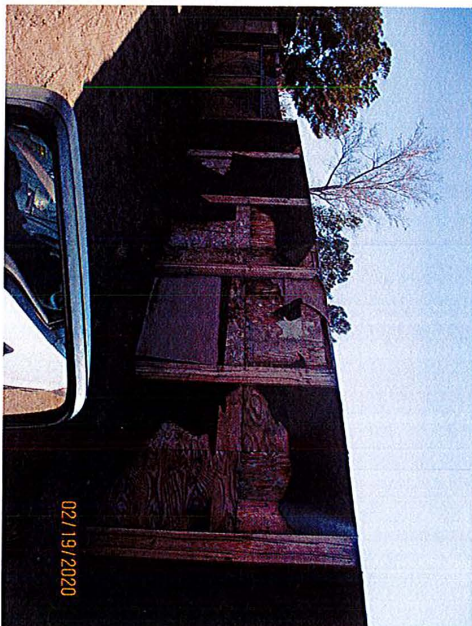
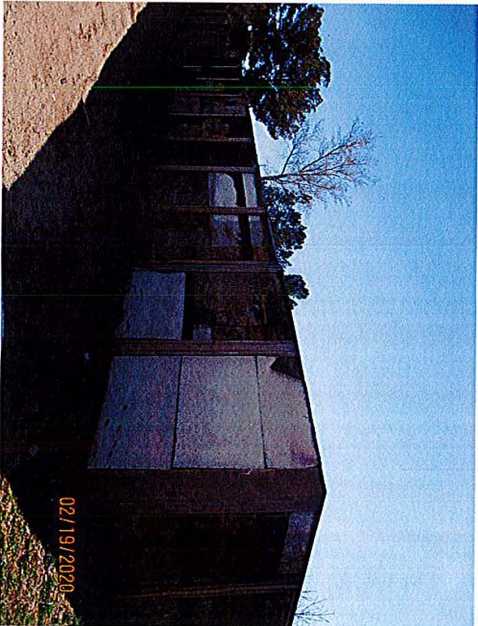
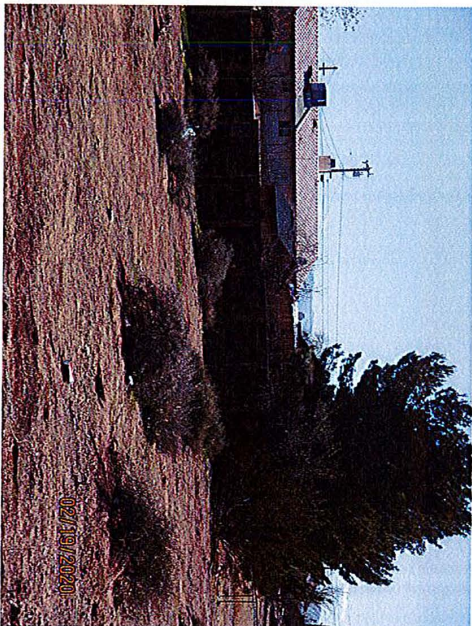
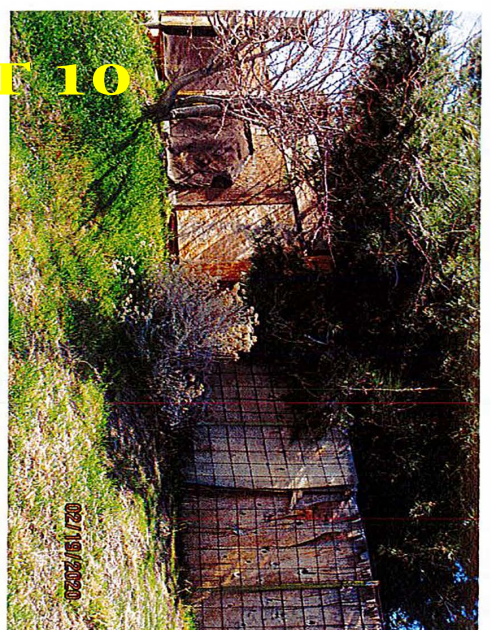
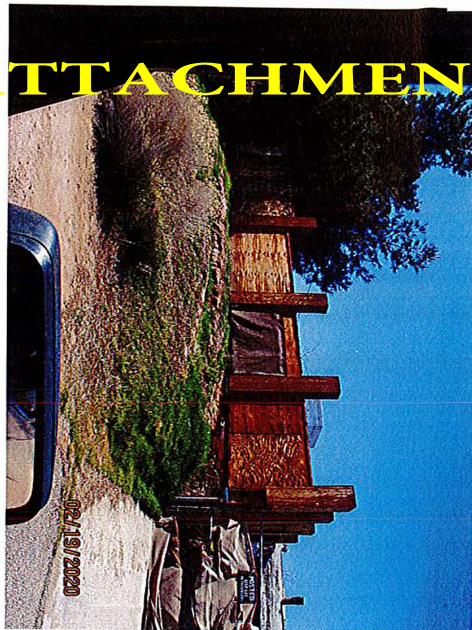
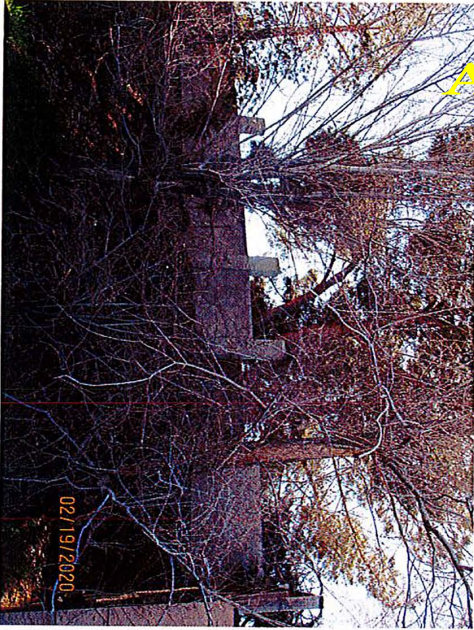
MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

ATTACHMENT 10



ATTACHMENT 11



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1904

ADMINISTRATIVE CITATION

☐ Warning

☐ Order to Remedy

☒ Order to Pay

Date: 04/15/2020

Time: 8:15 AM

Name: MOCKETT, WILLIAM A

Address: 11986 CALCITE AVE

City: HESPERIA

State: CA

Zip: 92345

CDL/ID: _____

DOB: _____

Location of Violation: 11986 CALCITE AVE
Case Number: CE17-00767

Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|--|-----------|
| CRC Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE | Remove or repair and replace all dilapidated and illegal fencing on your property. | \$ 500.00 |
| HMC 16.20.072B GENERAL USE PROVISIONS/FENCING STANDARDS AND HEIGHT REQUIREMENTS | Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum. | \$ 500.00 |

Fine Amount \$ 1,500.00

Administrative Fee \$ 0.00

Total Penalty: \$ 1,500.00

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILED

Date: 04/15/2020

MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

M LOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 4-30-20

By 5:00 P.M.



ATTACHMENT 11

OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See ORDER TO PAY, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

