

# **PLANNING COMMISSION REGULAR MEETING**



## **Meeting Agenda**

**Thursday, April 8, 2021**

**6:30 PM**

City Council Chamber  
9700 Seventh Ave.  
Hesperia, CA 92345

## **Planning Commission Members**

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

**Chris Borchert, Principal Planner**  
**Braden Holly, Assistant City Attorney**

**See page (3) for details on public meeting guidelines during the  
COVID-19 (Coronavirus) Pandemic**

**Green Sheet item # 5 DCA21-00001 information received after  
posting of the agenda.**



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

## **Public Access to City of Hesperia Planning Commission Meeting:**

Planning Commission meetings are now open to the public at 25% maximum capacity to allow for social distancing. Meeting attendees will be admitted on a first come first serve basis, with doors opening at 6 p.m. When capacity is reached, signage will be placed in front of City Hall indicating the Council Chambers has reached capacity and no further members will be permitted entrance.

Public Comments can be made in-person at Planning Commission Meetings within the guidelines outlined above and /or via email ahead of time.

The public may view the Planning Commission meetings live on the City of Hesperia's website at [www.cityofhesperia.us](http://www.cityofhesperia.us).

### **Remote Public Comment:**

During the upcoming Planning Commission meeting public comment will be accepted via email. If you would like to comment remotely, please follow the protocols below:

- Send comments via email to [planning@cityofhesperia.us](mailto:planning@cityofhesperia.us)
- Identify the item you wish to comment on in your email's subject line. Emailed comments will only be accepted for Consent Calendar/New Business/ Public Hearing items. Emailed comments will not be accepted for non-agendized general public comment items.
- Emailed comments on each Consent Calendar/New Business/ Public Hearing item will be accepted after the start of the meeting, but before the Chair announces that public comment for that item is closed.
- Each emailed comment will be read aloud by a member of staff for up to three minutes.

Emails received by [planning@cityofhesperia.us](mailto:planning@cityofhesperia.us) outside of the comment period outlined above will not be included in the record.

THIS PAGE LEFT INTENTIONALLY BLANK

**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**

**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 March 11, 2021 Planning Commission Meeting Minutes

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting on March 11, 2021.

**Staff Person:** Office Assistant Maricruz Montes

**Attachments:** [Draft PC Min 2021-03-11.pdf](#)

**PUBLIC HEARING****2. Page 7**

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

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-05, approving CUP21-00002 to allow the on-site sales of alcohol (beer & wine) in conjunction with an existing restaurant/meat market.

**Staff Person:** Principal Planner Chris Borchert

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

[Attachment 1- General Plan Map](#)

[Attachment 2- Aerial photo](#)

[Attachment 3- Census Tract Map](#)

[Attachment 4- Resolution NO. PC-2021-05](#)

[Attachment A-List of Conditions](#)

**3. Page 17**

A Variance to allow a proposed single-family residential home to reduce the required front yard building setback line as recorded per Tract Map No. 5373, from 50 feet to 25 feet.

**Recommended Action:**

It is recommended that the Planning Commission hear from any parties involved and determine whether to adopt Resolution No. PC-2021-04, approving VAR21-00001.

**Staff Person:** Associate Planner Edgar Gonzalez

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

[Attachment 1 - Vicinity Map.docx](#)

[Attachment 2 - Tract Map No. 5373 \(Sheet 12\).pdf](#)

[Attachment 3 - Site plan-Grading plan.pdf](#)

[Attachment 4 - Photos of the site.docx](#)

[Attachment 5 - Resolution No. PC-2021-04](#)

**4. Page 29**

Consideration of Conditional Use Permit CUP21-00001 to allow a semi-truck repair and dispatch facility on 5 gross acres within the Commercial/Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Muscatel Street, approximately 300 feet east of Caliente Road (Applicant: Loyal Brothers; APN: 3064-561-15).

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-06, approving CUP21-00001.

**Staff Person:** Senior Planner Ryan Leonard

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

[Attachment 1-Site Plan](#)

[Attachment 2 - General Plan Map](#)

[Attachment 3 - Aerial photo](#)

[Attachment 4 - Color Elevations](#)

[Resolution No. PC-2021-06](#)

[Conditions of Approval](#)

**5. Page 47**

Consideration of Development Code Amendment DCA21-00001 to modify various sections of the Development Code for the purpose of providing added clarity, technical corrections, to add and modify existing requirements, and to update existing regulations in order to be consistent with State regulations.

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-08 recommending that the City Council introduce and place on first reading an ordinance approving DCA21-00001, modifying various sections of the Municipal Code that would benefit from additional clarity or refined regulations.

**Staff Person:** Senior Planner Ryan Leonard

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

[Resolution No. PC-2021-08](#)

[Exhibit A](#)

**PLANNING COMMISSION COMMENTS**

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

**ADJOURNMENT**

*I, Maricruz Montes, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 1, 2021 at 5:30 p.m. pursuant to California Government Code §54954.2.*

---

*Maricruz Montes,  
Planning Commission Secretary*





# City of Hesperia

City Council Chambers  
9700 Seventh Ave.  
Hesperia, CA 92345

## Meeting Minutes

### Planning Commission

#### PLANNING COMMISSION REGULAR MEETING

---

Thursday, March 11, 2021

6:30 PM

---

#### **CALL TO ORDER - 6:32 PM**

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

Chair Leis led the pledge of Allegiance

**B. Invocation**

Commissioner Abreo led the in the Invocation

**C. Roll Call**

**Present** 5 - Commissioner Abreo, Commissioner Burke, Vice Chair Caldwell, Chair Leis, and Commissioner Steeno

#### **JOINT PUBLIC COMMENTS**

*Public comments were opened at 6:35 p.m.*

*There were no public comments*

*Public comments were closed at 6:35 p.m.*

#### **CONSENT CALENDAR**

**1. Consideration of February 11, 2021 Planning Commission Meeting Minutes**

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting held on February 11, 2021.

**Sponsors:** Office Assistant Maricruz Montes

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

**Aye:** 5 - Abreo, Burke, Caldwell, Leis and Steeno

**Nay:** 0

**PUBLIC HEARINGS**

2. Consideration of Tentative Tract No. 20373 (TT20-00004) to create 9 single-family single-family residential lots and 1 lettered lot on 4.9 gross acres designated Single Family Residential (R1-18000) located on the south side of Ranchero Road, approximately 250 feet west of Jenkins Avenue (Applicant: Matt Youssef; APN: 0397-161-11)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-03, approving TT20-00004 (TT-20373).

**Sponsors:** Senior Planner Ryan Leonard

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

**Aye:** 5 - Abreo, Burke, Caldwell, Leis and Steeno

**Nay:** 0

**PLANNING COMMISSION/STAFF COMMENTS**

*Principal Planner Chris Borchert introduced New Associate Planner Edgar Gonzalez to Commissioners.*

**ADJOURNMENT**

*Meeting Adjourned @ 6:52pm until Thursday, April 8, 2021 @ 6:30 p.m.*

---

*Maricruz Montes,  
Planning Commission Secretary*

---

*Cody Leis,  
Chair*



**DATE:** April 8, 2021  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Chris Borchert, Principal Planner  
**SUBJECT:** Conditional Use Permit CUP21-00002; Applicant: Martinez Meats Inc.;  
APN: 0413-091-10

---

## RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2021-05, approving CUP21-00002 to allow the on-site sales of alcohol (beer & wine) in conjunction with an existing restaurant/meat market.

## BACKGROUND

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

**Location:** 16069 Main Street

## Current General, Plan, Zoning and Land Uses:

The site is within the Neighborhood Commercial (NC) zone. The surrounding land is designated as noted on Attachment 1. The surrounding properties all consist of commercial and multi-tenant commercial buildings as shown on the aerial as Attachment 2.

**Land Use:** The Martinez Meats restaurant has operated in the City at this location since 2010. The applicant has applied for a Type 41 license with the California Department of Alcoholic Beverage Control (ABC) for on-sale consumption of beer and wine. The Municipal Code requires approval of a conditional use permit to allow for the sale of alcohol.

The restaurant is situated within Census Tract 100.19, which is roughly bounded by Main Street to the north, 7<sup>th</sup> Avenue to the west, Hesperia Road to the east, and Ranchero Road to the south (Attachment 3).

ABC considers over four on-sale licenses within Census Tract 100.19 to be over concentrated based on population. As shown in Table 1 below, seven on-sale licenses currently exist within this census tract.

**Table 1: Existing On-Sale Licenses in Census Tract 100.19**

| Status | Business Name  | Business Address  | Type of License        |
|--------|----------------|-------------------|------------------------|
| Active | China Palace   | 15555 Main Street | 41- Beer & Wine        |
| Active | D6 Pizza       | 15555 Main Street | 41- Beer & Wine        |
| Active | Los Domingos   | 15717 Main Street | 47- Beer, Wine, Liquor |
| Active | Spice of India | 15751 Main Street | 41- Beer & Wine        |

|        |                            |                      |                      |
|--------|----------------------------|----------------------|----------------------|
| Active | Spring House               | 16441 Main Street    | 41- Beer & Wine      |
| Active | Fraternal Order of Eagles  | 16193-97 Main Street | 51 - Club            |
| Active | Gator's Sports Bar & Grill | 15918 Walnut Street  | 48 - Bar, Night Club |

Therefore, the Planning Commission is required to make a finding of public convenience and necessity. As noted previously by the Commission, Main Street serves a population much larger than that of the individual census tracts that border it. Also, the Commission and Council have both agreed that restaurants have not been an issue in terms of alcohol impacts on the community. The finding for the public convenience and necessity is included in the resolution.

**Schools and Parks:** The project site at 16069 Main Street is located approximately 1/2 mile northwest of Mesa Grande Elementary School and approximately 1/2 mile southwest of Civic Park.

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

**Conclusion:** Approval of this alcoholic beverage license will allow the restaurant to be competitive with similar businesses and is consistent with previous Commission and Council discussions.

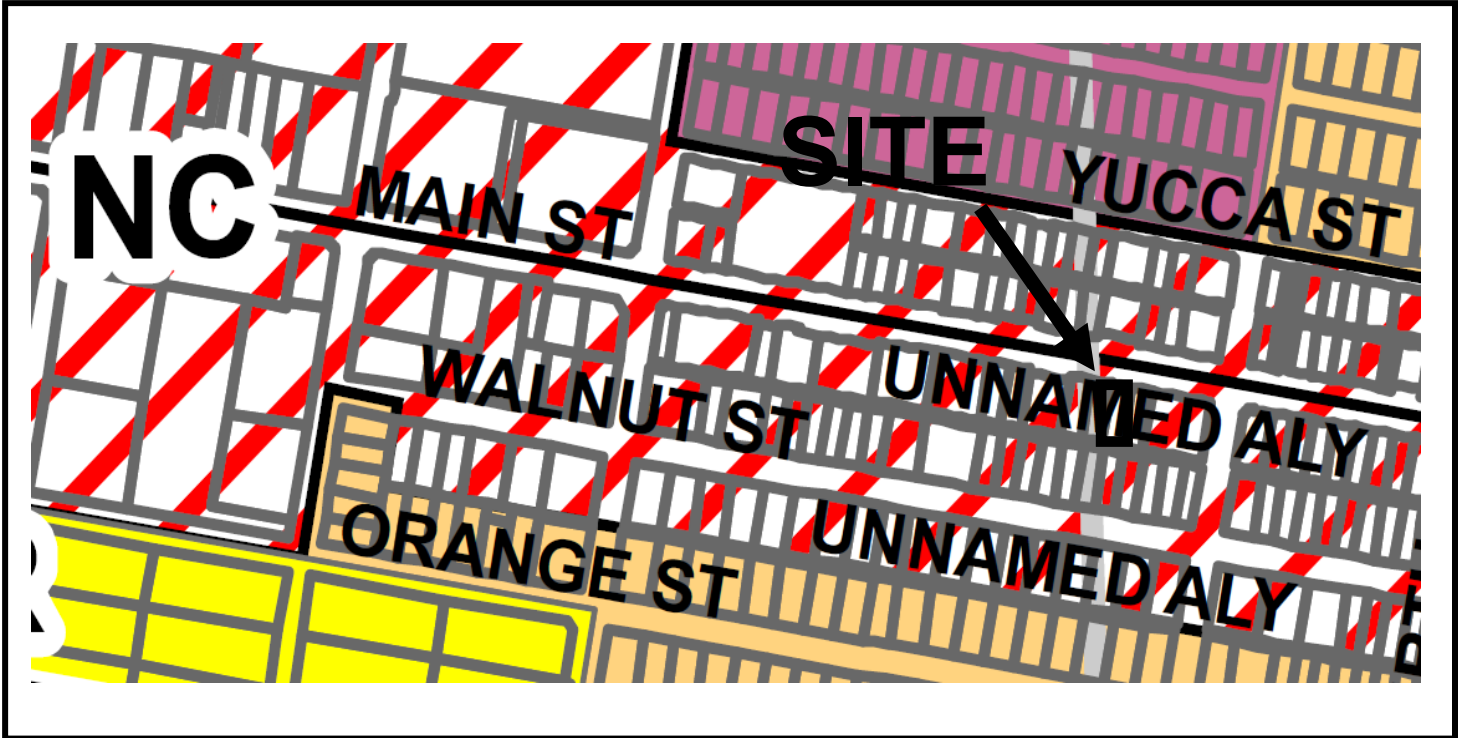
## **ALTERNATIVE**

1. Provide alternative direction to staff.

## **ATTACHMENTS**

1. General Plan/Zoning
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2021-05
5. List of Conditions

# ATTACHMENT 1



**APPLICANT(S):** MARTINEZ MEATS INC.

**FILE NO(S):** CUP21-00002

**LOCATION:** 16069 MAIN STREET

**APN(S):** 0413-091-10

**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT.



**GENERAL PLAN MAP**



# ATTACHMENT 2



**APPLICANT(S):** MARTINEZ MEATS INC.

**FILE NO(S):** CUP21-00002

**LOCATION:** 16069 MAIN STREET

**APN(S):** 0413-091-10

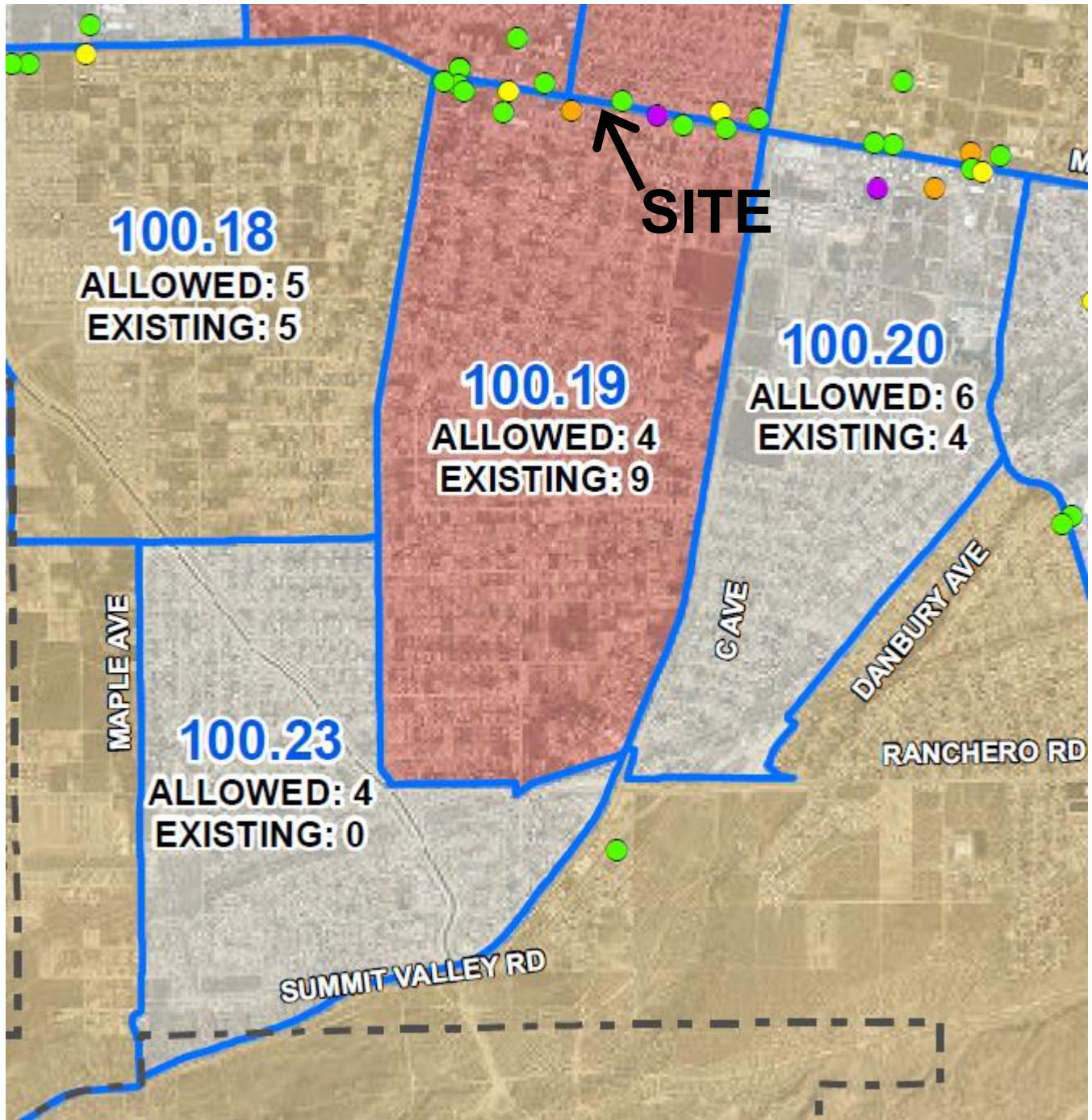
**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT.