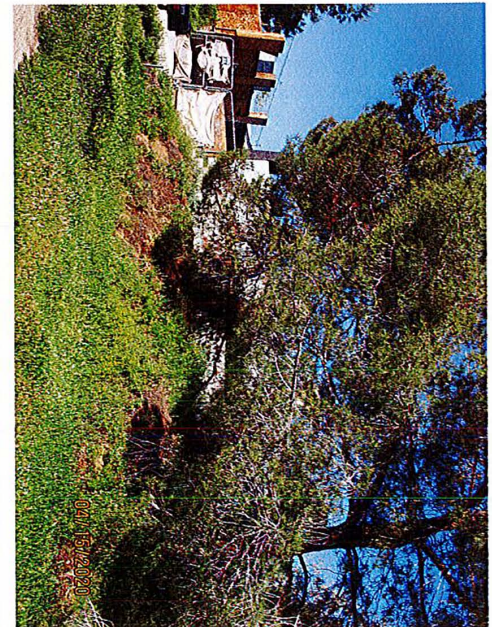
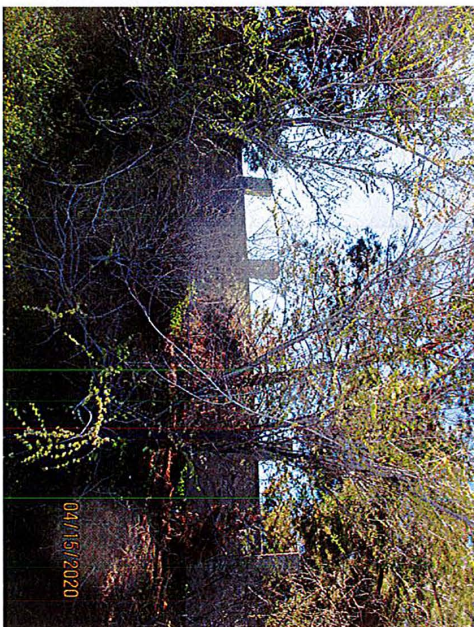
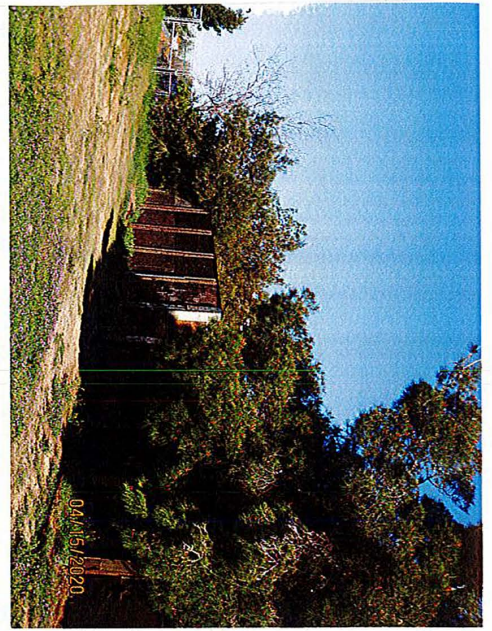
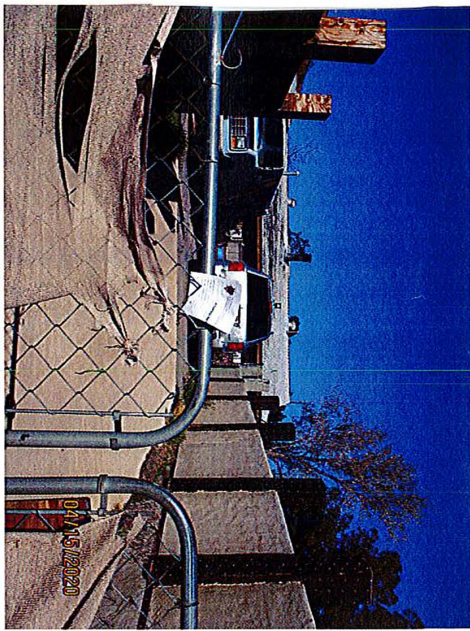
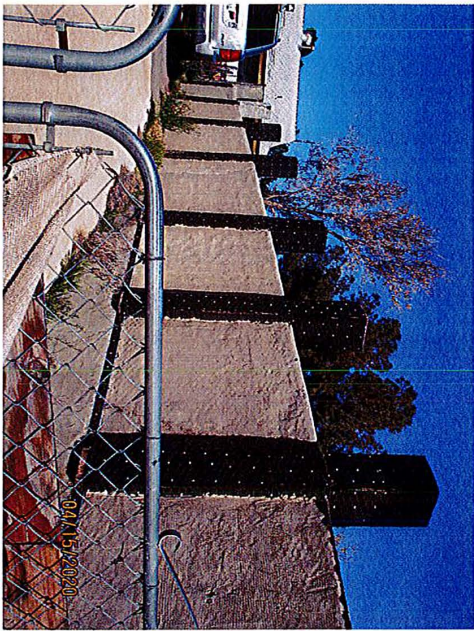
MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

ATTACHMENT 12



11986 CALCITE AVE

04/15/2020

ATTACHMENT # 13

SECTION R105

PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The 2019 California Building Code, Volumes 1 and 2, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Fire Code, the 2019 California Green Building Standards Code, and the 2019 California Referenced Standards Code, are hereby adopted as the Building Regulations for the City of Hesperia, together with the amendments, additions, deletions, and exceptions set forth in this Section.

(Ord. No. 2019-16, §§2, 3(Exh. A), 12-17-19)

8.32.040 - Property maintenance.

Any property upon which any of the following unpermitted conditions exists shall be deemed to be a public nuisance:

- A. Any grading or construction, including but not limited to walls and fences, which increases, concentrates, or redirects storm flows which can or may cause damage to adjacent or nearby public property;
- B. Any hole, trench, ditch, or excavation greater than two feet in depth with sides steeper than two horizontal to one vertical (2:1);
- C. Any attractive nuisance as defined in Section 1.04.050 where minors may be injured;
- D. Improper maintenance of landscaping or irrigation systems required as part of a city land use approval;
- E. Encroachment by any structure within required building setbacks;
- F. Overgrown or unmaintained vegetation that may cause detriment to neighboring properties or may cause a hazardous condition for motorists or pedestrians;
- G. Dead or dying plants or trees which may be dangerous to the public;
- H. Any vehicle or trailer parked on or near the public right-of-way for the primary purpose of advertising or directing attention to a place of business. This shall not apply to the business owner's vehicle when located at his/her place of business;
- I. A clothesline, or clothes, hanging in the front yard or on fences in other yards;
- J. Buildings, structures, walls, fences, or yard enclosures constructed of unapproved materials or improperly maintained. Improperly maintained may include but not be limited to; listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials)

(Ord. 286 § 4 (Exh. A (part)), 1999)

ATTACHMENT 16

16.20.072 - Fences and walls.

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six (6) feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

| Fencing | Front and Street Side Yards | Rear and Interior Side Yards |
|--|-----------------------------|------------------------------|
| Fences, screening, safety guard rails, walls | Allowed | Allowed |

ATTACHMENT 16

| | | |
|--|---------------------|---------------------|
| Commercial
and all
zones other
than
Agricultural,
Residential
or
Industrial | 6 ft. max. height | 10 ft. max. height |
| Industrial †
In
accordance
with
Section
16.16.585 | 12 ft. max. height† | 12 ft. max. height† |

ATTACHMENT 16

| | | |
|----------------------------------|---|-------------------|
| Agricultural
&
Residential | <p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area.</p> <p>(16.20.080 A & B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area. 6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p> | 6 ft. max. height |
|----------------------------------|---|-------------------|

- C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a

City of Hesperia
15840 SMOKE TREE ST.
HESPERIA, CA 92345

Notice of Correction Administrative Citation

William Mockett

Date: 3-10-2020

11986 Calcite Ave.

Hesperia, Ca 92345
CE17-00767

The citation numbers ADM1661, 1679, 1697, 1711, 1725, 1735, 1762, 1781, 1803, 1830, 1850 and 1868, received by you on 9/4/19, 9/17/19, 10/1/19, 10/16/19, 10/29/19, 11/13/19, 12/3/19, 12/17/19, 1/7/20, 1/21/20, 2/5/20 and 2/19/20, was incorrect as indicated below. Please correct your copy as indicated.

| SUBJECT | INCORRECT DATA | CORRECT DATA |
|---------------------------|----------------|----------------|
| Date & Time Of Issuance | | |
| Responsible For Violation | | |
| Occurrence Location | | |
| Violation Code | HMC 16.20.070E | HMC 16.20.072B |
| Penalty Amount | | |
| Identifying Marking | | |
| Other | | |
| Dismissal | | |
| | | |

Prepare in Triplicate:
Copy to Violator
Copy to Records
Copy to Processing Agency

By: tm for M. Lockwood

City of Hesperia

C/O PARKING CITATION CENTER
 P.O. BOX 10479
 NEWPORT BEACH, CA 92658-0479
 1-800-989-2058

| |
|--|
| Notice of Correction
 Administrative Citation |
|--|

William Mockett

Date: May 20, 2020

11986 Calcite Ave

Hesperia, CA 92395

Case#17-00767

The citation number ADM1868, received by you on 2/19/2020, was incorrect as indicated below. Please correct your copy as indicated.

| SUBJECT | INCORRECT DATA | CORRECT DATA |
|---------------------------|----------------|----------------|
| Date & Time Of Issuance | TIME: 11:00 PM | TIME: 11:00 AM |
| Responsible For Violation | | |
| Occurrence Location | | |
| Violation Code | | |
| Penalty Amount | | |
| Identifying Marking | | |
| Other | | |
| Dismissal | | |
| | | |

Prepare in Triplicate:
 Copy to Violator
 Copy to Records
 Copy to Processing Agency

By: M. LOCKWOOD



APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER

Date: 1/22/2020 (Date Filed With City)
Fee: 25 (\$25.00)
Receipt #: _____

Case Number: LE17-00767
Issuing Officer: Lockwood
Appeal of Citation #: 1803

Site Address: 11986 Caliente
APN#: 041505212

Property Owner: Name: William Mockett
Address: 11986 Caliente Ave
Phone #: 760 284 2849

Tenant: Name: _____
Address: _____
Phone #: _____

Applicant: Name: _____
(If other than Address: _____
above.) Phone #: _____

I hereby appeal the fees at the above referenced address for the following reason(s):

See Attach

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

[Signature]
(Signature)

William Mockett
(Print name)

(Signature)

(Print name)

(Signature)

(Print name)

ATTACHMENT# 19

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.



APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER

Date: 2/5/2020 (Date Filed With City) Case Number: CE 17-00767
Fee: 25 (\$25.00) Issuing Officer: Lockwood
Receipt #: R45990 Appeal of Citation #: ADM1830

Site Address: 11486 Caliche Ave
APN#: 041505212

Property Owner: Name: William Mochelt
Address: 11486 Caliche Ave
Phone #: 760 244 2849

Tenant: Name: _____
Address: _____
Phone #: _____

Applicant: Name: _____
(If other than Address: _____
above.) Phone #: _____

I hereby appeal the fees at the above referenced address for the following reason(s):

See Attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

[Signature]
(Signature)

William Mochelt
(Print name)

(Signature)

(Print name)

(Signature)

(Print name)

ATTACHMENT 20

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.



APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER

Date: 2/28/2020 (Date Filed With City) Case Number: CE17-00767
Fee: 25.00 (\$25.00) Issuing Officer: Paul Conrad
Receipt #: R46353 Appeal of Citation #: ADM 1850
ADM 1850

Site Address: 11986 Catalina Ave
APN#: 041505212

Property Owner Name: William Mochel
Mailing Address: 11986 Catalina Ave
Phone #: 760 244 2849

Tenant Name: _____
Mailing Address: _____
Phone #: _____

Applicant Name: _____
(If not listed above) Mailing Address: _____
Phone #: _____

** If you do not receive mail at your physical address, please include the address where you receive your mail.

I hereby appeal the fees at the above referenced address for the following reason(s):

See Attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

William Mochel
(Print Name)

(Print Name)

(Print Name)

[Signature]
(Signature)

(Signature)

(Signature)

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.



City of Hesperia Code Enforcement

APPEAL OF ADMINISTRATIVE CITATION TO ADMINISTRATIVE HEARING OFFICER

Date: 3/5/2020 (Date Filed With City) Case Number: CE17-00767
Fee: 25 (\$25.00) Issuing Officer: John Wood
Receipt #: R46767 Appeal of Citation #: ADM 1868

Site Address: 11986 Caliche Ave
APN#: 041505212

Property Owner Name: William M. Wood
Mailing Address: 11986 Caliche Ave
Phone #: 760 244 2049

Tenant Name: _____
Mailing Address: _____
Phone #: _____

Applicant Name: _____
(If not listed above) Mailing Address: _____
Phone #: _____

*** If you do not receive mail at your physical address, please include the address where you receive your mail.*

I hereby appeal the fees at the above referenced address for the following reason(s):

See Attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

William M. Wood
(Print Name)

[Signature]
(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

ATTACHMENT # 22

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.



City of Hesperia
Code Enforcement

ATTACHMENT 23

APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER

Date: 4/13/2022 (Date Filed With City) Case Number: CE 17-00767
Fee: \$25.00 (\$25.00) Issuing Officer: Lachwood
Receipt #: R147943 Appeal of Citation #: 1904

Site Address: 11986 Caliente Ave
APN#: 041505212

Property Owner Name: William Mochett
Mailing Address: 11986 Caliente Ave Hesperia CA
Phone #: 760 244 2849
Tenant Name: _____
Mailing Address: _____
Phone #: _____
Applicant Name: _____
(If not listed above) Mailing Address: _____
Phone #: _____

*** If you do not receive mail at your physical address, please include the address where you receive your mail.*

I hereby appeal the fees at the above referenced address for the following reason(s):

See attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

William Mochett
(Print Name)

[Signature]
(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

15840 Smoke Tree St.
Hesperia, CA 92345
(760) 947-1343 Fax (760) 947-3042
www.cityofhesperia.us

ATTACHMENT 23

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.

City of Hesperia
STAFF REPORT



DATE: July 9, 2020
TO: Planning Commission
FROM: Mark Lockwood, Code Enforcement Officer
SUBJECT: Appeal of Administrative Citation ADM-1911

Page 1 of 2

PROPERTY: 11986 Calcite Ave
William A. Mockett
OWNER: 11986 Calcite Ave
Hesperia, CA 92345

CASE #: CE17-00767

APN #: 0415-052-12

RECOMMENDED ACTION:

It is recommended that the Hesperia City Planning Commission consider the following narrative regarding the appeal of Administrative Citations ADM-1911

CASE BACKGROUND:

This property has had enforcement activity on it for over three years. After issuing the property owner, Mr. William Mockett, a Notice of Violation on May 9, 2017 instructing him to obtain a building permit for his wall, and a Notice of Public Nuisance on May 23, 2017 for the same violation, we began issuing him administrative citations during the months of June, July and August of 2017.

On September 22, 2017, Mr. Mockett finally obtained a building permit (WAL17-00124). However, the wall was never completed and he failed to call for inspections. Mr. Mockett's building permit expired on March 15, 2019.

While the block wall violates several Municipal Code sections, the Planning Commission is only acting on those provisions related to the Building Code, specifically that he built the wall without first obtaining a permit and that after obtaining the permit he has never completed the wall nor received a final inspection.

Due to the height of the wall, the materials used and the wall being a solid wall, it is required that the property owner obtain a building permit. The property is in violation of Hesperia Municipal Code Section HMC 15.04.010, "California Codes Adopted", and California Residential Code Section R105.1, "Permits required" which states, "Any owner or authorized agent who intends to construct...or to cause any such work to be done, shall first make application to the building officer and obtain a required permit."

OFFICER STATEMENT:

On April 29, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1911. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

Staff Report to the Planning Commission Members
Administrative Appeal of Administrative Citation ADM-1911

Violations Cited:

CRC R105 Residential Permits Required
HMC 15.04.010 California Codes Adopted
HMC 16.20.072B General Use Provisions/Fence Standards and Height Requirements (to be heard by DataTicket at a separate hearing)
HMC 8.32.040J Fence Material/Maintenance (to be heard by DataTicket at a separate hearing).

Attachments:

- #1: Copy of Notice of Violation
- #2: Copy of Notice of Public Nuisance
- #3: Copy of Administrative Citation ADM-1911
- #4: Photographs of the property, taken on April 29, 2020
- #5: Copy of CRC R105
- #6: Copy of HMC Section 15.04.010
- #7: Copy of HMC Section 8.32.040J
- #8: Copy of HMC Section 16.20.072B
- #9: Appeal application for ADM-1911

**City of Hesperia**

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

| |
|----------------------------|
| NOTICE OF VIOLATION |
|----------------------------|

05/09/2017

Date of Notice

To: MOCKETT, WILLIAM A
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

The City of Hesperia has investigated a possible code violation for the above mentioned property. Our site inspection of your property revealed the following violation(s) exist:

Violation

CA CODES ADOPTED
PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
HEIGHT REQUIREMENTS

The City requires that the following action be taken to correct the noted violation(s):

Obtain permits and submit plans for all solid fencing over 36 inches in height.
Remove or repair and replace all dilapidated and illegal fencing on your property.
Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

ALL VIOLATIONS MUST BE CORRECTED BY 05/23/2017

Failure to comply will result in further action, which may include criminal prosecution, and/or recordation of property with abatement fees.

If you have any questions regarding this matter, contact the Code Enforcement Department Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed below.
Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Sincerely,

 MARK LOCKWOOD

Code Enforcement Officer

 760-947-1661

Phone Number



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

NOTICE OF PUBLIC NUISANCE

05/23/2017

Date of Notice

To: MOCKETT, WILLIAM A
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

On 05/23/2017, an inspection of the above-referenced real property was conducted. The following Public Nuisance(s) was/were found:

Violation

CA CODES ADOPTED
PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
HEIGHT REQUIREMENTS

To abate the public nuisance(s) the following action(s) must be completed by 06/02/2017

Obtain permits and submit plans for all solid fencing over 36 inches in height.
Remove or repair and replace all dilapidated and illegal fencing on your property.
Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

MARK LOCKWOOD
Code Enforcement Officer

760-947-1661
Phone Number

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Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Right of Appeal

If you object to the determination of a public nuisance(s), you have a right to appeal to a Hearing Officer pursuant to Hesperia Municipal Code. Any appeal must be in writing and received by the Hesperia Code Enforcement Officer at 15840 Smoke Tree St., Hesperia, CA 92345 within ten (10) calendar days of the date of this notice. The appeal shall (i) be dated and signed by the person filing the appeal, (ii) contain the typed or printed name, address, and telephone number of the person appealing, (iii) the address of the property where the public nuisance is alleged to exist, and (iv) the reason(s) for the appeal. The appeal must be accompanied by the appeal fee as set by the Hesperia City Council.

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



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1911

ADMINISTRATIVE CITATION

☐ Warning☐ Order to Remedy☒ Order to PayDate: 04/29/2020Time: 8:30 AMName: MOCKETT, WILLIAM AAddress: 11986 CALCITE AVECity: HESPERIAState: CAZip: 92345

CDL/ID: _____

DOB: _____

Location of Violation: 11986 CALCITE AVEParcel Number: 041505212Case Number: CE17-00767

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|--|-----------|
| CRC Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE | Remove or repair and replace all dilapidated and illegal fencing on your property. | \$ 500.00 |
| HMC 16.20.072B GENERAL USE PROVISIONS/FENCING STANDARDS AND HEIGHT REQUIREMENTS | Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum. | \$ 500.00 |

Fine Amount \$ 1,500.00

Administrative Fee \$ 0.00

Total Penalty: \$ 1,500.00

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILEDDate: 04/29/2020MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

MLOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 5-14-20

By 5:00 P.M.



OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See ORDER TO PAY, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

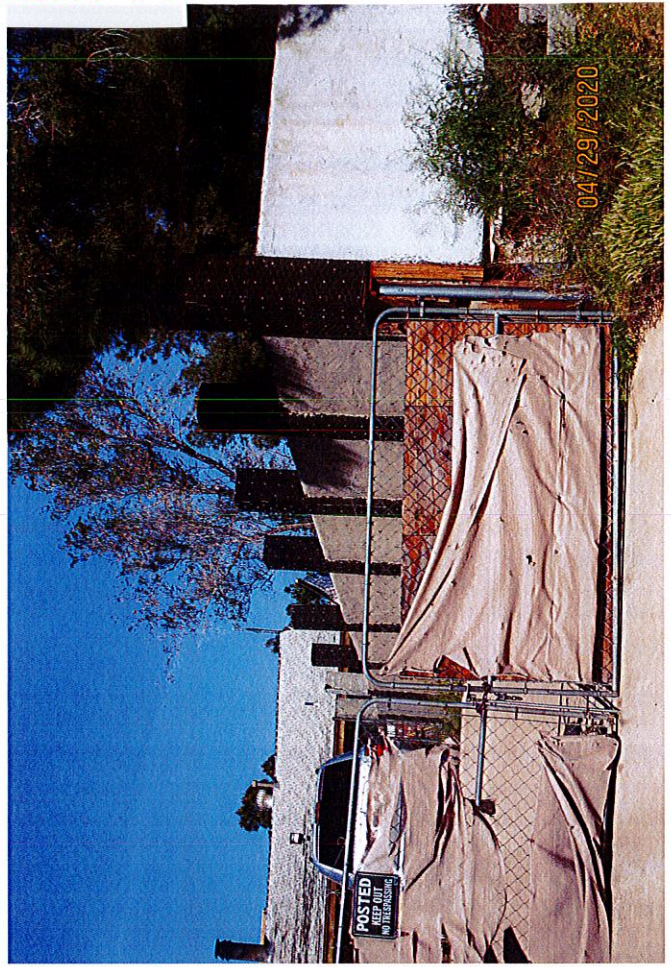
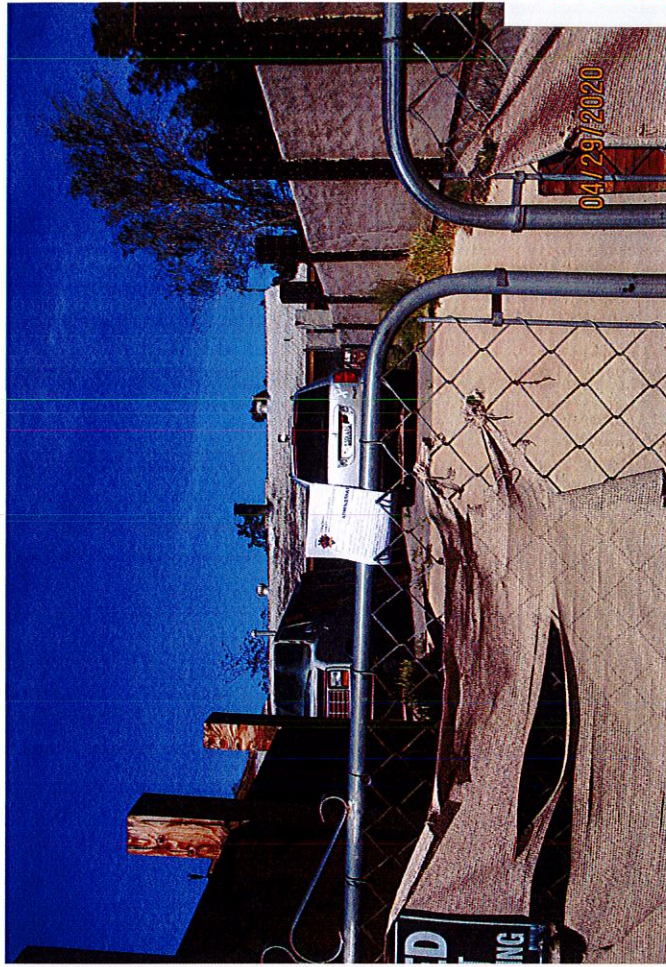
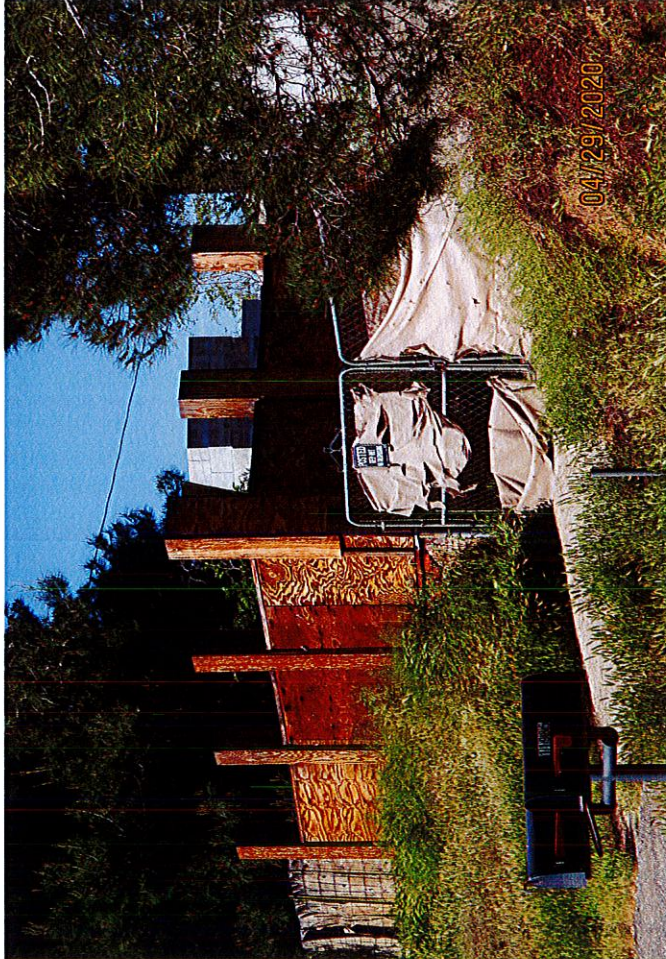
Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

11486 CALCITE AVE

04/29/2020

ML



ATTACHMENT #5

SECTION R105

PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

ATTACHMENT #7

8.32.040 - Property maintenance.

Any property upon which any of the following unpermitted conditions exists shall be deemed to be a public nuisance:

- A. Any grading or construction, including but not limited to walls and fences, which increases, concentrates, or redirects storm flows which can or may cause damage to adjacent or nearby public property;
- B. Any hole, trench, ditch, or excavation greater than two feet in depth with sides steeper than two horizontal to one vertical (2:1);
- C. Any attractive nuisance as defined in Section 1.04.050 where minors may be injured;
- D. Improper maintenance of landscaping or irrigation systems required as part of a city land use approval;
- E. Encroachment by any structure within required building setbacks;
- F. Overgrown or unmaintained vegetation that may cause detriment to neighboring properties or may cause a hazardous condition for motorists or pedestrians;
- G. Dead or dying plants or trees which may be dangerous to the public;
- H. Any vehicle or trailer parked on or near the public right-of-way for the primary purpose of advertising or directing attention to a place of business. This shall not apply to the business owner's vehicle when located at his/her place of business;
- I. A clothesline, or clothes, hanging in the front yard or on fences in other yards;
- J. Buildings, structures, walls, fences, or yard enclosures constructed of unapproved materials or improperly maintained. Improperly maintained may include but not be limited to; listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials) .