**AERIAL PHOTO**



# ATTACHMENT 3



**APPLICANT(S):** MARTINEZ MEATS INC.

**FILE NO(S):** CUP21-00002

**LOCATION:** 16069 MAIN STREET

**APN(S):** 0413-091-10

**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT.



# 5 HH57 < A9BH'( '

F9GC @ HCB'BC"D7!&\$&%) '

5' F9GC @ HCB' C: ' H<9' D@BB-B; ' 7CAA-GG-CB' C: ' H<9' 7-HM C: '  
<9GD9F-5ž 75 @: CFB-5ž HC' 5 @@CK' CBG-H' 5 @7 C<C@7' 69J9F5; 9'  
G5 @G'f699F'5B8 'K-B9tžK +H<'5': -B8-B; 'C: 'DI 6 @7'7CBJ9B-B79'5B8 '  
B979GG-HMž5H'5B'9L-GHB; 'A95H'A5F?9H'5B8 'F9GH5I F5BH'5H'%\$\*- '  
A5-B'GHF99Hf7I D&%)\$\$\$\$&L'

**K <9F95Gž** Martinez Meats Inc. has filed an application requesting approval of Conditional Use Permit CUP21-00002 described herein (hereinafter referred to as "Application"); and

**K <9F95Gž** the Application applies to an existing meat market and restaurant at 16069 Main Street and consists of Assessor's Parcel Number 0413-091-10; and

**K <9F95Gž** the Application, as contemplated, proposes to allow the sale of alcoholic beverages of beer and wine (Type 41) for on-site consumption within the existing restaurant; and

**K <9F95Gž** the subject site is presently occupied by an existing 1,600 square foot building which houses the meat market and restaurant. The properties on all sides consist of multi-tenant retail and office buildings; and

**K <9F95Gž** the subject property as well as all surrounding properties are within the Neighborhood Commercial (NC) zone; and

**K <9F95Gž** the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

**K <9F95Gž** on April 8, 2021 the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

**K <9F95Gž** all legal prerequisites to the adoption of this Resolution have occurred.

**BCK 'H<9F9: CF9žBE** IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

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

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced April 8, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed expansion of on-sale sales of beer and wine (Type 41) in conjunction with the existing restaurant is a conditionally allowed use within the Neighborhood Commercial (NC) zone and complies with all applicable provisions of the Development Code with approval of Conditional Use Permit CUP21-00002. The proposed use would not impair the integrity and character of the surrounding neighborhood and the site is suitable for the type and intensity of the use that is proposed.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed on-sale alcohol sales of beer and



wine as part of the restaurant will not have a detrimental impact on adjacent properties.

- (c) The proposed use is consistent with the objectives, policies, land uses and programs of the General Plan and Development Code. The proposed use will take place within an existing restaurant. The sale of beer and wine is consistent with the allowable uses within the Neighborhood Commercial (NC) zone with approval of this conditional use permit.
- (d) There are adequate provisions for sanitation, public utilities and general services to ensure the public convenience, health, safety and general welfare. The proposed use will occur within an existing building with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use, considering the expansion of the on-sale alcoholic beverage license to include liquor.
- (e) The finding for the Public Convenience and Necessity is hereby made based on Main Street being an arterial street that serves as access and provides services for many more residents and non-residents than those only residing in Census Tract 100.19

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP21-00002, subject to the conditions of approval as shown in Attachment 'A'.

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

**58 CDH98 '5 B8 '5 DDFCJ98** this 8<sup>th</sup> day of April 2021.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Maricruz Montes, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for CUP21-00002**

Approval Date:  
Effective Date:  
Expiration Date:

This list of conditions applies to: Consideration of a Conditional Use Permit CUP21-00002 to allow Martinez Meats to allow the on-site sale of alcoholic beverages (beer and wine) for on-site consumption within a restaurant in the Neighborhood Commercial zone of the Main Street and Freeway Corridor Specific Plan located at 16069 Main Street (APN: 0413-091-10; Applicant: Martinez Meats Inc.)

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

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

**ADDITIONAL CONDITIONS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

VALID LICENSE. At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PERMIT REVOCATION. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ALCOHOL CONSUMPTION. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

EMPLOYEE AGE. All employees of the applicant serving alcohol must be at least 21 years of age.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ABC REQUIREMENTS. The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ALCOHOL SALES REGULATIONS. The business shall comply with the Operational Regulations of Municipal Code Section 16.16.370(F)(6) with the exception of (6)(a).

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants,

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

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

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

**THIS PAGE INTENTIONALLY LEFT BLANK**



**DATE:** April 8, 2021  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Edgar Gonzalez, Associate Planner  
**SUBJECT:** Variance VAR21-00001; Applicant: Tito's Construction, LLC; APN: 0412-281-03

---

## RECOMMENDED ACTION

It is recommended that the Planning Commission hear from any parties involved and determine whether to adopt Resolution No. PC-2021-04, approving VAR21-00001.

## BACKGROUND

**Proposal:** A Variance to allow a proposed single-family residential home to reduce the required front yard building setback line as recorded per Tract Map No. 5373, from 50 feet to 25 feet (Attachment 1).

**Location:** 8345 Buckthorn Avenue

**Current General Plan, Zoning and Land Uses:** The site is within the R1-18000 Single-Family Residential designation. The surrounding land is all designated R1-18000 Single-Family Residential as well. The surrounding properties on all sides contain single-family residences (Attachment 2).

## ISSUES/ANALYSIS

Many tract maps that were recorded back in the 50's and 60's, included a 50-foot front yard building setback line that required all single-family homes to be constructed behind this setback. These tracts were recorded prior to the incorporation of the City of Hesperia in 1988. Per the adopted City of Hesperia Municipal Code, section 16.16.120 - Development Standards, the minimum front setback for a single-family residential home within the R1-18000 zone is 25 feet. The applicant is requesting a variance to reduce the required front yard building setback line as recorded per Tract Map No. 5373, from 50 feet to 25 feet. If the variance is granted, the proposed front setback will remain in compliance with the R1-18000 Single-Family Residential requirements.

The unique circumstance limiting the property to comply with the building setback is the current drainage of the site. The natural flow of the water has been draining through his property for years, creating erosion and a steep slope, which is approximately 20 feet descending from north to south. The property to the west sits at a higher elevation than the property to the east. The subject property has additional constraints, as properties in the vicinity do not have major drainage issues. The applicant will need to conduct major grading and conduct various methods to provide proper drainage through the site (Attachments 3 & 4).

Typically, the City will issue a certificate of correction to reduce the front yard building setback when it is clear that other homes have similar setbacks. The homes that have been constructed within the vicinity have complied with the 50-foot front yard building setback line. A 25-foot front building setback means the proposed house will be constructed closer to Buckthorn Avenue than existing homes along that street, therefore making the home look out of character within the neighboring area and setting a precedent for future residential developers to apply for a variance to vary from the recorded building setback line.

**Findings for a Variance:** The findings for a Variance are as follows:

- A. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development code;
- B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same land use designation;
- C. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation;
- D. The granting of the minor exception or variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation;
- E. The granting of the minor exception or variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Environmental:** Approval of the Variance is exempt from the requirements of the California Environmental Quality Act by Section 15303, New Construction or Conversion of Small Structures.

**Conclusion:** The Commission should determine if the existing property constraints outweigh the inconsistency in the neighborhood to warrant the approval of the variance. The subject property has additional drainage constraints that other properties in the vicinity do not. If the reduction of the front setback is granted, the proposed house will also be inconsistent or out of character with the existing houses on Buckthorn Avenue and within the vicinity.

#### **ALTERNATIVE**

- 1. Provide alternative direction to staff.

#### **ATTACHMENTS**

- 1. Vicinity Map
- 2. Tract Map No. 5373 (Sheet 12)
- 3. Applicant's site plan/grading plan
- 4. Photos of the site
- 5. Resolution No. PC-2021-04 approving request









### TRACT No 5373

BEING A SUBDIVISION OF PORTIONS OF:  
SECTION 27, SECTION 29, SECTION 33, AND  
SECTION 34, T.4N., R.4W., S.B.B.E.M., AND  
LOT C, BLOCK 370, MAP No. 1, OF THE SPERIA  
RECORDED IN BOOK 12, PAGES 21 TO 27 OF MAPS  
SAN BERNARDINO COUNTY CALIFORNIA  
MAY 1956 SCALE 1"=80'

#### NOTE

Basis of Bearings: The bearing of N 80° 58' 30" W as shown on  
the South Line of Tract No. 5247, Book 62, Pages  
62-63 was used as the basis of bearings shown on this map.  
2x2 Stakes at all lot corners, unless otherwise shown.

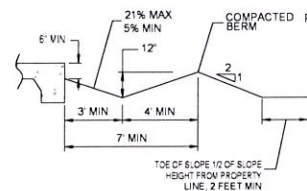
- Indicates 1" Iron Pipe set
- Indicates Monument found
- Indicates Bench Marks, 2" IR set on lot corners only
- PUE Indicates Public Utility Easement
- BSL Indicates Building Setback Line
- NDC Indicates Natural Drainage Course
- D.E. Indicates Drainage Easement

245°  
W-V-W

245°



SECTION 'A-A'  
N.T.S



TYPICAL CROSS SECTION  
NTS

## SEPTIC SYSTEM NOTES

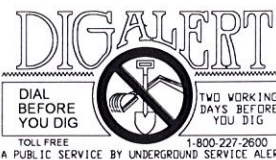
- (A) 1,000 GALLON SEPTIC TANK PER SEPARATE PERMIT
- (B) 5' X 26' SEEPAGE PIT
- (C) 100% BACK UP EXPANSION SEEPAGE AREA PER CITY STANDARDS.

## INVESTIGATION

A RETENTION BASIN WILL NOT BE USED FOR THIS PROJECT DUE TO LACK OF USABLE GRADING AREA ON THE REMAINDER OF THE LOT. ALL DRAINAGE WILL BE ROUTED TO THE EXISTING 30" N.D.C

SURVEYOR'S NOTE

TOPOGRAPHIC SURVEY PROVIDED BY MARK WARE LAND SURVEYORS  
DATED SEPTEMBER 2000  
THIS IS A TOPOGRAPHIC SURVEY FOR GRADING PURPOSES ONLY  
AND NOT A BOUNDARY SURVEY. THE BOUNDARY SHOWN HEREON  
IS BASED ON RECORD DATA ONLY. ANY FOUND MONUMENTS SHOWN  
HEREON WERE MERELY DISCOVERED DURING THE COURSE OF THE  
TOPOGRAPHIC SURVEY, AND ARE SHOWN FOR REFERENCE ONLY.  
THE ACCURACY OF THEIR POSITIONS WERE NOT VERIFIED ANY  
LAT. SET AROUND THE PROJECT LIMITS ARE FOR CLEARING  
CRUSING AND GRADING PURPOSES ONLY, AND DO NOT REPRESENT  
THE PROPERTY LINES OR OF LINES AND SHOULD NOT  
BE USED FOR THE LOCATION OR CONSTRUCTION OF STRUCTURES  
BOUNDRIES OR FENCING



## SYMBOLS LEGEND

|       |                         |         |                     |  |                    |         |                        |
|-------|-------------------------|---------|---------------------|--|--------------------|---------|------------------------|
| BSL   | BUILDING SETBACK LINE   | R/W     | RIGHT OF WAY        |  | GATE VALVE         | ---     | PROPERTY LINE          |
| BW    | BLOCK WALL              | S/W     | SIDE WALK           |  | SIGN               | ---     | CENTER LINE            |
| EL    | ELEVATION               | TB      | TOP OF BERM         |  | GUY WIRE           | ---     | DIRT ROAD              |
| EP    | EDGE OF PAVEMENT        | TBM     | TEMPORARY BENCHMARK |  | POWER POLE         | -(100)- | EX CONTOUR ELEVATION   |
| FG    | FINISHED GRADE          | TC      | TOP OF CURB         |  | FIRE HYDRANT       | ●---    | PROP CONTOUR ELEVATION |
| FS    | FINISHED SURFACE        | TW      | TOP OF WALL         |  | WATER METER        | del---  | EX ASPHALT             |
| GB    | GRADE BREAK             | (XX XX) | EXISTING ELEVATION  |  | SEWER MANHOLE      |         | CONCRETE FLOWLINE      |
| HP    | HIGH POINT              | XX.XX   | PROPOSED ELEVATION  |  | ELECTRIC BOX       | →       | BERM                   |
| FL    | FLOW LINE               | Q       | CENTERLINE          |  | CABLE PEDESTAL     | ---     | EX FENCE               |
| IP    | IRON PIPE               | R       | PROPERTY LINE       |  | TELEPHONE PEDESTAL | ---     | EX WALL                |
| MAX   | MAXIMUM                 |         | MAIL BOX            |  | JOSHUA TREE        |         | PROP WALL              |
| MIN   | MINIMUM                 |         | BLOW OFF VALVE      |  | GAS METER BOX      |         |                        |
| N D C | NATURAL DRAINAGE COURSE |         | UTILITY PEDESTAL    |  |                    |         |                        |
| P U E | PUBLIC UTILITY EASEMENT |         | UTILITY PEDESTAL    |  |                    |         |                        |

BENCHMARK:  
CITY OF HESPERIA BM J-51  
ELEVATION=3186.35

**T.B.M**

SET 60D NAIL IN THE DIRT, 61' EAST OF THE WEST  
PROPERTY LINE, AND 53' SOUTH OF THE NORTH  
PROPERTY LINE AS SHOWN.  
ELEVATION: 3180.22

**OWNER / BUILDER**

**TITO'S CONSTRUCTION**  
C/O STEVEN LAO  
13345 CAHUENGA ROAD  
VICTORVILLE, CA92392  
(760) 490-2736  
2468lao@gmail.com

YMV DESIGN

P.O BOX 1416  
ADELANTO, CA 92301  
PH # (760) 221-2840  
LICENSE # BL-18371

## GRADING PLAN

|  |               |                   |
|--|---------------|-------------------|
| SCALE 1" = 20'   | REVISION DATE | DRAWN BY<br>Y M V |
| DATE 12/2021   | APPROVED      |                   |
| <p><del>9203</del> BUCKTHORN AVENUE<br/> <b>8345</b> HESPERIA, CA<br/>         TRACT 5373, LOT 337</p> |               |                   |
| APN: 0412-281-03   |               |                   |

SHEET  
1 OF 2

DRAWING  
NO.  
H.00168





**View of the front of the property from Buckthorn Avenue.**



**View of the front of the property from Buckthorn Avenue.**





**View of the rear of the property from Cholla Avenue**



**View of the rear of the property from Cholla Avenue**

# ATTACHMENT 5

## RESOLUTION NO. PC-2021-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING VARIANCE VAR21-00001 TO ALLOW FOR A REDUCTION IN THE REQUIRED FRONT YARD BUILDING SETBACK LINE AS RECORDED PER TRACT MAP NO. 5373, FROM 50 FEET TO 25 FEET WITHIN THE R1-18000 SINGLE-FAMILY RESIDENTIAL ZONE LOCATED 8345 BUCKTHORN AVENUE (VAR21-00001)**

**WHEREAS**, Tito's Construction, LLC have filed an application requesting approval of VAR21-00001 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 0.50 acre lot located at 8345 Buckthorn Avenue and consists of Assessor's Parcel Number 0412-281-03; and

**WHEREAS**, the Application, as contemplated, proposes to reduce the front yard building setback line of 50 feet to 25 feet; and

**WHEREAS**, the subject property as well as the surrounding properties are within the R1-18000 Single-Family Residential zone. The subject property is currently vacant, most of the surrounding properties have existing residences except for some parcels spread out throughout the vicinity, which remain vacant; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15303, New Construction of Small Structures; and

**WHEREAS**, on April 8, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced April 8, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation. As most of the surrounding properties do not have drainage constraints, the applicant does not have the same privileges enjoyed by other owners, due to the natural flow of the water that drains through his property; and
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone. The subject site has a steep downward slope, approximately 20 feet descending

from the front of the property to the rear of the property and contains an upward slope on the southwest corner of the site. The proposed variance would allow for a 25 foot reduction from the recorded front yard building setback line, which will allow the applicant to develop the site with less site constraints. As such, there are exceptional circumstances as it relates to the drainage of the property that prevents the applicant from developing the site that do not apply generally to other properties in the vicinity; and

- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges that could be enjoyed by the owners of other properties in the same designation in the future. As properties in the vicinity do not have major drainage constraints, the recorded 50-foot front yard building setback line deprives the applicant from enjoying the same privileges as other property owners. The applicant will need to conduct major grading to the site and conduct various methods to provide proper drainage to the site before the property could be developed; and
- (d) The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation. As stated above, the subject property has drainage constraints that other properties in the vicinity do not. Additionally, the reduction of the front yard setback from 50 feet to 25 feet, will remain in compliance with Section 16.16.120 of the Hesperia Municipal Code, as the minimum required front yard setback within the R1-18000 Single-Family Residential zone is 25 feet; and
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties, as the proposed development will consist of a single-family residential home which will be consistent with single-family development within the R1-18000 Single-Family Residential zone. Furthermore, the proposed development complies with the development standards of the R1-18000 zone.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR21-00001.