(Ord. 286 § 4 (Exh. A (part)), 1999)

16.20.072 - Fences and walls.

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six (6) feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

| Fencing | Front and Street Side Yards | Rear and Interior Side Yards |
|--|-----------------------------|------------------------------|
| Fences, screening, safety guard rails, walls | Allowed | Allowed |

| | | |
|--|---------------------|---------------------|
| Commercial
and all
zones other
than
Agricultural,
Residential
or
Industrial | 6 ft. max. height | 10 ft. max. height |
| Industrial †
In
accordance
with
Section
16.16.585 | 12 ft. max. height† | 12 ft. max. height† |

| | | |
|----------------------------------|--|-------------------|
| Agricultural
&
Residential | <p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area.
(16.20.080 A & B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area. 6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p> | 6 ft. max. height |
|----------------------------------|--|-------------------|

- C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a



ATTACHMENT #9
City of Hesperia
Code Enforcement

**APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER**

Date: 5/14/2020 (Date Filed With City) Case Number: CE 17-00767
Fee: _____ (\$25.00) Issuing Officer: Lockwood
Receipt #: _____ Appeal of Citation #: 1911

Site Address: 11986 Calarik Ave
APN#: 041505212

Property Owner Name: William Mockett
Mailing Address: 11986 Calarik Ave Hesperia
Phone #: 760 244 2849

Tenant Name: _____
Mailing Address: _____
Phone #: _____

Applicant Name: _____
(If not listed above) Mailing Address: _____
Phone#: _____

*** If you do not receive mail at your physical address, please include the address where you receive your mail.*

I hereby appeal the fees at the above referenced address for the following reason(s):

SEE Attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

William Mockett
(Print Name)

(Print Name)

(Print Name)

[Signature]
(Signature)

(Signature)

(Signature)

15840 Smoke Tree St.
Hesperia, CA 92345
(760) 947-1343 Fax (760) 947-3042
www.cityofhesperia.us

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.



City of Hesperia
Code Enforcement Department
15840 Smoke Tree Street
Hesperia, CA 92345
Phone: (760) 947-1343

RECEIPT

Receipt No: R48231
Case No: CE17-00767

Owner Name: MOCKETT, WILLIAM A
Address: 11986 CALCITE AVE
HESPERIA, CA 92345

| Fee Description | Account | Fee Amount |
|-----------------|----------------------|------------|
| APPEAL FEE | 100-29-305-3010-5405 | 25.00 |

Total Fees Paid: 25.00

Date Paid: 05/14/2020
Date Printed: 05/14/2020
Paid By: MOCKETT, WILLIAM A
Pay Method: CASH
Received By: LV

FINANCE



DATE: July 9, 2020
TO: Planning Commission
FROM: Mark Lockwood, Code Enforcement Officer
SUBJECT: Appeal of Administrative Citation ADM-1920

Page 1 of 2

PROPERTY: 11986 Calcite Ave
William A. Mockett
OWNER: 11986 Calcite Ave
Hesperia, CA 92345

CASE #: CE17-00767

APN #: 0415-052-12

RECOMMENDED ACTION:

It is recommended that the Hesperia City Planning Commission consider the following narrative regarding the appeal of Administrative Citations ADM-1920

CASE BACKGROUND:

This property has had enforcement activity on it for over three years. After issuing the property owner, Mr. William Mockett, a Notice of Violation on May 9, 2017 instructing him to obtain a building permit for his wall, and a Notice of Public Nuisance on May 23, 2017 for the same violation, we began issuing him administrative citations during the months of June, July and August of 2017.

On September 22, 2017, Mr. Mockett finally obtained a building permit (WAL17-00124). However, the wall was never completed and he failed to call for inspections. Mr. Mockett's building permit expired on March 15, 2019.

While the block wall violates several Municipal Code sections, the Planning Commission is only acting on those provisions related to the Building Code, specifically that he built the wall without first obtaining a permit and that after obtaining the permit he has never completed the wall nor received a final inspection.

Due to the height of the wall, the materials used and the wall being a solid wall, it is required that the property owner obtain a building permit. The property is in violation of Hesperia Municipal Code Section HMC 15.04.010, "California Codes Adopted", and California Residential Code Section R105.1, "Permits required" which states, "Any owner or authorized agent who intends to construct...or to cause any such work to be done, shall first make application to the building officer and obtain a required permit."

OFFICER STATEMENT:

On May 13, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1920. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

Staff Report to the Planning Commission Members
Administrative Appeal of Administrative Citation ADM-1920

Violations Cited:

CRC R105 Residential Permits Required
HMC 15.04.010 California Codes Adopted
HMC 16.20.072B General Use Provisions/Fence Standards and Height Requirements (to be heard by

Attachments:

- #1: Copy of Notice of Violation
- #2: Copy of Notice of Public Nuisance
- #3: Copy of Administrative Citation ADM-1920
- #4: Photographs of the property, taken on May 13, 2020
- #5: Copy of CRC R105
- #6: Copy of HMC Section 15.04.010
- #7: Copy of HMC Section 16.20.072B
- #8: Appeal application for ADM-1920



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

| |
|----------------------------|
| NOTICE OF VIOLATION |
|----------------------------|

05/09/2017

Date of Notice

To: MOCKETT, WILLIAM A
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVEParcel Number: 041505212

The City of Hesperia has investigated a possible code violation for the above mentioned property. Our site inspection of your property revealed the following violation(s) exist:

Violation

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PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
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The City requires that the following action be taken to correct the noted violation(s):

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Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

ALL VIOLATIONS MUST BE CORRECTED BY 05/23/2017

Failure to comply will result in further action, which may include criminal prosecution, and/or recordation of property with abatement fees.

If you have any questions regarding this matter, contact the Code Enforcement Department Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed below.

Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Sincerely,

 MARK LOCKWOOD

Code Enforcement Officer

 760-947-1661

Phone Number



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

NOTICE OF PUBLIC NUISANCE

05/23/2017

Date of Notice

To: MOCKETT, WILLIAM A
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

On 05/23/2017, an inspection of the above-referenced real property was conducted. The following Public Nuisance(s) was/were found:

Violation

CA CODES ADOPTED
PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
HEIGHT REQUIREMENTS

To abate the public nuisance(s) the following action(s) must be completed by 06/02/2017

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MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

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Right of Appeal

If you object to the determination of a public nuisance(s), you have a right to appeal to a Hearing Officer pursuant to Hesperia Municipal Code. Any appeal must be in writing and received by the Hesperia Code Enforcement Officer at 15840 Smoke Tree St., Hesperia, CA 92345 within ten (10) calendar days of the date of this notice. The appeal shall (i) be dated and signed by the person filing the appeal, (ii) contain the typed or printed name, address, and telephone number of the person appealing, (iii) the address of the property where the public nuisance is alleged to exist, and (iv) the reason(s) for the appeal. The appeal must be accompanied by the appeal fee as set by the Hesperia City Council.

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



City of Hesperia
Code Enforcement Department
15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1920

ADMINISTRATIVE CITATION

☐ Warning ☐ Order to Remedy ☒ Order to Pay

Date: 05/13/2020 Time: 1:30 PM
Name: MOCKETT, WILLIAM A
Address: 11986 CALCITE AVE
City: HESPERIA State: CA Zip: 92345
CDL/ID: _____ DOB: _____

Location of Violation: 11986 CALCITE AVE
Case Number: CE17-00767

Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|---|----------------------------|
| CRC Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| | | Fine Amount \$ 500.00 |
| | | Administrative Fee \$ 0.00 |
| | | Total Penalty: \$ 500.00 |

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILED Date: 05/13/2020

MARK LOCKWOOD
Code Enforcement Officer

760-947-1661
Phone Number

MLOCKWOOD@CITYOFHESPERIA.US
Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 5/28/20

By 5:00 P.M.

Planning Commission



CITATION NUMBER: ADM-1920

Page 1 of 2

OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See ORDER TO PAY, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

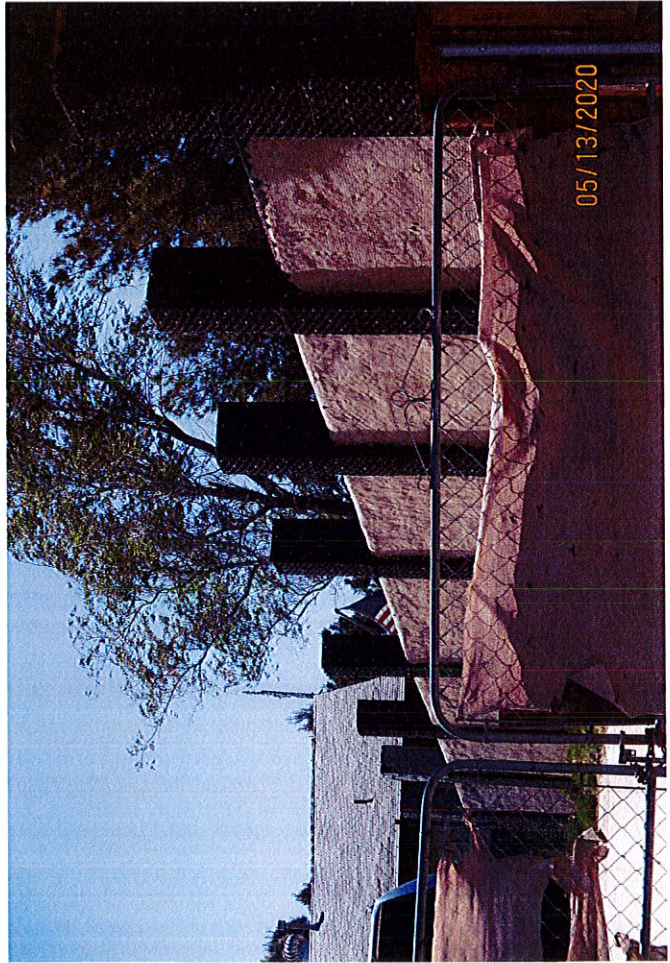
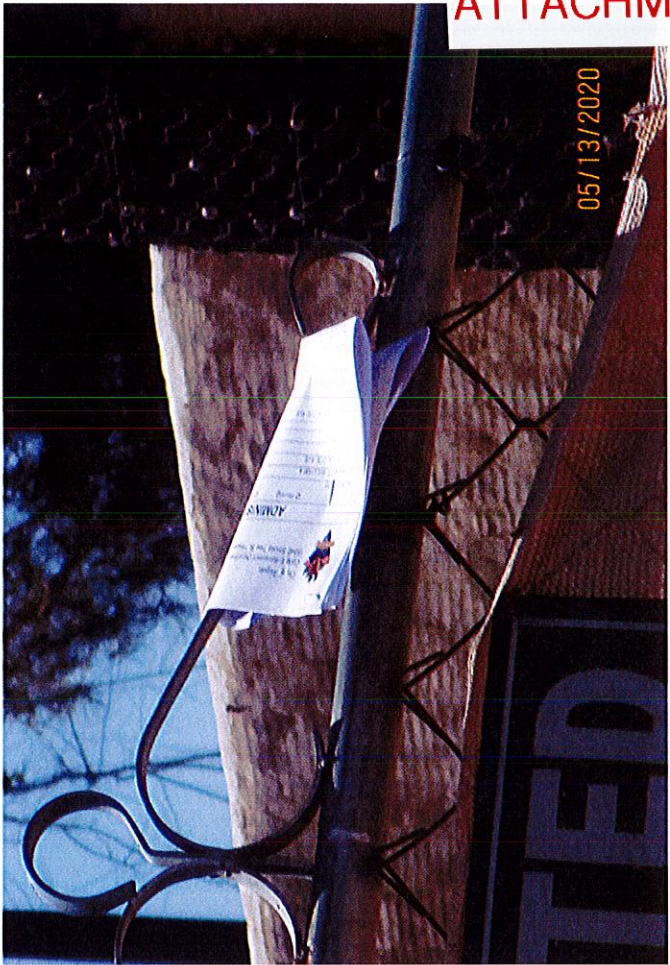
Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.

11986 CALCITE AVE

05/13/2020

ML



ATTACHMENT #5

SECTION R105

PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).

2. Fences not over 7 feet (2134 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1 .

5. Sidewalks and driveways.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

ATTACHMENT #6

15.04.010 - California codes adopted.

:

The 2019 California Building Code, Volumes 1 and 2, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Fire Code, the 2019 California Green Building Standards Code, and the 2019 California Referenced Standards Code, are hereby adopted as the Building Regulations for the City of Hesperia, together with the amendments, additions, deletions, and exceptions set forth in this Section.

ATTACHMENT #7

16.20.072 - Fences and walls.

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six (6) feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

| Fencing | Front and Street Side Yards | Rear and Interior Side Yards |
|--|-----------------------------|------------------------------|
| Fences, screening, safety guard rails, walls | Allowed | Allowed |

| | | |
|--|---------------------|---------------------|
| Commercial
and all
zones other
than
Agricultural,
Residential
or
Industrial | 6 ft. max. height | 10 ft. max. height |
| Industrial †
In
accordance
with
Section
16.16.585 | 12 ft. max. height† | 12 ft. max. height† |

| | | |
|----------------------------------|--|-------------------|
| Agricultural
&
Residential | <p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area.
(16.20.080 A & B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area. 6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p> | 6 ft. max. height |
|----------------------------------|--|-------------------|

- C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a



City of Hesperia
Code Enforcement

ATTACHMENT #8

APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER

Date: 5/28/20 (Date Filed With City) Case Number: CE17 00767
Fee: _____ (\$25.00) Issuing Officer: Lockwood
Receipt #: _____ Appeal of Citation #: 1920

Site Address: 11986 Culver Ave Hesperia CA
APN#: 041505212

Property Owner Name: William Mochet
Mailing Address: 11986 Culver Ave Hesperia
Phone #: 760 244 2849

Tenant Name: _____
Mailing Address: _____
Phone #: _____

Applicant Name: _____
(If not listed above) Mailing Address: _____
Phone #: _____

*** If you do not receive mail at your physical address, please include the address where you receive your mail.*

I hereby appeal the fees at the above referenced address for the following reason(s):

See Attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

William Mochet
(Print Name)

[Signature]
(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

15840 Smoke Tree St.
Hesperia, CA 92345
(760) 947-1343 Fax (760) 947-3042
www.cityofhesperia.us

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.



DATE: July 9, 2020

TO: Planning Commission

Page 1 of 2

FROM: Mark Lockwood, Code Enforcement Officer

SUBJECT: Appeal of Administrative Citation ADM-1928

PROPERTY: 11986 Calcite Ave

CASE #: CE17-00767

OWNER: William A. Mockett
11986 Calcite Ave
Hesperia, CA 92345

APN #: 0415-052-12

RECOMMENDED ACTION:

It is recommended that the Hesperia City Planning Commission consider the following narrative regarding the appeal of Administrative Citations ADM-1928

CASE BACKGROUND:

This property has had enforcement activity on it for over three years. After issuing the property owner, Mr. William Mockett, a Notice of Violation on May 9, 2017 instructing him to obtain a building permit for his wall, and a Notice of Public Nuisance on May 23, 2017 for the same violation, we began issuing him administrative citations during the months of June, July and August of 2017.

On September 22, 2017, Mr. Mockett finally obtained a building permit (WAL17-00124). However, the wall was never completed and he failed to call for inspections. Mr. Mockett's building permit expired on March 15, 2019.

While the block wall violates several Municipal Code sections, the Planning Commission is only acting on those provisions related to the Building Code, specifically that he built the wall without first obtaining a permit and that after obtaining the permit he has never completed the wall nor received a final inspection.

Due to the height of the wall, the materials used and the wall being a solid wall, it is required that the property owner obtain a building permit. The property is in violation of Hesperia Municipal Code Section HMC 15.04.010, "California Codes Adopted", and California Residential Code Section R105.1, "Permits required" which states, "Any owner or authorized agent who intends to construct...or to cause any such work to be done, shall first make application to the building officer and obtain a required permit."

OFFICER STATEMENT:

On May 27, 2020, I observed the wall was still present. I checked with Building and Safety and was informed there was not an active block wall building permit. I issued citation ADM-1928. I posted a copy on the front gate of the property, and mailed a copy to the property owner.

Staff Report to the Planning Commission Members
Administrative Appeal of Administrative Citation ADM-1928

Violations Cited:

CRC R105 Residential Permits Required
HMC 15.04.010 California Codes Adopted
HMC 16.20.072B General Use Provisions/Fence Standards and Height Requirements (to be heard by DataTicket at a separate hearing)
HMC 8.32.040J Fence Material/Maintenance (to be heard by DataTicket at a separate hearing).