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

**ADOPTED AND APPROVED** on this 8<sup>th</sup> day of April 2021.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Maricruz Montes, Secretary, Planning Commission





**DATE:** April 8, 2021  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP21-00001; Applicant: Loyal Brothers;  
APN: 3064-561-15

---

## RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2021-06, approving CUP21-00001.

## BACKGROUND

**Proposal:** A Conditional Use Permit (CUP) has been filed to allow a semi-truck repair and maintenance facility and the construction of a 12,800 square foot truck service garage. The proposed building will include 12 service bays, 1,600 square feet of office space and a 1,600 square foot parts department. The project is located on approximately 5 gross acres (Attachment 1).

**Location:** On the north side of Muscatel Street, approximately 300 feet east of Caliente Road.

**Current General Plan, Zoning and Land Uses:** Within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is all designated as Commercial Industrial Business Park as noted on Attachment 2. The site is currently vacant. Light industrial/warehouse facilities exist to the south. The properties to the east and west are vacant. The property to the north is vacant but it is improved with a drive approach that serves as the entrance to the former Compleitive Edge Motocross Park (the park has been closed since December 2018) (Attachment 3).

## ISSUES/ANALYSIS

**Land Use:** The proposed project consists of the development of a semi-truck repair and maintenance facility. Development of the site includes the construction of a 12,800 square foot service garage. The development also consists of the construction of a parking lot, asphalt paving, landscaping, drainage and access improvements. The site is designed with the service garage on the southern half of the site fronting Muscatel Street. Access to the service garage will be from a 50-foot-wide driveway approach off of Muscatel Street.

The north-half of the site is proposed to be paved, fenced and will include 43 tractor/trailer spaces for storage. A 6-foot-high wrought iron fence/rolling gate is proposed across the middle of the site to separate the north and south-half of the site. A 50-foot wide driveway entrance which is proposed to be gated will provide secondary access to the site off Aspen Road.

The applicant has indicated that the 43 tractor/trailer spaces are to be used strictly for the semi-truck repair and maintenance operations. They would not be used for long term parking or leased out for storage.

Muscatel Street is currently an unimproved dirt road, while Aspen Road is a partially improved roadway with asphalt concrete pavement adjacent to the majority of the site. The project will be required to pave Muscatel Street from Caliente Road to across the project frontage, as well as construct new curb, gutter, and sidewalk across the project frontages of both Aspen Road and Muscatel Street.

The project requires a minimum of 49 parking spaces based on 3 spaces per service bay, plus 4 spaces per 1,000 square feet of non-service bay area. The project proposes 49 conventional parking spaces for employees/customers and 43 oversized parking spaces for tractor trailers. As proposed, the project complies with the minimum number of parking spaces.

The architecture of the proposed service garage complies with the architectural requirements of the Specific Plan (Attachment 4). The exterior of the building includes variation in wall and roof planes and the use of a variety of exterior colors and materials. A stacked stone tower is designed at the front corner of the building to create an entry feature on the south and west elevations. Stacked stone siding and columns are predominantly featured along the south and west facades. The building also features steel awnings over the glass entrances and varying accent colors.

The project also provides a surplus of landscaping. The minimum required landscape coverage is 10% of the developed site; the project provides 30,069 square feet (15.3%) of total landscape coverage.

A 6-foot-high tubular steel fence is proposed across the perimeter of the site. Both driveway approaches are proposed to be gated after hours for security purposes. As a condition of approval, staff is requiring that the rear half of the site that is proposed to be used for truck parking be screened with an 8-foot-high block wall. The block wall shall extend across both side property lines, as well as along the project frontage along Aspen Road (with the exception of the rolling gate). This condition of approval will ensure that the truck parking area will be properly screened from the public right-of-way as well as from Highway 395.

The truck repair facility proposes to operate from 8:00 a.m. to 8:00 p.m. Monday through Saturday. Approximately 20-25 employees are anticipated to work at the facility each day, with a maximum of 18 employees working on the largest shift.

Lastly, the City is currently in the early stages of forming a Community Facilities District (CFD) that will levy a special tax on future prospective industrial developments. The purpose of the CFD is to fund public services that are necessary to serve industrial developments (i.e. increased road maintenance, traffic improvements, etc.). As a condition of approval, the applicant shall be required to participate in a CFD once it is formed. As a further condition of approval, if the applicant constructs the project prior to the formation of a CFD, the developer will enter into an agreement with the City to ensure the same financial assurances otherwise offered by a CFD.

**Drainage:** Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is 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 connect to an existing 16-inch water line located in Muscatel Street. The proposed development is allowed to use an approved on-site septic system.

**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. The project would also be required to comply with the City's Desert Native Plant Protection Ordinance which requires the project applicant to prepare and submit a protected plant plan prior to the issuance of any grading permits. The protected plant plan will determine if the site contains any Joshua Trees, and whether they can be relocated or protected in place.

**Conclusion:** The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. In addition, the area surrounding the project site is oriented towards trucking related uses including truck repair and trucking companies.

#### **FISCAL IMPACT**

None.

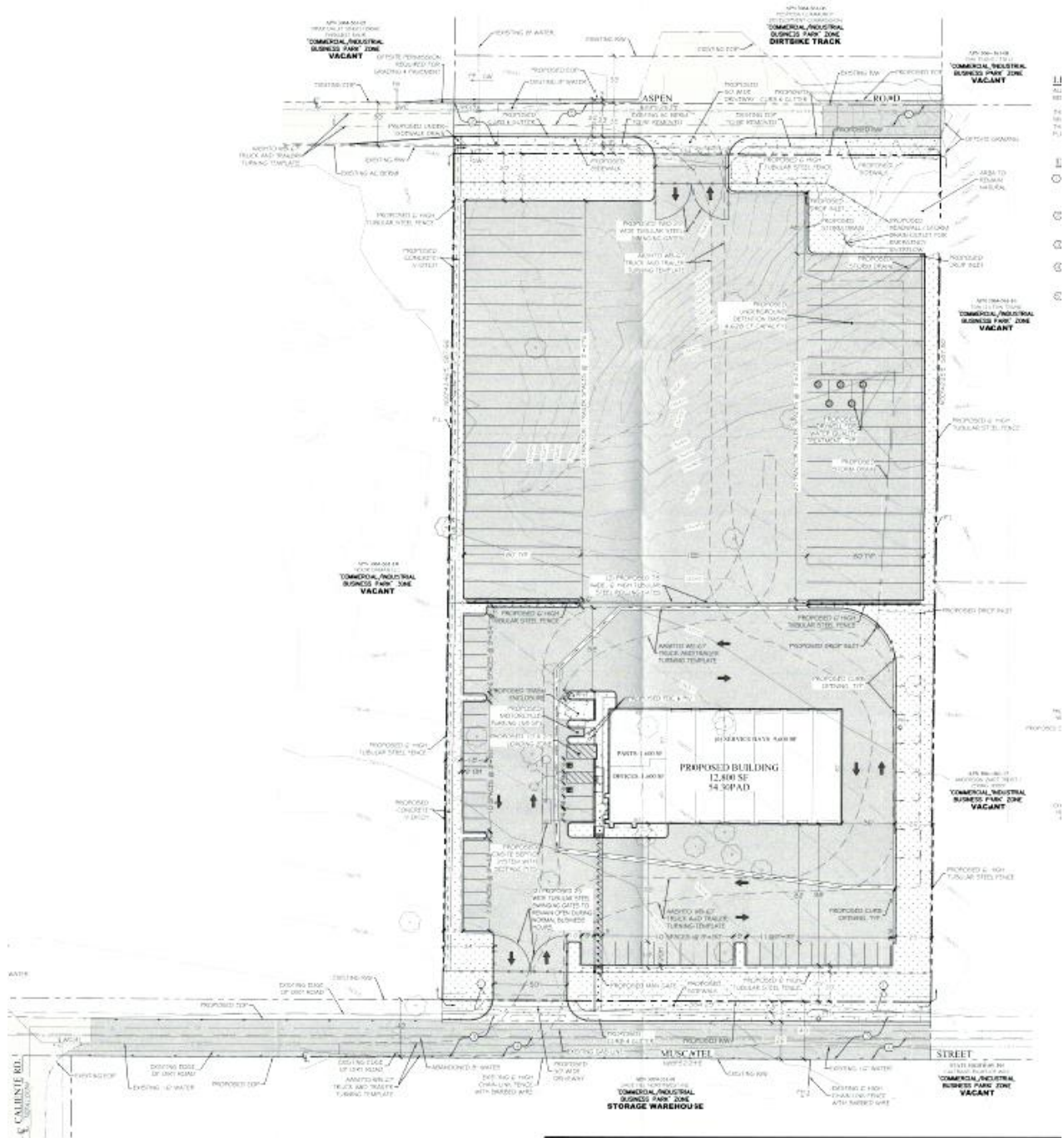
#### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

#### **ATTACHMENT(S)**

1. Site Plan
2. General Plan/Specific Plan Zoning
3. Aerial photo
4. Elevations
5. Resolution No. PC-2021-06, with list of conditions

# ATTACHMENT 1



**APPLICANT(S):** LOYAL BROTHERS

**FILE NO(S):** CUP21-00001

**LOCATION:** NORTH SIDE OF MUSCATEL STREET, APPROXIMATELY 300 FEET EAST OF CALIENTE ROAD

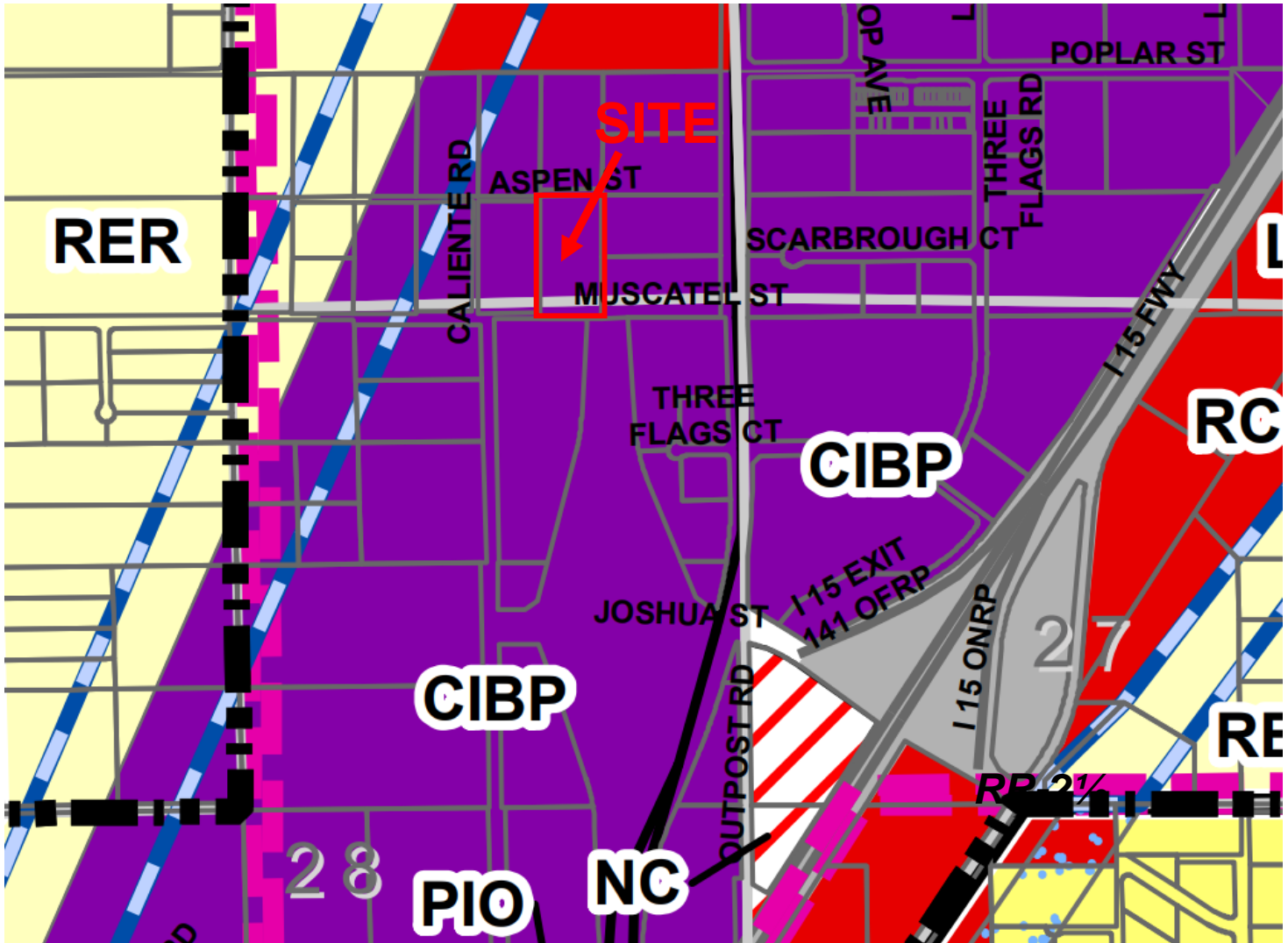
**APN(S):** 3064-561-15

**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A SEMI-TRUCK REPAIR AND MAINTENANCE FACILITY AND THE CONSTRUCTION OF A 12,800 SQUARE FOOT TRUCK SERVICE GARAGE ON APPROXIMATELY 5 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



**SITE PLAN**

# ATTACHMENT 2



**APPLICANT(S):** LOYAL BROTHERS

**FILE NO(S):** CUP21-00001

**LOCATION:** NORTH SIDE OF MUSCATEL STREET, APPROXIMATELY 300 FEET EAST OF CALIENTE ROAD

**APN(S):**  
3064-561-15

**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A SEMI-TRUCK REPAIR AND MAINTENANCE FACILITY AND THE CONSTRUCTION OF A 12,800 SQUARE FOOT TRUCK SERVICE GARAGE ON APPROXIMATELY 5 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



## GENERAL PLAN MAP



# ATTACHMENT 3



**APPLICANT(S):** LOYAL BROTHERS

**FILE NO(S):** CUP21-00001

**LOCATION:** NORTH SIDE OF MUSCATEL STREET, APPROXIMATELY 300 FEET EAST OF CALIENTE ROAD

**APN(S):**  
3064-561-15

**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A SEMI-TRUCK REPAIR AND MAINTENANCE FACILITY AND THE CONSTRUCTION OF A 12,800 SQUARE FOOT TRUCK SERVICE GARAGE ON APPROXIMATELY 5 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



# ATTACHMENT 4



**APPLICANT(S):** LOYAL BROTHERS

**FILE NO(S):** CUP21-00001

**LOCATION:** NORTH SIDE OF MUSCATEL STREET, APPROXIMATELY 300 FEET EAST OF CALIENTE ROAD

**APN(S):**  
3064-561-15

**PROPOSAL:** CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A SEMI-TRUCK REPAIR AND MAINTENANCE FACILITY AND THE CONSTRUCTION OF A 12,800 SQUARE FOOT TRUCK SERVICE GARAGE ON APPROXIMATELY 5 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.