Attachments:

- #1: Copy of Notice of Violation
- #2: Copy of Notice of Public Nuisance
- #3: Copy of Administrative Citation ADM-1928
- #4: Photographs of the property, taken on May 27, 2020
- #5: Copy of CRC R105
- #6: Copy of HMC Section 15.04.010
- #7: Copy of HMC Section 8.32.040J
- #8: Copy of HMC Section 16.20.072B
- #9: Appeal application for ADM-1928



City of Hesperia
 Code Enforcement Department
 15840 Smoke Tree St. Hesperia, CA-92345

NOTICE OF VIOLATION

05/09/2017

Date of Notice

To: **MOCKETT, WILLIAM A**
 11986 CALCITE AVE
 HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

The City of Hesperia has investigated a possible code violation for the above mentioned property. Our site inspection of your property revealed the following violation(s) exist:

Violation

CA CODES ADOPTED
 PERMITS REQUIRED
 FENCE MATERIAL-MAINTENANCE
 GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
 CBC 105.1. PERMITS REQUIRED
 HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
 HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
 HEIGHT REQUIREMENTS

The City requires that the following action be taken to correct the noted violation(s):

Obtain permits and submit plans for all solid fencing over 36 inches in height.
 Remove or repair and replace all dilapidated and illegal fencing on your property.
 Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

ALL VIOLATIONS MUST BE CORRECTED BY 05/23/2017

Failure to comply will result in further action, which may include criminal prosecution, and/or recordation of property with abatement fees.

If you have any questions regarding this matter, contact the Code Enforcement Department Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed below.
 Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Sincerely,

MARK LOCKWOOD
 Code Enforcement Officer

760-947-1661
 Phone Number



City of Hesperia
Code Enforcement Department
15840 Smoke Tree St. Hesperia, CA 92345

NOTICE OF PUBLIC NUISANCE

05/23/2017

Date of Notice

To: **MOCKETT, WILLIAM A**
11986 CALCITE AVE
HESPERIA, CA 92345

Case Number: CE17-00767

Concerning real property or structure located at: 11986 CALCITE AVE

Parcel Number: 041505212

On 05/23/2017, an inspection of the above-referenced real property was conducted. The following Public Nuisance(s) was/were found:

Violation

CA CODES ADOPTED
PERMITS REQUIRED
FENCE MATERIAL-MAINTENANCE
GENERAL USE PROVISIONS

Description

HMC 15.04.010. CALIFORNIA CODES ADOPTED
CBC 105.1. PERMITS REQUIRED
HMC 8.32.040J. FENCE MATERIAL/MAINTENANCE
HMC 16.20.070E GENERAL USE PROVISIONS/FENCING STANDARDS AND
HEIGHT REQUIREMENTS

To abate the public nuisance(s) the following action(s) must be completed by 06/02/2017

Obtain permits and submit plans for all solid fencing over 36 inches in height.
Remove or repair and replace all dilapidated and illegal fencing on your property.
Reduce fence height in front and front side setbacks to a maximum height of 36 inches. Reduce fence height in rear and side setbacks which are beyond the front setback, to a maximum height of 72 inches maximum.

MARK LOCKWOOD
Code Enforcement Officer

760-947-1661
Phone Number

Code Enforcement Officers will be available Monday through Thursday 8:00 am to 5:00 pm and Friday from 8:00 am to 4:00 pm at the phone number listed above.

Please note, the City operates on a 9/80 work schedule, alternating Fridays. Please leave the officer a message if necessary.

Right of Appeal

If you object to the determination of a public nuisance(s), you have a right to appeal to a Hearing Officer pursuant to Hesperia Municipal Code. Any appeal must be in writing and received by the Hesperia Code Enforcement Officer at 15840 Smoke Tree St., Hesperia, CA 92345 within ten (10) calendar days of the date of this notice. The appeal shall (i) be dated and signed by the person filing the appeal, (ii) contain the typed or printed name, address, and telephone number of the person appealing, (iii) the address of the property where the public nuisance is alleged to exist, and (iv) the reason(s) for the appeal. The appeal must be accompanied by the appeal fee as set by the Hesperia City Council.

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



City of Hesperia

Code Enforcement Department

15840 Smoke Tree St. Hesperia, CA 92345

CITATION NUMBER: ADM-1928

ADMINISTRATIVE CITATION

☐ Warning☐ Order to Remedy☒ Order to PayDate: 05/27/2020Time: 1:30 PMName: MOCKETT, WILLIAM AAddress: 11986 CALCITE AVECity: HESPERIAState: CAZip: 92345

CDL/ID: _____

DOB: _____

 Location of Violation: 11986 CALCITE AVE
 Case Number: CE17-00767
Parcel Number: 041505212

Occurrence: 3RD+

Municipal Code Section, Description of Violation and Correction(s)/Action(s) Required:

| Description | Corrective Action | Fine Amt |
|---|---|----------------------------|
| HMC 15.04.010. CALIFORNIA CODES ADOPTED | | \$ 0.00 |
| CRC Section R105. PERMITS REQUIRED | Obtain permits and submit plans for all solid fencing over 36 inches in height. | \$ 500.00 |
| | | Fine Amount \$ 500.00 |
| | | Administrative Fee \$ 0.00 |
| | | Total Penalty: \$ 500.00 |

A Corrective Action Date will only be assigned for an Order to Remedy

Date Corrective Action to be completed:

Receipt Acknowledged By: MAILEDDate: 05/27/2020MARK LOCKWOOD

Code Enforcement Officer

760-947-1661

Phone Number

MLOCKWOOD@CITYOFHESPERIA.US

Email

Payment must be made no later than 30 days from the date of the citation. A request for hearing must be made no later than 15 days from the date of this citation. Please see attachment - Options Available to Satisfy This Citation, for additional information.

Deadline to Appeal: 6/13/20

By 5:00 P.M.



OPTIONS AVAILABLE TO SATISFY THIS CITATION

ORDER TO REMEDY

If the citation indicates that the violation can be remedied by corrective action, you must correct the violation within the time limit prescribed on the citation. As soon as you have corrected the violation, you must contact the City to make arrangements with the Enforcement Officer to provide proof of the correction. To make arrangements to provide proof of the correction, call the phone number to the issuing agency located on the front side of this citation. You must pay all of the administrative portion of the penalty before the specified date.

If you fail to correct the violation by the specified date on the citation, you will be required to pay the full amount of the penalty. (See **ORDER TO PAY**, below). However, payment does not excuse the failure to correct the violation. If you fail to correct the violation, you will be subject to further enforcement action and additional penalties imposed by the City.

ORDER TO PAY

If you have been ordered to pay a penalty, payment must be made within thirty (30) days of issuance of this citation.

NOTE: Unless you request an administrative hearing to contest the citation (see below) payment of this penalty waives your right to contest the citation. If the citation indicates that corrective action is required, payment of the penalty does not excuse the failure to correct the violation. If you fail to pay the total penalty of an uncontested citation, the City may pursue any legal remedy to recover the amount of the penalty.