## COLOR ELEVATIONS

# ATTACHMENT 5

## RESOLUTION NO. PC-2021-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SEMI-TRUCK REPAIR AND MAINTENANCE FACILITY AND THE CONSTRUCTION OF A 12,800 SQUARE FOOT TRUCK SERVICE GARAGE ON APPROXIMATELY 5 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTH SIDE OF MUSCATEL STREET, APPROXIMATELY 300 FEET EAST OF CALIENTE ROAD (CUP21-00001)**

**WHEREAS**, Loyal Brothers has filed an application requesting approval of CUP21-00001 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 5 gross acres located on the north side of Muscatel Street, approximately 300 feet east of Caliente Road also referenced Assessor's Parcel Number 3064-561-15; and

**WHEREAS**, the Application proposes the construction and operation of a semi-truck repair and maintenance facility and a 12,800 square foot truck service garage, which requires approval of a conditional use permit; and

**WHEREAS**, the 5-acre site is vacant; light industrial and warehouse facilities exist to the south and the properties to the east and west are vacant. The property to the north is vacant but it is improved with a drive approach that serves as the entrance to the former Competitive Edge Motocross Park; and

**WHEREAS**, the subject property as well as the surrounding properties are within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

**WHEREAS**, 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; and

**WHEREAS**, on April 8, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

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

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

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced April 8, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use of a semi-truck repair and maintenance facility is a conditionally permitted use within the CIBP Zone of the Specific Plan



and complies with all applicable provisions of the Specific Plan and Development Code. The proposed use would not impair the integrity and character of the surrounding neighborhood. The site is suitable for the type and intensity of the use that is proposed.

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing vehicle repair (major) uses within the CIBP zone of the Specific Plan. The development is subject to conditions of approval and complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel will meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (d) The site for the proposed use will have adequate access based upon its frontage along Muscatel Street and Aspen Road and the driveways which comply with separation and sight distance requirements. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the site is currently served with adequate infrastructure to operate without a major extension of infrastructure.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the CIBP zone of the Main Street and Freeway Corridor Specific Plan. The proposed semi-truck repair and maintenance facility are allowable uses with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP21-00001, subject to the conditions of approval as shown in Attachment "A".

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

**ADOPTED AND APPROVED** on this 8<sup>th</sup> day of April 2021.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Maricruz Montes, Secretary, Planning Commission

# DRAFT

## ATTACHMENT "A" List of Conditions for CUP21-00001

Approval Date: April 08, 2021  
Effective Date: April 20, 2021  
Expiration Date: April 20, 2024

This list of conditions applies to: Consideration of Conditional Use Permit CUP21-00001 to allow a semi-truck repair and dispatch facility on 5.08 gross acres within the Commercial/Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Muscatel Street, approximately 300 feet east of Caliente Road (Applicant: Loyal Brothers; APN: 3064-561-15).

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

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

### CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate

with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

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

#### CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Muscatel Street and Aspen Road. The right of way full width for Muscatel Street shall be forty (40') feet and the right of way full width for Aspen Road shall be thirty-five (35') feet. It is the Developers responsibility to obtain any additional Right of Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all

applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ASPEN ROAD. Saw-cut (2-foot min.) and match-up asphalt pavement on Aspen Road across the project frontage where pavement exists and construct min. 26' of paving across project frontage where there is no pavement, based on City's 75-foot Collector / Industriel Roadway Standard. The curb face is to be located at 23' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Commercial driveway approaches per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

MUSCATEL STREET. Developer shall design and construct half width improvements (26' min. paving) on Muscatel Street from Caliente Road to westerly project property line (26' min. paving only) and full half width improvements including curb,



gutter and sidewalk across the project frontage, based on City's modified 80-foot Secondary Arterial Roadway Standard. The curb face is to be located at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Commercial driveway approaches per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense. (E)

- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
- B. The Developer shall design a Utility Plan for service connections and / or private water connections. Domestic and fire connections shall be made from the existing 16" PVC water line in Muscatel Street per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.
- D. Complete V.V.W.R.A.'s "Wastewater Questionnaire for Commercial / Industrial Establishments" and submit to the Engineering Department. Complete the "Certification Statement for Photographic and X-ray Processing Facilities" as required. The Wastewater Questionnaire is only required if the project is required to connect to sewer.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

FIRE PROTECTION. Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)

A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

## CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

|  |                           |  |
|--|---------------------------|--|
| <b><u>COMPLETED</u></b><br>NOT IN COMPLIANCE | <b><u>COMPLIED BY</u></b> | PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)   |
| <b><u>COMPLETED</u></b><br>NOT IN COMPLIANCE | <b><u>COMPLIED BY</u></b> | SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)  |
| <b><u>COMPLETED</u></b><br>NOT IN COMPLIANCE | <b><u>COMPLIED BY</u></b> | DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)<br><br>A. The rear half of the site that is proposed to be used for truck parking shall be fully screened with a 8-foot high block wall. The block wall shall extend across the project frontage of Aspen Road as well as along both side property lines up to the rolling gate that is proposed across the center of the site.  |
| <b><u>COMPLETED</u></b><br>NOT IN COMPLIANCE | <b><u>COMPLIED BY</u></b> | TRIBAL RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P) |
| <b><u>COMPLETED</u></b><br>NOT IN COMPLIANCE | <b><u>COMPLIED BY</u></b> | PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)   |
| <b><u>COMPLETED</u></b><br>NOT IN COMPLIANCE | <b><u>COMPLIED BY</u></b> | PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present   |

location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

## CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A combination solid three foot high split face masonry wall or other approved decorative wall with a three foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on site would negatively affect adjacent residentially designated properties. An approved six foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

AS BUILT PLANS. The Developer shall provide as built plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Utility Fees (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

#### **Others**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PAYMENT FOR ONGOING CITY SERVICES. The City is currently in the early stages of forming a Community Facilities District (CFD) to fund City services, including but not limited to, road maintenance, storm water management, public safety, etc. that will serve industrial developments generally located west of Interstate-15. The applicant shall join the CFD once it is established. As a further condition of approval, if the applicant constructs the project prior to the formation of a CFD, the developer will enter into an agreement with the City to ensure the same financial assurances otherwise offered by a CFD.

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

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

**THIS PAGE INTENTIONALLY LEFT BLANK**





**DATE:** April 8, 2021  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Development Code Amendment DCA21-00001; Applicant: City of Hesperia;  
Area affected: City-wide

---

## **RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-08 recommending that the City Council introduce and place on first reading an ordinance approving DCA21-00001, modifying various sections of the Municipal Code that would benefit from additional clarity or refined regulations.

## **BACKGROUND**

The Development Code requires regular updates to keep up with ongoing changes in the City. The existing Development Code currently contains regulations that are no longer applicable, that require updating due to State law, that would benefit from additional clarity, and that require modification.

## **ISSUES/ANALYSIS**

Staff made several changes to the Development Code as a part of the proposed Development Code Amendment. The following discussion and analysis provides additional explanation for each of the proposed amendments. For clarity, staff split the zoning amendments into two categories: Minor Cleanup Items and Items Required by State Regulations, and Zoning Text Amendments. For the entire text of the proposed code amendments refer to Exhibit A:

### **Minor Cleanup Items and Items Required by State Regulations:**

- Removed outdated references to “Uniform” Building Code;
- Added new definitions for supportive and transitional housing consistent with State regulations;
- Added new definitions for major and minor vehicle repair facilities for clarity;
- Relocated the table which summarizes the different types of land use applications and the approvals required. This table was previously within the Site Plan Review section of the Development Code. Added additional types of land use applications not previously shown;
- Removed “Rehabilitation Centers” and “Organizational Camps” as uses that are allowed in any zone. These types of facilities, if licensed by the State, would still be allowed;
- Removed references to Section 16.16.072 of the Municipal Code pertaining to residential care facilities, group homes and sex offender residency; Section 16.16.072 of the Code was removed in 2017 and no longer exists;

- Added supportive and transitional housing as allowed uses within any residential zone consistent with State requirements;
- Group homes that are not licensed by the State and that have 2 or fewer residents were previously required to obtain approval of a CUP. This requirement was changed to 6 or fewer residents consistent with State requirements;
- Small family day care facilities with 12 or fewer children are now listed as allowed uses; large family day care facilities with 13 or more children are subject to a Site Plan Review. These uses were added for clarity and are consistent with current practice;
- Revised the residential development standards table for added clarity. There are no new regulations, rather the existing regulations are more clearly shown;
- Removed language stating that Large recycling facilities over 500 sq. ft. in size are a permitted use within the Commercial Industrial Business Park zone. This matches the requirements already listed in the Main Street and Freeway Corridor Specific Plan;
- Corrected numbering inconsistencies throughout the Code;
- Increased the maximum allowable density bonus provisions from 35% to 50% consistent with new State requirements.
- Changed “storage structures” to “storage containers” in Section 16.20.045 for clarity.

#### **Zoning Text Amendments:**

- Churches proposed on vacant sites would now be required to obtain approval of a CUP. No changes were made for churches that are proposed on existing sites which are already developed;
- Schools would now be subject to a CUP;
- Clarified that a prohibited use listed under the Commercial Community Enhancement Ordinance may not relocate to another location, or expand the size of the existing tenant space. Added new requirements that if a prohibited use is discontinued, abandoned, or otherwise goes out of business, it shall immediately lose its nonconforming status. A prohibited use was previously allowed to remain vacant for 1 year before it lost its nonconforming status;
- Removed the requirement that stated if an accessory building (i.e. detached garage, storage building, etc.) includes a restroom facility and insulation, then it is considered a guest house. This requirement was difficult and problematic for staff to implement;
- Junior Accessory Dwelling Units are now considered a separate unit for the purposes of determining sewer and septic system requirements consistent with California Lahontan Regional Water Quality Control Board standards;
- Removed the requirement that a restaurant serving alcohol is subject to a CUP. Restaurants serving alcohol would now be a permitted use;
- Gas stations located within the C1, C2 or C3 zones would now be subject to a CUP. Gas stations located in the aforementioned zones were previously required a Site Plan Review.
- Vehicle repair facilities located within the C2, or C3 zones would now be subject to a CUP. Vehicle repair facilities located within the industrial zones would continue to be processed with a Site Plan Review;
- Removed the requirement that commercial and industrial developments which exceed the minimum required amount of landscape coverage can reduce the front yard setback from 25 feet to either 15 or 10 feet. This setback reduction was difficult and problematic for staff to implement;
- Required a minimum of 1 trash receptacle at the end of drive-thru lanes;
- Required that only block wall fencing may be used for residential tracts zoned R1 or within the Main Street and Freeway Corridor Specific Plan. This would generally apply to all tracts with lot sizes 18,000 square feet and below that must obtain building permits;

- Modified parking requirements for carwash facilities;
- Correctly limits the amount of roosters allowed in the Low Density and Very Low Density Residential zones to match the requirements in the R1 zoning designation;
- Requires wall signs to be placed on the exterior wall of the tenant space;

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

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

#### **FISCAL IMPACT**

None.

#### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

#### **ATTACHMENT(S)**

1. Resolution No. PC-2021-08, with Exhibit "A"

# ATTACHMENT 1

## RESOLUTION NO. PC-2021-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING VARIOUS SECTIONS OF THE MUNICIPAL CODE FOR THE PURPOSE OF PROVIDING ADDED CLARITY, TECHNICAL CORRECTIONS, TO ADD AND MODIFY EXISTING REQUIREMENTS, AND TO UPDATE EXISTING REGULATIONS IN ORDER TO BE CONSISTENT WITH STATE REGULATIONS (DCA21-00001)**

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

**WHEREAS**, the City proposes to amend various sections of the Municipal Code that would benefit from additional clarity or refined regulations; and

**WHEREAS**, modifications to the various sections of the Development Code are shown on Exhibit "A" and they can generally be categorized as either "minor cleanup items" or "zoning text amendments". The Minor cleanup items shown on Exhibit "A" generally include, but are not limited to: removing outdated references to "Uniform" Building Code; adding new definitions for supportive and transitional housing as well as major and minor vehicle repair facilities; adding additional types of land use applications not previously discussed; removing "Rehabilitation Centers" and "Organizational Camps" as uses that are allowed in any zone; removing outdated references to various sections of the Code that no longer exist; adding supportive and transitional housing as allowed uses consistent with State requirements; changing group home requirements from 2 or fewer residents to 6 or fewer residents consistent with State requirements; clarifying that small family day care facilities with 12 or fewer children are an allowed use and large family day care facilities with 13 or more children are subject to a Site Plan Review; revising the residential development standards table to more clearly show existing requirements; removing large recycling facilities over 500 sq. ft. in size as a permitted use within the Commercial Industrial Business Park zone in order to match the requirements already listed in the Main Street and Freeway Corridor Specific Plan; correcting numbering inconsistencies throughout the Code, and increasing the maximum allowable density bonus provisions from 35% to 50% consistent with State requirements; and

**WHEREAS**, Modifications to the various sections of the Development Code are shown on Exhibit "A" and they can generally be categorized as either "minor cleanup items" or "zoning text amendments". The zoning text amendments shown on Exhibit "A" generally include, but are not limited to: churches proposed on vacant sites would now be required to obtain approval of a CUP; if a prohibited use that is listed under the Commercial Community Enhancement Ordinance is discontinued, abandoned, or otherwise goes out of business, it would now immediately lose its nonconforming status; if an accessory building (i.e. detached garage, storage building, etc.) includes a restroom facility and insulation, then it would no longer be considered a guest house; a restaurant serving alcohol would no longer be subject to a CUP; gas stations located within the C1, C2 or C3 zones would now be subject to a CUP; vehicle repair facilities located within the C2, or C3 zones would now be subject to a CUP; commercial and industrial developments which exceed the minimum required amount of landscape coverage would no longer qualify for a setback reduction; drive-thru restaurants would now be required to install a minimum of 1 trash receptacle at the end of drive-thru lanes; required that only block wall fencing may be used for residential tracts zoned R1 or within the Main Street and Freeway Corridor Specific Plan; modified parking requirements for carwash facilities; limited the

amount of roosters allowed in the Low Density and Very Low Density Residential zones to match the requirements in the R1 zoning designation; and required wall signs to be placed on the exterior wall of the tenant space

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

**WHEREAS**, on April 8, 2021, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA21-00001, amending various sections of the Municipal Code that would benefit from additional clarity or refined regulations as shown on Exhibit "A."

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

**ADOPTED AND APPROVED** on this 8<sup>th</sup> day of April 2021.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Maricruz Montes, Secretary, Planning Commission



# EXHIBIT “A”

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

---

## 16.08.205 - Dwelling unit.

"Dwelling unit" means any building or portion thereof, including a mobile home or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by this code and the ~~Uniform~~ Building Code, for not more than one family.

---

## 16.08.270 - Grading.

"Grading" means excavating, filling, leveling or smoothing, or combination thereof, for which a grading permit is required by ~~the Uniform Building Code Chapter 15.06 of this code~~. "Major grading" is grading in excess of one hundred (100) cubic yards, whereas "minor grading" is one hundred (100) cubic yards or less.

---

## 16.08.332 - Housing supportive.

"Housing supportive" means ~~housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.~~ housing with no limit on length of stay, that is occupied by persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people; and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

---

## 16.08.333 - Housing transitional.

~~"Housing transitional" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.~~ housing configured as rental housing developments, with supportive services for up to twenty-four months but not less than six months. Transitional housing is designated and targeted for recently homeless persons and is intended to move recently homeless persons to permanent housing as quickly as possible and recirculate the assisted housing to another eligible program recipient. This type of housing includes self-sufficiency development services, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing

---

#### **16.08.877 "Vehicle Repair Facility-Major"**

"Vehicle Repair Facility-Major" means any facility offering any of the vehicle repair services as defined in Vehicle Repair Facility (Minor) and also including engine and transmission overhauls, vehicle restorations, upholstery, paint and body work, heavy duty truck and tractor repair, RV repair, and other similar services as determined by the Development Services Director or his or her designee.

#### **16.08.879 – Vehicle Repair Facility-Minor.**

"Vehicle Repair Facility-Minor" means any facility that offers minor vehicle repairs, including lubrication, battery service, brake and wheel service, tire installation, engine adjustments, tune-ups, front-end alignment, exhaust system repair, stereo installation, window tinting, spray-on bed lining, smog servicing, and other similar services as determined by the Development Services Director or his or her designee.

---

## **Chapter 16.12 - PERMITS AND PROCEDURES**

### **ARTICLE I. - GENERAL PROCEDURES**

#### **16.12.005 - Development review procedures.**

- A. Land use applications will be reviewed and approved in accordance with four basic procedures:
1. Noticed public hearing by the city council and/or planning commission, in which the reviewing authority hears public testimony for and against the land use proposal, reviews evidence and renders its decision;
  2. Administrative review with notice, in which a posted and/or published notice is given to affected and interested parties, followed by a decision by the reviewing authority. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before the reviewing authority renders its decision. The reviewing authority shall be the development review committee;

3. Administrative review without notice, used when land use decisions made by the reviewing authority are based upon standards that have been adopted by the city as law or policy, and the reviewing authority is allowed to render a decision without giving notice to surrounding property owners and other parties. The reviewing authority shall be the development review committee;
  4. Ministerial or Tenant improvement review, used when a proposed land use is to be located within a facility that meets the city's development standards, or when the existing facility has been previously approved for the same or similar use. The reviewing authority is not required to give notice prior to rendering a decision. The reviewing authority shall be the building official, or his or her designee, with concurrence with other city agencies.
- 

#### **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. For non-residential projects, 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.
  - D. Public projects shall not be subject to a time limitation unless specific time limits are included within conditions placed upon the project's approval. When time limits are placed within the conditional approval of a public project, extensions of time may be granted whenever warranted; provided, no single action is taken to grant an extension greater than twelve (12) months.
  - ~~E. All entitlements subject to this section effective between January 1, 2007 and the effective date of approval of this amendment shall be granted one automatic twelve-month extension of time.~~
- 

#### **16.12.065 - Issuance of building permits.**

- A. General Provisions.
    1. Except as specified in the Uniform-California Administrative Code and the Uniform Building Code, it is unlawful to construct, erect, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, unless a building permit for each building or structure has first been obtained from the department of building and safety for such work.
-

## ARTICLE II. - SITE PLANS AND REVISED SITE PLANS

### 16.12.080 - Purpose of provisions.

The purpose of the ~~land use application~~site plan review process is to assist the property owner in obtaining the best utilization of the property in accordance with sound land use planning and design criteria, and to enable the planning agency to ensure that the proposed development is in conformance with the intent and provisions of the general plan and all applicable city regulations and policies.

(Ord. 192 Exh. A (§ 83.02.010), 1994)

(Ord. No. 2012-14, § 3(Exh. A), 8-7-12)

### 16.12.085 - ~~Approval required~~General Provisions.

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

B. In granting any site plan review or revised site plan review, the reviewing authority shall affix those conditions which it deems necessary in order to safeguard the public health, safety and general welfare of the area.

C. The Development Review Committee shall review requests for a site plan review or revised site plan review at an administrative hearing with notice pursuant to Section 16.12.010.

***(Note: For the purposes of this staff report, the following table was moved to Section 16.12.455)***

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

| <b>Ministerial Approval</b>  | <b>Administrative Review with Notice</b>  | <b>Planning Commission Hearing</b>  | <b>City Council Hearing</b>            |
|--|---|---|--|
| <b>Interior Remodels</b>   | <b>Appeals of Ministerial Approvals</b>   | <b>Appeals of DRC Approvals</b>   | <b>Appeals of PC Approvals</b>         |
| <del>Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or</del> | <del>Additions to existing multiple residential, commercial or industrial structures which will result in an increase in total floor area of 25</del> | <del>Retail Commercial, Industrial, Office or administrative/professional and/or wholesale and service commercial uses subject to a Conditional Use Permit. Alcohol Conditional Use Permits</del> | <del>Development Code Amendments</del> |

|  |   |   |                                   |
|--|---|---|-----------------------------------|
| greater impacts on infrastructure and public services, as determined by the reviewing authority with concurrence from the city agencies  | percent or greater or expansion of 1,500 square feet or greater   |   |                                   |
| Repair and maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements   | Revisions to previously approved site plans comprising of more than 25 percent expansion to the building area or developed area of the site | Public Facility Reviews                       | Specific Plan Amendments          |
| Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan | Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.         | Recommendation on Development Code Amendments | General Plan Amendments           |
| Expansions to multiple   | Projects that have been   | Specific Plan Amendments                      | Development Agreements/Amendments |



|  |  |                              |                          |
|--|--|------------------------------|--------------------------|
| residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet whichever is greater | recommended for administrative review  |                              |                          |
| Revisions to previously approved land use comprising less than 25 percent expansion to the building or developed area of the site                          | Tentative Parcel Maps  | Development Agreements       | Density Bonus Agreements |
| Single-family residential development 1—4 dwelling units or fewer  |  | Density Bonus Agreements     | Planned Developments     |
| Multiple-family dwelling with two units (duplex)   | Three or more dwelling units on a single parcel with at least one multiple-family dwelling | Density Bonus Agreements     | Planned Developments     |
| Lot line adjustments   |  | Any project requiring an EIR |                          |
| Lot mergers  |  | Tentative Tracts             |                          |

|                            |  |  |  |
|----------------------------|--|--|--|
| Certificate of Corrections |  |  |  |
| Certificate of Compliance  |  |  |  |

---

## ARTICLE III. - CONDITIONAL USE PERMITS

### 16.12.130 - Revisions and modifications.

Revisions or modifications of conditional use permits can be requested by the applicant.

#### A. Revisions/Modifications by Applicant.

1. A CUP application shall be approved for the establishment or expansion of alcohol uses, as specified in Section 16.16.320 of the Development Code the Main Street and Freeway Corridor Specific Plan. Such request shall be processed as a new conditional use permit, pursuant to the provisions contained in this section, and is subject to the applicable fees.
2. Revised CUP. A major revision or modification to an approved conditional use permit such as, but not limited to, change in conditions, expansions, intensification, location or hours of operation, may be requested by the applicant. Such request shall be processed through application of a new conditional use permit, pursuant to Section 16.12.005(A)(2). The applicant shall supply necessary information as determined by the city, to indicate reasons for the requested change.
3. Minor Revisions. A revisions or modification to an approved conditional use permit such as, but not limited to, minor changes in the site design, parking or building placement, which will not increase or change the use or intensity of the site, may be acted on by the reviewing authority through the administrative review without notice procedure, by applying for a letter of substantial conformance or site plan review without application, pursuant to Section 16.12.005(A)(3). The applicant shall supply necessary information as determined by the planning division to indicate reasons for the revisions and/or modifications.

---

## ARTICLE V. - ZONE CHANGES, GENERAL PLAN AMENDMENTS, AND SPECIFIC PLAN AMENDMENTS

### 16.12.175 - Purpose of provisions.

Whenever the public necessity, convenience, general welfare, good planning practices, or the policies set forth in the general plan justify such action, land use boundaries may be amended through the procedures established in this title.

### 16.12.180 - General provisions.

- A. A change in the boundaries of any land use designation may be initiated by the owner or the authorized agent of the owner of property by filing an application for a general plan amendment or specific plan amendment as prescribed in this section. If the property for which the general plan or specific plan amendment is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application. If deemed appropriate to expand the boundaries of any proposed general plan or specific plan amendment, notice shall be given to all property owners within the proposed expansion boundaries. Prior to any action on the proposed general plan or specific plan amendment, written authorization from all property owners shall be on file in the planning division.
- B. A change in the boundaries of any land use designation may be initiated by the consensus of the city planning commission or city council.
- C. An application for a general plan or specific plan amendment to change the zoning of the property may be filed concurrently with any other application(s) on the same property.
- D. Following the denial of an application for a general plan or specific plan amendment, an application for the same or substantially the same general plan or specific plan amendment shall not be accepted within one year of the date of denial.
- E. A change in land use shall be indicated by listing on the general plan map the number of the ordinance amending the map.

#### **16.12.190 - Action by planning commission.**

- A. The planning commission shall hold a public hearing on each application for a general plan or specific plan amendment. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. The planning commission shall determine whether the amendment is consistent with the objectives of this code and with the general plan, and shall recommend to the city council that the general plan or specific plan amendment be granted, granted in modified form or denied.
- C. Notwithstanding the provisions of Section 16.12.055(C), an application for a general plan or specific plan amendment which has received a recommendation for denial shall be referred without appeal to the city council when accompanied by an amendment to the development code or development regulations of said specific plan.
- D. When the commission determines, following a public hearing on a proposed general plan or specific plan amendment, that a change to a land use classification other than the proposed classification specified in the hearing notice is desirable, the commission may recommend an alternate classification. The commission must determine that the recommended alternative is more appropriate for the subject property and is consistent with the general plan and the intent of the development code. If it is more intense than the recommended alternative, a new public hearing is required.

#### **16.12.195 - Action by the city council.**

- A. After the recommendation of the planning commission for approval on a proposed general plan or specific plan amendment, or if an appeal of a denial has been filed, the city council shall hold at least one public hearing. The hearing shall be set and notice given as prescribed in Section 16.12.010. The hearing may be continued from time to time.
- B. Following the closing of a public hearing, the council shall make specific findings as to whether the change is consistent with the objectives of this code and the general plan. If the

council finds that the change is consistent, it shall introduce an ordinance amending the land use map.

- C. The city council may approve, modify or disapprove a recommendation of the planning commission on a land use change not previously considered by the planning commission; provided, it has requested and considered a report of the commission on the modification. Failure of the commission to report within forty (40) calendar days after receipt of the council request shall be deemed concurrence.

#### **16.12.200 - Required findings for approval.**

Prior to taking an action to approve or recommend approval of a change in land use, the reviewing authority shall find as follows:

- A. The proposed change in zone is consistent with the general plan;
- B. The site of the proposed change in land use designation is suitable for any of the land uses permitted within the proposed designation;
- C. The proposed general plan or specific plan amendment is reasonable and beneficial at this time;
- D. The proposed general plan or specific plan amendment ~~in-district-classification~~ will not have a substantial adverse effect on surrounding properties or the community in general.

---

### **ARTICLE IX. - NONCONFORMING USES, BUILDINGS AND STRUCTURES<sup>[2]</sup>**

#### **16.12.315 - Provisions.**

- A. The definitions for a nonconforming use, building, and structure are located in Sections 16.08.555 thru 16.080.557.
- B. Continuation, Maintenance, and Alterations.
  - 1. Continuance of Nonconforming Buildings and Structures:
    - a. A nonconforming building or structure may continue to be utilized, except as otherwise provided for in this article.
    - b. A nonconforming building or structure may be altered, structurally altered, or repaired provided that no alterations or repairs increase the degree of the nonconforming building or structure. Any exterior alteration changing the architecture or the look of the nonconforming building or structure shall be reviewed and approved by the reviewing authority.
    - c. Routine maintenance may be performed on a nonconforming building or structure.
    - d. No nonconforming building or structure shall be altered or restored so as to displace any conforming use, building or structure.
  - 2. Continuance of Nonconforming Uses.
    - a. Nonconforming uses may be allowed to continue, provided that the use does not substantially increase the levels of vehicular traffic and parking demand, except as otherwise provided in this section.

- b. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of the use does not change.
- c. If a nonconforming use is discontinued for a continuous period of twelve (12) months or longer, it shall lose its legal nonconforming status, and the continued use of the property shall require compliance with the provisions of the Development Code.
- d. A nonconforming use may not be intensified, enlarged, or expanded in anyway, and may not occupy any part of the structure or site, which it did not occupy at the time it became a nonconforming use except as otherwise provided in Section 16.12.315 (C) below.

C. Expansions and Additions.

1. Expansions and Additions to Nonconforming Buildings and Structures:

- a. Expansions and additions to a nonconforming building or structure are not permitted, except as otherwise provided for in this article.
- b. Any expansion or addition shall be subject to the process and requirements outlined in Article 1 (General Procedures) Article II (Site Plans and Revised Site Plans) and Article III (Conditional Use Permits) of Chapter 16.12 of this municipal code; and
  - i. The reviewing authority shall determine the extent the nonconforming buildings or structures must conform. The reviewing authority may permit an expansion and addition to the nonconforming building or structure, if all the findings in Section 16.12.320 can be made; and
  - ii. If ~~circumstances in Section 16.12.085(5) do not exist,~~ an expansion to a nonconforming use is greater than 25% in total floor area, or greater than 1,500 square feet, the expansion and addition shall be forwarded to the planning commission; and
  - iii. Expansions and additions not requiring a site plan review or conditional use permit shall comply with parking, landscaping, and trash enclosure requirements. Architectural improvements shall be required on existing buildings or structures. The extent of architectural improvements shall be proportional to what is being proposed; and
  - iv. The proposed expansion and addition shall conform to the provisions of this development code.
- c. Additional development of any property on which a nonconforming building or structure exist shall require that all new buildings or structures conform to the provisions of this development code.
- d. No nonconforming building or structure shall be expanded or added so as to displace any conforming use, building or structure.

2. Expansions and Additions to Nonconforming Uses:

- a. No expansions or additions shall be permitted for buildings or structures containing nonconforming uses otherwise not permitted in the zone, except as otherwise provided for in this article, and for uses with insufficient parking.
- b. Additional development of any property on which a nonconforming use exist shall require that all new uses conform to the provisions of this development code.



- c. In a multiple unit building containing conforming and nonconforming uses, the limitations in this article shall solely apply to the nonconforming uses and their unit when they are within an otherwise conforming building.

H. Exceptions.

- a. The reviewing authority may permit an abandoned use to reestablish, or allow an expansion and addition to a building or structure containing a nonconforming use if all the findings in Section 16.12.320 can be made. If ~~circumstances in Section 16.12.085(5) do not exist, an expansion to a non-conforming use is greater than 25% in total floor area, or greater than 1,500 square feet,~~ the expansion and addition shall be forwarded to the planning commission; and
- b. All expansions and additions shall be subject to Section 16.12.315(C)(1)(b).
- c. All lawfully existing residential structures located in commercially designated or zoned property as of the effective date of this article shall be exempt from the restriction on reconstruction following the destruction of the structure. However, the reconstruction shall conform to Section 16.12.320(A) and (B).
- d. A use, building or structure shall not be considered nonconforming solely on the basis of the lot not meeting the minimum lot size, width, and depth. Development on the lot may occur provided it meets all development code standards as well as sewage and water requirements.

---

**16.12.360 - Accessory dwelling units.**

D. Requirements for Approval.

- 1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.
- 2. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:
  - a. Lots with an existing or proposed single-family residence may be permitted one (1) accessory dwelling, and one (1) junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
  - b. Lots with existing multifamily units may convert non-habitable space within an existing multifamily structure into accessory dwelling units. The number of these types of units shall be limited to -one (1) accessory dwelling or up to 25 percent of the existing multifamily dwelling units, whichever is greater. In addition, no more than two (2) detached accessory dwelling units may be permitted. A detached accessory dwelling may be converted from non-habitable space, or newly constructed.
- 3. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.
- 4. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.
- 5. On lots with an existing or proposed single family residence, the primary dwelling unit or accessory dwelling unit on the property shall be owner-occupied. (This provision is

suspended for all permits until January 1, 2025, unless otherwise amended by California Government Code 65852.2).

6. The accessory dwelling unit shall provide complete and independent living facilities.
  7. The accessory dwelling unit shall not be sold separately and may be rented for periods of not less than 30 days.
  8. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.
  9. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.
- E. Design and Development Standards—Accessory Dwelling Units.
1. The accessory dwelling unit may be either attached to or detached from an existing or proposed single-family residence, or converted from an existing accessory building, garage, storage area, or other similar non-habitable area. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing multi-family structure.
  2. A detached accessory unit shall not exceed 1,200 square feet per structure on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of 1,600 square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.20.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.
  3. The entrance to an attached accessory dwelling unit shall be separate from the entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.
  4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit. In addition, detached accessory dwelling units shall be located to the rear of the primary dwelling unit.
  5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.
  6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.
  - ~~6~~7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached 800 square foot accessory dwelling unit that is at least sixteen (16) feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards
  - ~~7~~8. At least one covered or uncovered parking space for the accessory dwelling unit shall be provided by a minimum interior size of nine feet in width and nineteen (19) feet in

depth. Parking can be tandem on an existing driveway. The City shall not impose parking standards for an accessory dwelling unit if the accessory dwelling unit is located within one-half mile of public transit, when the accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure, when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit, or when there is a care share vehicle located within one block of the accessory dwelling unit. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

~~89.~~ When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.

~~910.~~ The accessory dwelling unit shall be compatible with the design of the primary unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.

~~1011.~~ The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

#### F. Junior Accessory Dwelling Units.

1. Purpose-This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located.

2. Development Standards- Junior accessory dwelling units shall comply with the following standards:

a) Lots with an existing or proposed single family residence may be permitted one (1) accessory dwelling unit and one (1) junior accessory dwelling unit.

~~b)~~ In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.

~~bc)~~ A junior accessory dwelling unit shall not exceed 500 square feet in size and shall be contained entirely within a single family residence. However, an additional 150 square foot expansion beyond the physical dimensions of the existing structure is permitted strictly to accommodate ingress and egress to the junior accessory dwelling unit.