TO CONTEST THE CITATION

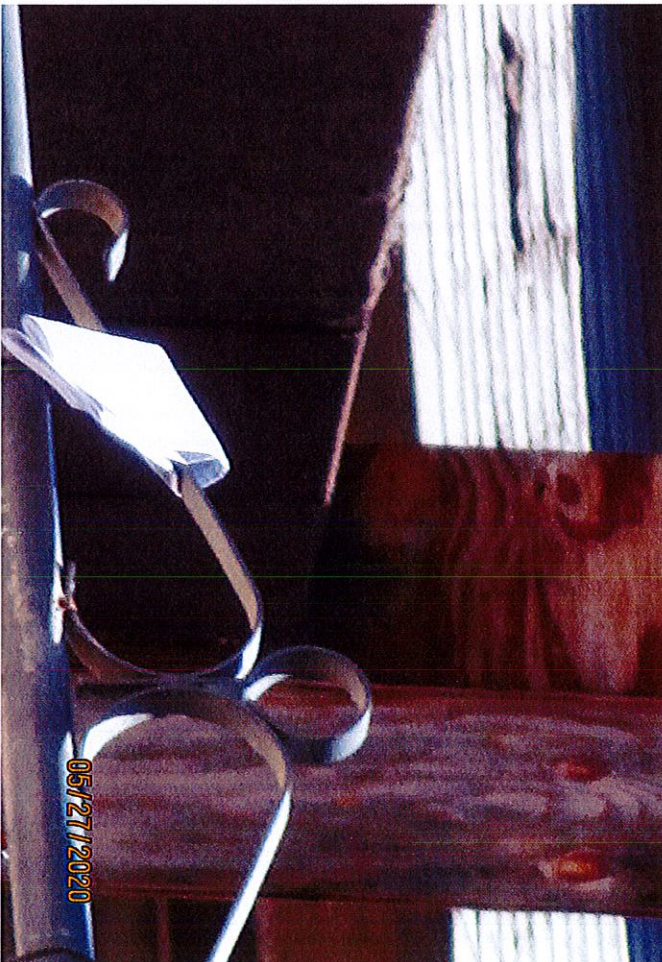
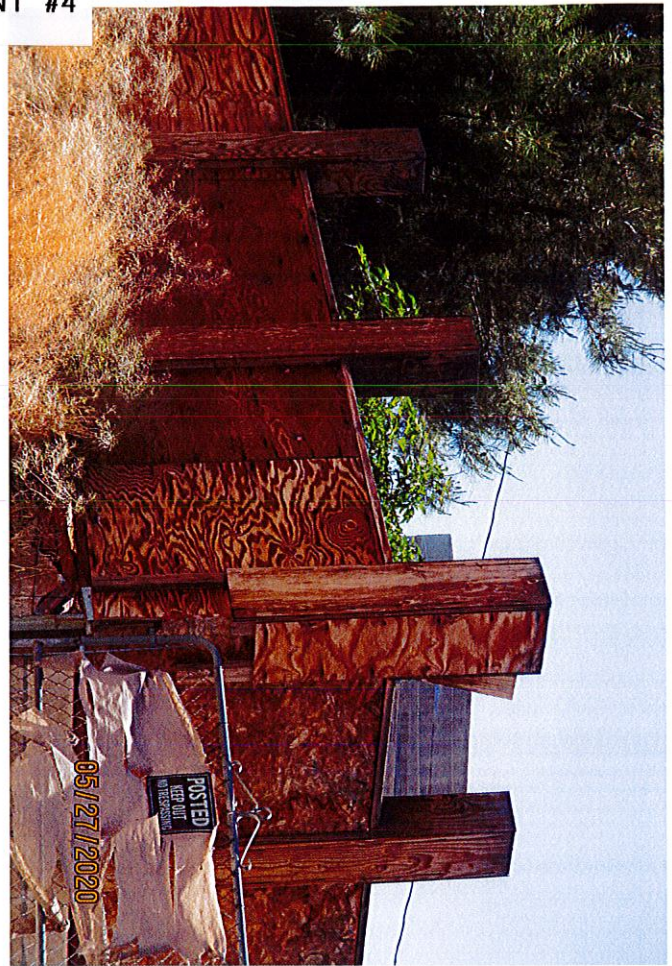
To contest the citation, you must complete a hearing application in person, within fifteen (15) days of issuance of this citation. You may obtain an application for hearing at the Code Enforcement Office at 15840 Smoke Tree St., Hesperia, CA 92345. You must state in writing your reasons for contesting the citation, and pay a non-refundable \$25 filing fee. The hearing will be scheduled no less than fifteen (15) days and no more than sixty (60) days after receipt of the written request.

MAKE PAYMENTS TO:

City of Hesperia
15840 Smoke Tree St.
Hesperia, CA 92345

Write the citation number on the check. Make checks payable to City of Hesperia. Do not send cash.

Pursuant to Sections 1.12.280A and 1.12.270B of the Hesperia Municipal Code, administrative citations may be issued for Municipal Code violations. The penalties for each violation are progressive. The total penalty includes a non-refundable administrative fee. Any person who continues to maintain a violation may be charged with a misdemeanor complaint in criminal court.



ATTACHMENT #5

SECTION R105

PERMITS

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

The 2019 California Building Code, Volumes 1 and 2, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Fire Code, the 2019 California Green Building Standards Code, and the 2019 California Referenced Standards Code, are hereby adopted as the Building Regulations for the City of Hesperia, together with the amendments, additions, deletions, and exceptions set forth in this Section.

(Ord. No. 2019-16, §§2, 3(Exh. A), 12-17-19)

ATTACHMENT #7

8.32.040 - Property maintenance.

Any property upon which any of the following unpermitted conditions exists shall be deemed to be a public nuisance:

- A. Any grading or construction, including but not limited to walls and fences, which increases, concentrates, or redirects storm flows which can or may cause damage to adjacent or nearby public property;
- B. Any hole, trench, ditch, or excavation greater than two feet in depth with sides steeper than two horizontal to one vertical (2:1);
- C. Any attractive nuisance as defined in Section 1.04.050 where minors may be injured;
- D. Improper maintenance of landscaping or irrigation systems required as part of a city land use approval;
- E. Encroachment by any structure within required building setbacks;
- F. Overgrown or unmaintained vegetation that may cause detriment to neighboring properties or may cause a hazardous condition for motorists or pedestrians;
- G. Dead or dying plants or trees which may be dangerous to the public;
- H. Any vehicle or trailer parked on or near the public right-of-way for the primary purpose of advertising or directing attention to a place of business. This shall not apply to the business owner's vehicle when located at his/her place of business;
- I. A clothesline, or clothes, hanging in the front yard or on fences in other yards;
- J. Buildings, structures, walls, fences, or yard enclosures constructed of unapproved materials or improperly maintained. Improperly maintained may include but not be limited to; listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials)

(Ord. 286 § 4 (Exh. A (part)), 1999)

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six (6) feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

| Fencing | Front and Street Side Yards | Rear and Interior Side Yards |
|---|-----------------------------|------------------------------|
| Fences, screening, safety guard rails, walls | Allowed | Allowed |
| Commercial and all zones other than Agricultural, Residential or Industrial | 6 ft. max. height | 10 ft. max. height |

| | | |
|--|---|---------------------|
| Industrial †
In
accordance
with
Section
16.16.585 | 12 ft. max. height† | 12 ft. max. height† |
| Agricultural
&
Residential | <p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area. (16.20.080 A & B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area.</p> <p>6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p> | 6 ft. max. height |

C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of

approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a fencing material. Fencing constructed of approved materials must still meet all other requirements of this code, including but not limited to design standards and permitting requirements.

- D. All fencing shall be constructed to add to the overall look of the property, installed in a professional manner using treated materials to withstand the environment. In no case shall a fence be constructed of secondhand or castoff materials not originally designed for fencing. Examples of prohibited materials include, but are not limited to garage doors, corrugated metal scrap, mattresses, tires, car parts, and plywood less than five-eighths inches thick, plywood not of a grade approved by the director or designee, particle board, paper, visqueen plastic, plastic tarp, cloth or similar material.
- E. Animal enclosures shall be constructed of materials treated and installed to withstand the environment, be appropriate for the keeping of animals, and be properly maintained. Animal enclosures shall meet all other requirements of this code. The materials listed as prohibited in Section D are also prohibited for use as an animal enclosure.

(Ord. No. 2019-01, § 3(Exh. A), 2-5-19)

Editor's note— Ord. No. 2019-01, § 3(Exh. A), adopted February 5, 2019, set out provisions intended for use as § 16.20.080. For purposes of classification, and at the editor's discretion, these provisions have been included as 16.20.072.



ATTACHMENT #9
City of Hesperia
Code Enforcement

Planning

APPEAL OF ADMINISTRATIVE CITATION
TO
ADMINISTRATIVE HEARING OFFICER

Date: 4/10/20 (Date Filed With City) Case Number: CEM-00767
Fee: _____ (\$25.00) Issuing Officer: Loch Wood
Receipt #: _____ Appeal of Citation #: 1928

Site Address: 11986 Caliente Ave
APN#: 041505212

Property Owner Name: William Mochel
Mailing Address: 11986 Caliente Ave Hesperia
Phone #: _____

Tenant Name: _____
Mailing Address: _____
Phone #: _____

Applicant Name: _____
(If not listed above) Mailing Address: _____
Phone #: _____

**** If you do not receive mail at your physical address, please include the address where you receive your mail.**

I hereby appeal the fees at the above referenced address for the following reason(s):

See Attached

(Describe what is being appealed and what action or change you seek, be specific and attach any support documents.)

I/We hereby certify that I/We are the Appellant(s) and that the foregoing statement, in all respects, is true and Correct.

William Mochel
(Print Name)

[Signature]
(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

15840 Smoke Tree St.
Hesperia, CA 92345
(760) 947-1343 Fax (760) 947-3042
www.cityofhesperia.us

1. Lack of due process.
2. 8th amendment excessive fines.
3. What authority does the City of Hesperia have to regulate private property.
4. Do not need a permit for a fence under 7 feet.
5. Have a permit.
6. Lack of signature on citation.