~~ed)~~ The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single family residence.

~~de)~~ The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

- ~~ef)~~ The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence.
  - ~~fg)~~ Additional parking shall not be required.
  - ~~gh)~~ A deed restriction, in a form to be approved and provided by the City, must be recorded filed with the City, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.
  - ~~h)~~ ~~For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.~~
- 

## ARTICLE XIII. - CEQA GUIDELINES<sup>[3]</sup>

### 16.12.415 - CEQA regulations.

- A. Determining if CEQA is Applicable. The director of development services or his/her designee shall determine whether or not the activity is a "project" subject to CEQA as defined in this article and Section 15378 of the state CEQA guidelines.
  - B. Determining Project Exemption. If the activity is a project under CEQA, the director of development services or his/her designee shall determine if the project is exempt from environmental review. Exemptions shall be determined pursuant to Article 18 and 19 of the state CEQA guidelines. In addition, the following activities or actions shall be exempted from CEQA:
    - 1. Lot mergers for two or more parcels;
    - 2. Lot line adjustments not resulting in the creation of any new parcel;
    - 3. Minor exceptions and variances;
    - 4. Applications for ~~second-accessory~~ dwelling units, educational animal projects, certificates of correction, and certificates of compliance;
- 

***Beginning after Section 16.12.450 the following shall be added.:***

## ARTICLE XVI- PERMITS REQUIRED

### 16.12.455-Purpose and General Plan Consistency

Permit review is necessary to maintain consistency with the General Plan, regulate uses which have the potential to adversely affect surrounding properties, promote a visually attractive community, and provide flexibility in standards and requirements when special circumstances exist. The purpose of this Chapter is to prescribe the types of review required for development projects, as well as for adopting and amending specific plans, development agreements, and amendments to the General Plan and this Development Code

#### 16.12.060- Review Authority for Required Permits

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

***(Note: for the purposes of this staff report, the following table was moved from Section 16.12.085)***

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

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



|   |  |  |  |  |
|---|--|--|--|--|
| <u>parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements</u>   |  | <u>plans comprising of more than 25 percent expansion to the building area or developed area of the site</u>                               |  |  |
| <u>Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan</u> |  | <u>Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.</u> | <u>Recommendation on Development Code Amendments</u> | <u>General Plan Amendments</u>           |
| <u>Expansions to multiple residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet</u>   |  | <u>Projects that have been recommended for administrative review</u>   | <u>Specific Plan Amendments</u>                      | <u>Development Agreements/Amendments</u> |

|  |   |   |   |  |
|--|---|---|---|--|
| <u>whichever is greater</u>  |   |   |   |  |
| <u>Revisions to previously approved land use comprising less than 25 percent expansion to the building or developed area of the site</u> |   | <u>Tentative Parcel Maps</u>  | <u>Development Agreements</u>   | <u>Density Bonus Agreements</u>  |
| <u>Single-family residential development 1—4 dwelling units or fewer</u>   |   |   | <u>Density Bonus Agreements</u>   | <u>Planned Developments</u>  |
| <u>Multiple-family dwelling with two units (duplex)</u>  | <u>Multiple-family dwelling with two or more units (including a duplex)</u> | <u>Three or more dwelling units on a single parcel with at least one multiple-family dwelling</u> |   |  |
| <u>Lot line adjustments</u>  |   |   | <u>Any project requiring an EIR</u>   |  |
| <u>Lot mergers</u>   |   |   | <u>Tentative Tracts</u>   |  |
| <u>Certificate of Corrections</u>  |   | <u>Minor Exception</u>  | <u>Variance</u>   |  |
| <u>Certificate of Compliance</u>   |   |   | <u>CUP's for Off-sale alcohol licenses (type 20 and 21) greater than 12,000 SF in floor area.</u> | <u>CUP's for Off-sale alcohol licenses (type 20 and 21) below 12,000 SF in floor area.</u> |

|   |  |  |  |  |
|---|--|--|--|--|
|   |  |  |  |  |
| <u>Minor modifications of the conditions of approval, provided that the modifications do not have a significant impact on the property or surrounding properties.</u> |  |  |  |  |

### ARTICLE III. - ADDITIONAL USES

#### 16.16.060 - Uses provided for in any zone or land use district.

- A. Land uses listed in Section 16.16.060(A)(2) may be permitted or conditionally permitted in any zone or land use designation subject to the land use entitlement established in Table 1 and when one or more of the conditions cited in Section 16.16.060(A)(1) have been met. Land uses approved with a site plan review (SPR) shall be in accordance with the provisions in Chapter 16.12, Article II; and land uses approved with a conditional use permit (CUP) shall be in accordance with the provisions in Chapter 16.12, Article III.
1. Condition of Uses.
    - a. The location of land use is determined by other land uses which are directly supported by the proposed use; or
    - b. The land use is part of the community or regional infrastructure; or
    - c. The location of the proposed use is determined by the location of raw materials in their natural state such as mineral deposits, natural vegetation and energy sources; or
    - d. The character of the proposed use is such that it requires a remote location away from other land uses; or
    - e. The land use is deemed essential or desirable to the public convenience or welfare.
  2. Land Uses Permitted Subject to Land Use Approval. The additional uses in this section are provided in a table format and apply to all land use designations or districts in the city, including specific plan areas. Land uses are listed in the first (vertical) column of the table and required land use entitlements in the top (horizontal) row. An "X" in the corresponding column represents the required entitlement process. Footnotes are also provided and considered part of this Development Code.

**Table 1**

|  | SPR | CUP |
|--|-----|-----|
| <b>GENERAL USES:</b>   |     |     |
| Cemeteries, including pet cemeteries <sup>1</sup>  | X   | X   |
| Solid waste disposal sites, rubbish incinerators and recycling centers   |     | X   |
| Sewer treatment plants and sewage disposal sites   |     | X   |
| Electrical generating stations, as defined in Section 16.08.208 <sup>2</sup>   | X   | X   |
| Solar or wind farms, as defined in Section 16.08.771 <sup>3 &amp; 4</sup>  |     | X   |
| Radio and television stations or towers providing broadcast services   |     | X   |
| Racetracks or stadiums   |     | X   |
| Campgrounds, not exceeding a density of four sites per acre  | X   |     |
| Natural resources (i.e. mineral deposits and natural vegetation together with the necessary buildings, apparatus or appurtenances incidental thereto)  |     | X   |
| Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus or appurtenances incidental thereto, including, but not limited to, train stations and bus stations <sup>5</sup> |     | X   |
| Carpool facilities   | X   |     |
| Testing ranges, airports, landing strips, launching/testing facilities and other aerospace-type uses <sup>4</sup>  |     | X   |
| Self-storage facilities <sup>65</sup>  |     | X   |
| <b>INSTITUTIONAL USES:</b>   |     |     |
| Schools and universities <sup>2 &amp; 65</sup>   | X   | X   |
| Conference centers <sup>2</sup>  | X   | X   |

|   |   |              |
|---|---|--------------|
| Hospitals   |   | X            |
| Churches <u>(on existing sites that are already developed)</u>  | X |              |
| <u>Churches (on vacant sites)</u>   |   | <del>X</del> |
| <del>Rehabilitation centers<sup>7</sup></del>   |   | <del>X</del> |
| <del>Organizational camps<sup>7</sup></del>   |   | <del>X</del> |
| <b>PUBLIC UTILITIES AND PUBLIC SERVICE USES:</b>  |   |              |
| Temporary and permanent governmental facilities and enterprises (federal, state and local) where buildings and/or property are publicly owned or leased                       |   | X            |
| Reservoirs, pumping plants  | X |              |
| Temporary support facilities associated with the construction of highways and other public facilities including, but not limited to, batch plants and equipment storage yards | X |              |
| Electrical substations, as defined in Section 16.08.209 <sup>2</sup>  | X | X            |
| Central communication office  | X |              |
| Microwave and repeater huts   | X |              |
| Towers and satellite receiving stations   |   | X            |
| <b>SPORT ORIENTED RECREATIONAL USES:</b>  |   |              |
| Sky diving jump sites, and recreational camps   | X |              |
| Rifle and archery ranges (indoor/outdoor)   |   | X            |
| Off-road vehicle parks  |   | X            |
| Golf courses, country clubs   |   | X            |
| Hunting and fishing clubs   |   | X            |

## Notes:

1. Cemeteries shall not be allowed in the R3 land use designation.
  2. Projects in nonresidential designations shall require approval of a SPR. Projects in residential and agricultural designations shall require approval of a CUP.
  3. Solar or Wind farms shall be subject to Section 16.16.036, Alternative Energy Technology Standards.
  4. These uses shall not be allowed in residential and agricultural land use designations or districts.
  5. ~~Bus stations shall not be allowed in the PC District of the Main Street and Freeway Corridor Specific Plan.~~
  65. A CUP shall be required in areas specified by the Main Street and Freeway Corridor Specific Plan.
  76. ~~These uses shall be subject to Section 16.16.072, Residential care facilities, group homes, and sex offender residency.~~
  87. Shall be subject to Section 16.16.365(H). Self-storage facilities, also known as mini-storage facilities, shall not be allowed in zones prohibited by the Main Street and Freeway Corridor Specific Plan.
- 

### 16.16.065 - Bed and breakfast uses.

#### D. Conditions.

1. Structural Features.
  - a. All dwelling units proposed for bed and breakfast use must comply with standards and specifications of the ~~Uniform~~ Building Code, and shall also be subject to the room occupancy standard outlined in the State Housing Law (as amended).
  - b. Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to ~~Uniform~~ Building Code Standards (UBC No. 43-6), and exit/egress and an emergency evacuation map must be displayed in a prominent location in each guest room.
3. Bed and Breakfast Inn/Lodge having a minimum of six and a maximum of ten guest rooms.
  - a. Structures of Historical, Architectural and Cultural significance.
    - i. Only residential structures that have been determined to be of historical, architectural or cultural significance by the planning commission, or properties which are on the state or national listing of structures of historical significance shall be permitted to be used as a bed and breakfast inn/lodge.
    - ii. The planning commission may establish historic and scenic preservation standards and shall review the proposal for a determination of historical, architectural or cultural significance. In making such determination, the planning commission shall consider the:
      - (A) Architecture of the structure noting the history, uniqueness and style of the design;



- (B) Historical and/or cultural value(s) of the property and/or the site;
- (C) Age of the structure and its physical and structural condition.

iii. After such determination, the structure shall be placed on the city's register of historic and scenic properties.

- b. The planning commission may require the preservation and maintenance of significant permanent landscaping features and significant historical, architectural and/or cultural features of the structure and/or property.
- c. A residential building that has been declared a historical structure shall be subject to prealteration inspection by a designated city official prior to application for bed and breakfast use and report of such inspection must accompany the application.
- d. All historical structures proposed for bed and breakfast uses shall comply with all current applicable ~~Uniform~~ Building Code standards, including those regarding historical building and those pertaining to the physical and structural conditions of the building and the site.

#### **16.16.070 - Recycling facilities.**

A. Requirements. No person, corporation or legal entity shall place or permit the placement and/or operation of any recycling facility, including a reverse vending machine, collection facility or processing facility without first obtaining any permits required pursuant to the provisions set forth in this chapter. Recycling facilities may be permitted as set forth in the following table.

| Type of Facility Permitted                  | Zones/Land Use Districts             | Permit Required    |
|---|--------------------------------------|--------------------|
| Reverse Vending Machine(s) up to 50 sq. ft. | All Commercial and All Industrial    | None               |
| Small Collection Facility up to 500 sq. ft. | All Commercial and All Industrial    | Special Use Permit |
| Large Collection Facility over 500 sq. ft.  | All I-1, I-2, <del>CIBP</del> , & GI | CUP                |
| Processing Facilities                       | I-1, I-2, & GI                       | CUP                |

#### **16.16.074 - Commercial community enhancement ordinance.**

The following uses are prohibited because it has been determined that such uses contribute to the decline of the health, safety and welfare of city residents and create blight, deter quality businesses from operating or otherwise create a sense of economic decline in commercial neighborhoods. This section is applied city-wide, including areas within the Main Street and Freeway Corridor Specific Plan.

The uses listed below are not a comprehensive list of all prohibited uses. Other uses not listed as either permitted and conditional permitted or within this prohibited use section, may be determined permitted or prohibited by the director development services or designee based upon the similarity of other uses. Any use which violates local, state or federal laws is also prohibited:

A. Prohibited Uses.

1. Gold exchange businesses (unless accessory to a jewelry store).
2. Hydroponic shops (unless accessory to a home improvement store).
3. Money service businesses.
4. Pawn shops.
5. Smoking lounges.
6. Smoke shops.
7. An internet sweepstakes café.

B. Continuance of Prohibited Use

The continuance of a prohibited use which lawfully existed prior to the effective date of this ordinance shall be subject to the following:

- a. Shall not relocate to another site, building, suite, or structure which it did not occupy at the time it became a nonconforming use
- b. Shall not expand, intensify, enlarge or extend any part of the structure which it did not occupy at the time it became a nonconforming use.
- c. Change of ownership, tenancy, or management of a prohibited use is permitted, provided that the use and intensity does not change.
- d. If a prohibited use is discontinued, abandoned, or otherwise goes out of business, it shall immediately lose its legal nonconforming status.

BC. Tobacco Product and Paraphernalia Sales Requirements.

1. No license may be issued to authorize retail tobacco product and paraphernalia sales at any location that is not licensed under state law to sell alcoholic beverages for consumption off the premises (e.g. an "off-sale" license issued by the California Department of Alcoholic Beverage Control).
2. The display area of tobacco products, including paraphernalia, shall not exceed ten percent of the total floor area of a business establishment.
3. The display area devoted to tobacco paraphernalia shall not exceed a two foot in depth by four-foot in length section of a single shelf space.
4. The display of tobacco products and paraphernalia shall be located behind a service counter in a manner that prohibits self-service by the customer.
5. It shall be a violation of this municipal code for any licensee or any of the licensee's agents or employees to violate any local, state, or federal law regulating controlled substances or drug paraphernalia, such as, for example, California Health and Safety Code Section 11364.7.
6. No smoking or vaping shall be permitted on the premises at any time.

7. The sale of tobacco products and paraphernalia to a minor is prohibited.
8. No sales may be solicited or conducted on the premises by minors.
9. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.

---

## ARTICLE IV. - RESIDENTIAL LAND USE DESIGNATIONS<sup>5</sup>

### 16.16.085 - Residential and ancillary uses.

| Residential and Ancillary Uses  | R1 | R3 <sub>1</sub> | RR | A1 | A2 | See Section(s)  |
|---|----|-----------------|----|----|----|---|
| A. Single-family dwelling   | P  | P               | P  | P  | P  |   |
| B. Multiple-family dwellings  | NP | S               | NP | NP | NP |   |
| C. <del>Second</del> <u>Accessory</u> dwelling unit   | A  | NP              | A  | A  | A  | 16.12.360   |
| D. Guest house <sup>2</sup>   | A  | NP              | A  | A  | A  |   |
| E. Home Occupation  | A  | A               | A  | A  | A  | Chapter 5.44<br>(Municipal Code)  |
| F. Board and room, not to exceed two persons, without kitchen privileges  | A  | A               | A  | A  | A  |   |
| G. Accessory buildings and structures <sup>3</sup>  | A  | A <sup>4</sup>  | A  | A  | A  | 16.20.385—<br>16.20.425   |
| H. Buildings or structures to store agricultural vehicles, food, and equipment (i.e. barn or outbuilding)                                   | A  | NP              | A  | A  | A  | 16.20.385—<br>16.20.425   |
| I. Buildings or structures to keep animals (i.e. stable, corral, pen or coop)   | A  | NP              | A  | A  | A  | 16.16.115 and<br>16.20.385—<br>16.20.425                                  |
| J. Small, community, or handicapped residential care facilities, senior housing, intermediate care of six or less and licensed by the state | P  | P               | P  | P  | P  | <del>16.16.072,</del><br><del>16.08.332 and</del><br><del>16.08.333</del> |

|  |          |                |          |          |          |   |
|--|----------|----------------|----------|----------|----------|---|
| K. Large or community residential care facilities, senior housing, intermediate care of seven or more and licensed by the state and Single Room Occupancy Development (SRO) <sup>7</sup> | C        | C              | C        | C        | C        | <del>16.16.072,</del><br><del>16.08.332 and</del><br><del>16.08.333</del> |
| L. Group homes not licensed by the state with <del>two-6</del> or more residents   | C        | C              | C        | C        | C        | <del>16.16.072,</del><br><del>16.08.332 and</del><br><del>16.08.333</del> |
| <u>M. Supportive housing and transitional housing</u>  | <u>S</u> | <u>S</u>       | <u>S</u> | <u>S</u> | <u>S</u> | <u>16.08.332 and</u><br><u>16.08.333</u>                                  |
| <del>NM.</del> Parking of commercial vehicles, as defined in the California Vehicle Code   | A        | NP             | A        | A        | A        | 16.20.090(H)  |
| <del>ON.</del> Mobile home parks   | S        | S <sup>5</sup> | S        | S        | S        | 16.28.010—<br>16.28.070   |
| <del>OP.</del> Hotels and Motels   | NP       | S <sup>6</sup> | NP       | NP       | NP       |   |
| <u>Q. Small family day care to 12 or fewer children</u>  | <u>A</u> | <u>A</u>       | <u>A</u> | <u>A</u> | <u>A</u> |   |
| <u>R. Large family day care to 13 or more children</u>   | <u>S</u> | <u>S</u>       | <u>S</u> | <u>S</u> | <u>S</u> |   |
| <u>SP.</u> Other similar uses, as interpreted by the Development Services Director or his/her designee   | P        | P              | P        | P        | P        |   |

Notes:

1. Prohibited uses shall be uses not specifically authorized or determined by the development services director or his/her designee to be detrimental to public welfare.
2. Guest house shall not exceed a building area of four hundred ninety-nine (499) square feet and shall not include kitchen facilities.
- ~~3.— An accessory building, which includes a restroom facility and insulation, shall be considered a guest house and subject to area and kitchen limitations for a guest house.~~
4. Accessory structures and uses shall be customarily incidental to any permitted uses when located on the same site with the main building and use.
5. Shall include recreational vehicle parks.
6. Business may be conducted for the convenience of the residents of the building; there shall not be an entrance to such place of business, except from the inside of the building; and no sign visible from the outside advertising such business.

7. SRO developments are subject to Section G 4.15 of the Main Street and Freeway Corridor Specific Plan—Standards for Single Room Occupancy for all residential zones.

#### 16.16.095 - Agricultural uses.

| Agricultural Uses  | A1             | A2 |
|--|----------------|----|
| A. Silo  | P              | P  |
| B. Public stable, riding academy, or boarding stable <sup>1</sup>  | P <sup>2</sup> | P  |
| C. Establishment engaged in the washing, candling, grading and packaging of eggs   | S              | S  |
| D. Wholesale distributor and processor of nursery-plant stock; retail nursery, where incidental and contiguous to propagation of nursery stock or wholesale distributor. Outdoor storage and display are prohibited except for nursery-plant stock | S              | S  |
| E. Beeswax and honey processing building   | A              | A  |
| F. Room for incidental poultry and rabbit-killing and dressing   | P              | P  |
| G. Rabbit or similar animal killing and dressing house when such animals are raised on the premises  | S              | S  |
| H. Feed mill for rancher's own use   | NP             | S  |
| I. Scales  | NP             | S  |
| J. Farm labor camp   | S              | S  |
| K. Community auction and sales yard principally for the sale of farm animals   | NP             | S  |
| L. Dog kennel, dog training schools, catteries, small animal shelter and dog breeding establishments with outside runs   | S              | S  |
| M. Animal hospital or clinic with outside runs   | S              | S  |

|  |    |   |
|--|----|---|
| N. Grange hall, community halls, and similar uses incidental to the promotion and development of agriculture   | S  | S |
| O. Dude or guest ranch <sup>2</sup>  | S  | S |
| P. Winery for processing grapes produced on the same premises  | S  | S |
| Q. Livestock Feed Yard. Stock Yard, Cattle Sales Yard <sup>3</sup>   | NP | S |
| R. Cattle or goat dairies on parcels of at least ten gross acres which shall comply with county public health department and building and safety department requirements   | NP | P |
| S. Calf-growing Facility <sup>2</sup>  | NP | S |
| T. Farms for grazing, breeding, boarding, raising, maintaining or training horses, cattle and similar animals, unless permitted elsewhere in this code   | NP | P |
| U. Manure, the stockpiling, spreading, drying, sacking and sale of manure, tree bark and wood chips including shake, screening, mechanical drying and pulverizing with the permitted use of inorganic chemical additives not to exceed ten percent of the raw material inventory, on parcels of at least ten gross acres | NP | S |
| V. Hay yards <sup>4</sup>  | NP | S |
| W. Worm and frog farms   | P  | P |
| X. Hog ranches   | NP | P |
| Y. Alligator, ostrich, mink and fox farms  | NP | P |
| Z. Menageries, zoos, and aquariums   | NP | P |
| AA. The raising of chinchilla, hamsters, guinea pigs, cavy, rats and similar small animals   | P  | P |
| BB. Fish-raising involving lakes of twenty thousand (20,000) gallons or less   | P  | P |



|  |                     |                     |
|--|---------------------|---------------------|
| CC. Fish-raising involving lakes of twenty thousand (20,000) gallons or more   | S                   | S                   |
| DD. Commercial poultry ranches <sup>6</sup>  | P                   | P                   |
| EE. Commercial rabbit-raising enterprises <sup>7</sup>   | P                   | P                   |
| FF. Raising, grazing, breeding, boarding or training of large or small animals, except concentrated lot feeding, subject to quantity limitations | P                   | P                   |
| GG. Fruit and vegetable packing plants for products raised on the premises   | S                   | S                   |
| HH. Apiaries <sup>5</sup>  | NP, unless exempted | NP, unless exempted |

Notes:

1. Stables and structures shall be in conformance with the building and safety requirements determined at the time of approval.
2. Lot size shall be a minimum of five gross acres.
3. The maximum number of animals on each parcel of land shall not exceed one animal for each five hundred (500) square feet of corral area. Soil, drainage or other conditions peculiar to the site may cause a reduction in allowable density as determined by the city.
4. Hay yards, including minor hay truck maintenance, provided however, that all wholesale hay yards shall meet the following conditions:
  - a. Minimum parcel size of four acres;
  - b. Parcel shall either front or side on a primary or secondary highway as designated on the circulation element;
  - c. Parcel shall be at least three hundred (300) feet from existing residences other than that of the property owner;
  - d. Area used for movement or storage of vehicles, trucks or hay shall be paved and right-of-way improvements shall be installed to city standards;
  - e. Commercial buildings on parcel shall be limited to one office building not to exceed two hundred (200) square feet in area and one ramada or pole shed.
5. Apiaries shall not be permitted, except as provided in Section 6.12.080 of the municipal code.
6. Commercial poultry ranches. Such ranches shall be subject to the following site improvements:

- a. ~~None~~ Commercial poultry raising limited to one hundred fifty (150) chickens, ducks, quail, or similar fowl for each one acre of parcel area; or
  - b. ~~None~~ Commercial small animal raising limited to one hundred fifty (150) rabbits, chinchillas or similar small animals;
  - c. Poultry cages shall be maintained in open-type houses not to exceed one story in height unless approved by the building and safety department. This limitation shall also apply to all other approved types of poultry enclosures.
7. Commercial Rabbit-raising Enterprises. Such enterprises shall locate on parcels of at least one gross acre, with a minimum frontage of one hundred fifty (150) feet;

## ARTICLE V. - RESIDENTIAL DEVELOPMENT STANDARDS<sup>[6]</sup>

### 16.16.120 - Development standards.

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

| Type of Standard |   | Land Use Designation       |  |   |    |                   |      |
|------------------|---|----------------------------|--|---|----|-------------------|------|
|                  |   | R3                         | R1<br>(SLS <sup>1</sup> )  | R1  | RR | A1                | A2   |
| A.               | Height <sup>2</sup>                           | 35                         | 30' <sup>3</sup>   | 35' (max. 2.5 stories)  |    |                   |      |
| B.               | Minimum lot area                              | 5<br>acres<br><sup>4</sup> | The minimum lot area is identified on the General Plan Land Use Map <sup>5</sup> |   |    |                   |      |
| C.               | Minimum lot width dimension                   | 300' <sup>4</sup>          | 50' <sup>6</sup>   | 60' (at setback)  |    | 100'              | 300' |
| D.               | Minimum lot depth dimension                   | 500' <sup>4</sup>          | 75' <sup>6</sup>   | 100'  |    | none              |      |
| E.               | Minimum lot dimension - Width for Corner Lots | 300' <sup>4</sup>          | 60' <sup>6</sup>   | 110' (at setback)   |    | 110' (at setback) | 300' |
| F.               | Front Yard Setback <sup>7,8</sup>             | 25'                        | 10'; or 20' if garages open  | <del>Section 16.20.025 through 16.20.030</del> <u>25'</u> <sup>12</sup> |    |                   |      |

|    |  |                                      |  |   |   |
|----|--|--------------------------------------|--|---|---|
| G. | Front Yard Setback - Corner Lot <sup>7,8</sup> |                                      | parallel to the street   |   |   |
| H. | Side Yard Street Setback <sup>7,8</sup>        | 25'                                  | 10'  |   |   |
| I. | Interior Setback <sup>8</sup>                  | 8'                                   | The sum of the side yards shall not be less than 10' <sup>10</sup> | 5' and 10'  | 10% of lot width, but not more than 15' or less than 6' |
| J. | Lot Created before Jan. 9, 1969                |                                      |  | 10% of lot width, but not less than 3' and more than 5' |   |
| K. | Rear Setback <sup>8,9</sup>                    | 15'                                  |  |   |   |
| L. | Lot Coverage                                   | 60%                                  | 50% <sup>11</sup>  | 40%   | <del>Not to exceed regulations in Article X 40%</del>   |
| M. | Signs  | Section 16.16.095                    |  |   |   |
| N. | Parking  | Sections 16.20.080 through 16.20.120 |  |   |   |

Notes:

1. SLS shall stand for small lot subdivision.
2. Exceptions are noted in Section 16.20.060.
3. The maximum building height shall be eighteen (18) feet to a depth of twenty (20) feet from the street property line. For corner lots, all street-facing sides shall meet this requirement.
4. Minimum lot size and width/depth requirements shall not apply to townhome and condominium units.
5. The minimum lot area shall be designated by a number following the designation symbol on the general plan land use map; numbers less than one hundred (100) shall indicate acres, and numbers more than one hundred (100) shall indicate minimum square feet of area required per lot.
6. Exception in Section 16.16.130(B).
7. Adequate visibility for vehicular and pedestrian traffic at all ninety (90) degree angle intersections of public rights-of-way and private driveways shall be maintained by limiting the height of any walls, fences, monument signs or other man-made visual obstructions to less than thirty-six (36) inches within a clear sight triangular area at the corner as illustrated in Section 16.20.045.

8. The setback shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for buildings/structures allowed in the yard by the table in Section 16.20.075. The architectural projections listed in this section must be attached to the principal building allowed on the lot.
9. In computing depth of a rear yard where such yard opens into an alley, one-half of the width of such alley may be assumed to be a portion of the required rear yard.
10. A zero setback on one of the interior sides with shared party walls between adjacent attached units and the creation of usable yard space on the other side shall be permitted.
11. Lot coverage shall mean the percentage of lot surface area occupied by any building or structure.

12. Refer to Section 16.20.025 through 16.20.030.

---

### 16.16.145 - Site design standards and guidelines.

#### C. Scale, Mass and Form.

1. The scale and mass of a new dwelling should blend well with neighboring houses and not overwhelm them with disproportionate size or a design that is out of character. Buildings that are out of scale with the neighborhood, with large, blank, flat surfaces, and insufficient open space and mature landscaping can appear out of place and incompatible with their surroundings.
2. A two-story building should not be constructed in a one-story neighborhood unless it is carefully designed to be similar in scale and mass with surrounding buildings. In such instances, the second story should be setback from the front of house to make the second story less visible from the street. Second floor balconies and small decks accented with landscaping can also reduce the visual impact of two-story buildings.
3. The size, mass, and height of a building should also be in proportion with the size of the property. It is not necessarily desirable to maximize the allowable lot coverage, but to provide ample open space and setbacks and preserve the character of the neighborhood.



*Setback the second story to reduce the overall mass of structure.*



*Facade articulation, a second floor balcony, and landscaping lessen the visual impact of this two story house.*

4. Architectural elements, such as simple roof forms, facade articulation, roof breaks, walls with texture materials and ornamental details, and incorporation of landscaping, are encouraged because they add visual interest and reduce the appearance of mass and scale.
5. If allowed, accessory buildings/structures and second-accessory dwellings should have comparable massing and form as the primary residence.

F. Additions, New Accessory Buildings and Second-Accessory Dwelling Units.

1. Additions and new accessory buildings/structures, and second-accessory dwelling units should maintain the look and appearance of the existing primary buildings so that they do not appear as an addition or new building. They should respect the architectural style, scale, and rhythm of the existing primary building. Building elements, such as roof pitch and style, building proportions, exterior siding and roofing materials, door and window style and materials, color, and texture, should match the existing primary building.
2. An addition should complement and balance the overall form, mass, and composition of the existing primary building on the property.
3. Additions are strongly encouraged to be located behind the house away from public view. Additions in the front yard are strongly discouraged.
4. When building an addition, efficient use of floor area is encouraged. Maximize floor area by combining uses of space, eliminating unnecessary rooms, and organizing rooms to eliminate hallways.

---

**16.16.320 - Commercial and industrial uses.**

|  | Land Use Designations |     |    |    |    |
|--|-----------------------|-----|----|----|----|
| Land Uses  | C1                    | C2  | C3 | I1 | I2 |
| A. Art studio/gallery (including photo)  | R                     | R   | R  | R  |    |
| B. Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.) <sup>1</sup> |                       | R   | R  | R  | R  |
| C. Auction service, exchange or barter   |                       |     | R  | R  | R  |
| D. Automotive parking  | R                     | R   |    |    |    |
| E. Bank and financial institution/service  | R                     | R   |    |    |    |
| F. Bar, saloon, cocktail lounge and tavern   |                       | CUP |    |    |    |

|   |     |     |     |     |     |
|---|-----|-----|-----|-----|-----|
| G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.) |     | R   | R   | R   | R   |
| H. Catering establishment   |     | R   | R   | R   | R   |
| I. Cemetery   | R   | R   | R   | R   | R   |
| J. Club or lodge (non-profit), fraternal or religious association   | CUP | R   |     |     |     |
| K. Composting plant   | NP  | NP  | NP  | NP  | CUP |
| L. Contractors and building trades  | R   | R   | R   | R   | R   |
| M. Equipment sales and rental — Indoors   |     | R   | R   | R   |     |
| N. Grocery store (not including off-sale alcohol <sup>7</sup> )   | R   | R   | R   | NP  | NP  |
| O. Health and fitness club  | R   | R   | R   | R   | R   |
| P. Heavy equipment sales and rental   |     |     |     | R   | R   |
| Q. Helicopter landing and take-off pad  |     | CUP |     | CUP | CUP |
| R. Historical and monument site   | R   | R   | R   | R   | R   |
| S. Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores)                | R   | R   | R   |     |     |
| T. Hospital   |     | CUP | CUP | CUP | CUP |
| U. Hotel/motel  |     | R   |     |     |     |
| V. Impound/towing <sup>2</sup>  | NP  | NP  | NP  | CUP | CUP |
| W. Industrial uses (includes outdoor storage <sup>3</sup> )   | NP  | NP  | NP  | P   | P   |
| X. Institutional uses   | R   | R   | R   | R   | R   |



|   |     |     |     |                   |                |
|---|-----|-----|-----|-------------------|----------------|
| Y. Kennel — Boarding of domestic animals  |     | CUP | CUP | R                 | R              |
| Z. Laboratory — Research  |     | CUP |     | R                 | R              |
| AA. Machine shop/repair   |     |     |     | R                 | R              |
| BB. Manufactured housing (sales)  |     |     |     | R                 | R              |
| CC. Manufacturing/warehouse (includes outdoor storage <sup>3</sup> )                                  |     |     |     | R                 | R              |
| DD. Medical services (not including hospitals)  |     | R   | R   | NP                | NP             |
| EE. Microwave and radio communication towers and facilities   |     |     | R   | R                 | R              |
| FF. Self-storage facilities <sup>2</sup>  | CUP | CUP | CUP | CUP               | CUP            |
| GG. Mortuary, not include crematory   |     | R   |     |                   |                |
| HH. Museum, library and reading room  | R   | R   | R   |                   |                |
| II. Off-sale alcohol establishment (ABC type 20 & 21 licenses) <sup>7</sup>                           | CUP | CUP |     |                   |                |
| JJ. Office/professional buildings   | R   | R   | R   | R <sup>5</sup>    | R <sup>5</sup> |
| KK. Parking/storage of recreational vehicles  |     |     | R   | R                 | R              |
| LL. Personal services (e.g., spas, salons, <u>tattoo shops</u> , and massage facilities) <sup>8</sup> | R   | R   | R   |                   |                |
| MM. Planetarium, aquarium, botanical garden and zoo   |     | R   |     |                   |                |
| NN. Publishing and printing   |     | R   | R   | R                 |                |
| OO. Processing (recycling) facility <sup>4</sup>  | NP  | NP  | NP  | CUP               | CUP            |
| PP. Recreational facility — Commercial  |     | R   | R   | R                 |                |
| QQ. Recycling center — Large collection facility <sup>4</sup>   | NP  | NP  | NP  | <del>NP</del> CUP | CUP            |

|  |                  |                     |                     |                  |                |
|--|------------------|---------------------|---------------------|------------------|----------------|
| RR. Repair shop — Small items  | R                | R                   | R                   | R                | R              |
| SS. Restaurant (sit down and takeout), including outdoor dining, <u>with or without alcohol sales</u> <sup>2</sup> | R                | R                   | R                   |                  |                |
| TT. Retail sales (not including off-sale alcohol <sup>7</sup> )  | R                | R                   | R                   | R <sup>6</sup>   | R <sup>6</sup> |
| UU. School — Trade, community college, university  |                  | R                   | R                   | R                | R              |
| VV. School — Specialty non-degree (e.g., dance and martial arts)   | R                | R                   | R                   | R                | R              |
| WW. Semi-truck repair and storage  |                  |                     |                     | CUP              | CUP            |
| XX. Shopping center (not including off-sale alcohol <sup>7</sup> )   | R                | R                   | R                   |                  |                |
| YY. Terminal (bus and truck)   |                  | CUP                 |                     | CUP              | CUP            |
| ZZ. Theater  | NP               | NP                  | NP                  | NP               | NP             |
| AAA. Upholstery and furniture repair/refinishing   |                  | R                   | R                   | R                | R              |
| BBB. Vehicle fuel station <sup>2</sup>   | <del>R</del> CUP | <del>R</del><br>CUP | <del>R</del><br>CUP |                  |                |
| CCC. Vehicle parts and accessories sales   |                  | R                   | R                   |                  |                |
| DDD. Vehicle repair facility — Major   |                  | <del>R</del> CUP    | <del>R</del><br>CUP | R                | R              |
| EEE. Vehicle repair facility — Minor   |                  | <del>R</del> CUP    | <del>R</del><br>CUP | R                | R              |
| FFF. Vehicle sales/rentals and leasing — new and used <sup>2</sup>   |                  | R                   |                     |                  |                |
| GGG. Vehicle wash facility <sup>2</sup>  |                  | <del>R</del> CUP    | <del>R</del><br>CUP | <del>R</del> CUP |                |
| HHH. Veterinary services — Clinics and small animals hospitals (short term boarding)                               | R                | R                   | R                   |                  |                |

|  |    |    |    |    |     |
|--|----|----|----|----|-----|
| III. Warehousing and wholesale distribution center |    |    |    | R  | R   |
| JJJ. Wrecking yard <sup>2</sup>                    | NP | NP | NP | NP | CUP |

Notes:

1. Shall not include a motion picture theater. Establishments serving alcohol shall require a CUP.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(A)(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360(A)(3).
7. Applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the city council for final action. Such establishments shall be located within five hundred (500) feet of the intersection of two arterial or major arterial streets identified on the City's adopted circulation plan.

8. Massage facilities shall correspond with standards in Chapter 5.20

---

## ARTICLE X. - COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS

### ~~16.16.355 – Street setback reduction.~~

- ~~A. The following table lists the reduced setback distances permitted in the commercial and industrial designations (providing all required street improvements are incorporated into the developed area) and provides the minimum building and landscaping features required when granting the reductions.~~
- ~~B. When approving a minor exception consistent with Section 16.12.220 for commercial and industrial developments, the reviewing authority may require pedestrian-oriented features in Section 16.16.360(C)(7) and/or Chapter 16.16, Article XI (Design Guidelines) to be integrated into the development.~~
- ~~C. The reviewing authority is responsible for the granting these variable building setbacks. The reviewing authority may require submittal of renderings and landscape design (including plant species photography) and/or an architectural palate prior to approval of variable setbacks.~~
- ~~D. In industrial developments, the outdoor dining feature may be substituted for outdoor seating, public art, and/or other similar feature deemed appropriate by the reviewing authority. If location and physical limitations exist, the reviewing authority may only require the architectural and landscaping features.~~

| Required Street Setback | Building Features  | Landscaping Features   |
|-------------------------|--|--|
| 15 feet                 | <del>Provides pedestrian-oriented features in Chapter 16.16, Article XI (Design Guidelines).</del>   | <del>Provides 7% on-site landscaping. Shade trees required in parking lot.</del>                                   |
| 10 feet                 | <del>Provides pedestrian-oriented features in Section 16.16.360(C)(7) and Chapter 16.16, Article XI (Design Guidelines). Recessed entrances, plazas and courtyards required to offset any building frontage over 50 lineal feet.</del> | <del>Same as above but provides 10% on-site landscaping with parking lot planters separating parking aisles.</del> |

-

#### 16.16.360 - Additional development standards.

A. The following standards shall apply to development in all commercial and industrial designations, except as otherwise specified:

~~1. Any site plan review, conditional use permit or planned development accompanied by a map or merger combining two or more lots shall have the map or merger fees waived;~~

~~21.~~ All uses shall be subject to the approval of a site plan review or a conditional use permit, pursuant to Chapter 16.12.

~~32.~~ The following standards shall apply to development in all industrial designations, except as otherwise specified:

- a. Any I1 sites which after lot consolidation have a gross area of ten acres or more may be permitted to establish a general manufacturing use permitted in the I2 designation, subject to the conditional use permit processes;
- b. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:
  - i. The operations are contained within the main structure which houses the primary use,
  - ii. Retail sales occupy no more than twenty-five (25) percent of the total building square footage,
  - iii. No retail sales or display of merchandise occur(s) outside the structure(s), and
  - iv. All products offered for retail sales on the site are manufactured, warehoused or assembled on the premises;
- c. Whenever possible, uses should incorporate air quality mitigation measures, including employee rideshare and transit programs, alternate schedules, delivery management programs, telecommunication programs and other modes of transportation.

**43. Outdoor Displays, Storage, Equipment, and Work Areas.**

- a. No retail sales, merchandise displays or work areas shall occur outside building(s), except as approved by a site plan review, conditional use permit, or special event permit.
- b. There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;
- c. In the I1 and I2 designations, outside storage and equipment shall be confined to the rear half of the property or the rear of the principal structure on site, whichever is more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping.

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

- a. Parking areas shall be landscaped along the perimeter as well as in the interior of the parking lot, pursuant to the requirements set forth in Chapter 16.20, Article XII (Landscape Regulations) of this Development Code.
- b. Shared parking between adjacent businesses and/or developments is highly encouraged where feasible.
- c. Loading facilities shall not be located at the front of buildings or in public areas of the development. Such facilities are more suitably located at the rear of the site where they can be screened appropriately.
- d. When it is not possible to locate loading facilities at the rear of the building, loading docks and doors may be located along the sides of the buildings, but should not dominate the facades and must be screened from the public areas of the development. e) Loading facilities should be offset from driveway openings.
- e. Backing from the public street onto the site for loading into front-end docks causes unsafe truck maneuvering and should not be utilized except at the ends of cul-de-sacs where each circumstance will be studied individually at the time of design review.

**65. Open Space and Landscaping.**

- a. The design standards and guidelines included in the provisions of Chapter 16.20, Article XII (landscape regulations) and Chapter 16.24 (Protected Plants) of this development code shall apply.
- b. Open space areas shall be clustered into larger landscape areas rather than equally distributing them into areas of low impact such as at site and building peripheries, behind a structure or areas of little impact to public view, or where they are not required as a land use buffer or required yard setback.

**76. Walls and Fences.**

- a. A commercial or industrial development adjacent to any residential designation shall have a six-foot high decorative masonry wall along property lines adjacent to such

designations. In the I1 and I2 designations, the wall height shall not exceed twelve feet, depending on the height of the material being screened.

- b. In commercial designations, the maximum permitted height of any perimeter walls fronting a street shall be three feet.
- c. Both sides of all perimeter walls shall be architecturally treated. In commercial designations, appropriate materials include decorative masonry, concrete, stone and brick.

**87. Trash Collection Areas.**

- a. At least one trash enclosure area shall be provided for commercial and industrial developments. The reviewing authority may require additional enclosures as deemed necessary. All such required areas shall be enclosed and screened pursuant to the requirements of this section and in accordance with city standards.
- b. All trash/recyclable materials collection enclosure areas shall be easily accessible to retail and office tenants, including easy pedestrian access for the disposal of materials and collection by refuse vehicles.
- c. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall. The wall materials used shall be complementary in color and style to architectural components of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching gate.

**98. Mechanical Equipment Screening.**

- a. All exterior mechanical equipment, except solar collectors, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the primary structure in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.
- b. For rooftop equipment, the screening materials shall be at least as high as the equipment being screened. Equipment requiring screening includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof, except as may be approved through the site plan review process.
- c. Ground-mounted utility equipment such as, but not limited to, cable television boxes, electric power transformers and distribution facilities, water pumps, and telecommunications facilities (not including pole-mounted equipment) shall be screened from view on all sides with solid masonry walls or similar permanent structures. Such masonry wall or structure shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.
- d. Ladders for roof access shall be hidden and integrated into the building design.

**409. Standards for Outdoor Dining.** Outdoor dining may be provided either in private patios or within the public sidewalk right-of-way. The following standards and guidelines shall be followed relative to outdoor (sidewalk and patio) dining spaces:

- a. These two kinds of outdoor dining areas including "patio dining space" and "sidewalk dining space."



~~C. Review Process. All new development in this designation shall be subject to the approval of a site plan review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of this development code. All new development in this designation that is conditionally permitted shall be subject to the approval of a conditional use permit pursuant to the procedures set forth in Chapter 16.12, Article III (Conditional Use Permits) of this development code, unless otherwise specified.~~

---

#### **16.16.365 - Specific land use standards.**

In addition to the general development requirements contained in Chapter 16.20 (General Regulations), the following standards shall apply to specific commercial land uses.

F. Drive-thru Restaurants. This section contains standards for drive-thru restaurants. Drive-thru restaurants are subject to site plan review.

1. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping;
  2. Drive-thru aisles shall have a minimum thirteen (13) foot width on curves and a minimum twelve (12) foot width on straight sections;
  3. Drive-thru aisles shall provide sufficient stacking area behind menu board and pick-up window to accommodate a minimum of four cars each;
  4. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from view;
  5. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board signs and directional signs;
  6. Drive-thru aisles and structures shall be setback from the ultimate curb face a minimum of ten feet;
  7. Menu boards shall be a maximum of thirty (30) square feet, with a maximum height of seven feet, and shall not face the street;
  8. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza; and
  9. Drive-thru aisles should not exit directly onto a public right-of-way.
  10. A minimum of one trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be maintained at all times and emptied on a regular basis so as to not prevent overflow.
-

**Sec. 16.16.370. - Alcohol sales and deemed approved alcohol sales regulations.**

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

1. In addition to the grounds for revocation or modification of a conditional use permit contained in Section 16.12.130, an alcohol establishment's conditional use permit may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in this title, for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in the manner prescribed by this title.
2. In addition to any and all other provisions of this section, any conditional use permit shall terminate and cease to apply to any establishment when either of the following has occurred:
  - a. The alcohol establishment has ceased its operation for a period of twelve (12) or more calendar months, and when either one of the following events occur:
    - i. If, after the twelve (12) calendar months, any application or requested transaction with the California Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the city, and allow the filing of a protest thereon by the city (including person-to-person transfer of existing licenses), and the city has filed such protest; or
    - ii. If after such 12-calendar-month period, the existing license shall have ceased to apply to such establishment.
  - b. Surrendered its license to the California Department of Alcoholic Beverage Control for a period exceeding twelve (12) calendar months.

**H.H.** Automatic deemed approved status for existing alcohol establishments.

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

Operational standards for alcohol establishments with deemed approved status.  
After the effective date, a deemed approved establishment shall retain its deemed

approved status only if it conforms to all of the following deemed approved operational standards:

1. The deemed approved establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The deemed approved establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. The deemed approved establishment shall not allow repeated nuisance activities within the premises or associated with the establishment or activity, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct. The establishment shall call the police upon observation of the activity.
4. The deemed approved establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
5. The deemed approved establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
6. A copy of these deemed approved operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

Grounds for deemed approved status suspension, revocation or termination.

1. An alcohol establishment's deemed approved status may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing, for failure to comply with the deemed approved operational standards set forth in Section 16.16.370(J). Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least ten days before the date of the hearing.
2. The occurrence of any of the following shall terminate the deemed approved status of the alcohol establishment after notice and a hearing in front of the planning commission, and require the application for and issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:
  - a. An existing alcohol establishment changes its activity so that ABC requires a different type of license.
  - b. There is a substantial modification to the mode or character of operation, including but not limited to the following:

- i. The deemed approved establishment extends the hours of operation.
- ii. The deemed approved establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 12 months or greater by ABC.
- iii. The deemed approved establishment voluntarily discontinues active operation for more than twelve (12) consecutive months or ceases to be licensed by the ABC.
- c. A "substantial change in the mode of character of operation" shall not include:
  - i. Re-establishment, restoration or repair of an existing deemed approved establishment on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment.
  - ii. Temporary closure for not more than twelve (12) months in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment, provided notice is provided to the city. The development services director may, upon request of an owner of a deemed approved establishment made prior to the expiration of twelve (12) months, grant one or more extensions to the period of temporary closure, in accordance with Section 16.12.315(F).
- d. There has been a discontinuance of active operation for twelve (12) consecutive months or a cessation of ABC licensing, which shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of twelve (12) consecutive months or more, the city manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. Pursuant to Chapter 16.12 of this title, the property owner may appeal the determination to the planning commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the use was not discontinued for a period of twelve (12) consecutive months or more.

**11.** Violations; Enforcement.

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

**12.** Annual alcohol sales regulatory fee.

1. The intent and purpose of this section is to impose a regulatory fee upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this section or obtained a conditional use permit after the effective date. This fee shall provide for the enforcement and administration of the conditions of approval, operational standards, and other applicable regulations set forth in this section with regard to off-sale alcohol establishments.
2. The regulatory fee shall be established by resolution of the city council, and may include an annual component and a compliance component. The fee shall be calculated so as to recover the total cost of both administration and enforcement of the operational standards and other applicable regulations set forth under this section upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this section or obtained a conditional use permit after the effective date, including, for example, notifying establishments of their deemed approved status, administering the program, establishment inspection and compliance checks, documentation of violations, conducting hearings and prosecution of violators, but shall not exceed the cost of the total program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law.

---

**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 <del>16.16.585</del> <u>16.16.415(13)</u>                           | 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 &amp; 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   |
| <u>All residential tracts zoned R1 or located within the Main Street and Freeway Corridor Specific Plan</u> | <u>Fencing for all residential lots shall consist of a 6 ft. high block wall on all sides. A 6 ft high split face block wall shall be required on all sides that are viewable from the right-of-way. Internal sides not viewable from the right-of-way may be precision block.</u>   |                     |

#### 16.20.080 - Parking requirements.

Adequate parking shall be provided on-site for each use, with minimum parking requirements established per Tables 16.20.080 (A) and 16.20.080 (B). Where deemed appropriate by the reviewing authority, additional parking may be required.

#### **Table 16.20.080 (B) Commercial and Industrial Parking Requirements**



| Use   | Parking Required   | Special Considerations   |
|---|--------------------|--|
| Retail and office (general) single-use or multi-tenant developments |                    | Consult Section 16.20.077(C) for defining site acreage. The number of parking spaces required is per 1,000 square feet of gross building floor area. Consult Section 16.20.077(A) for defining gross building floor area. The number of parking spaces for a restaurant or other use listed within this table which requires a higher parking ratio than the retail and office (general) standard shall be calculated at the parking standard for that use if it is not part of a multi-tenant retail building or on a pad within a center. Likewise, a single-use medical/dental building on a single parcel or multi-tenant center exclusively for medical/dental is required 5.00 spaces/1,000 square feet gross floor area. A restaurant, single-tenant medical or other use which requires a higher parking ratio occupying over one-fourth of the total gross building floor area of the development shall be subject to the higher parking ratio. |
| Less than 1.0-acre sites  | 5.00 spaces/1,000  |  |
| 1.0 to 9.9-acre sites   | 4.00 spaces/1,000  |  |
| 10.0-acre and larger sites  | 3.33 spaces/1,000  |  |
| Furniture, major appliance  | 2.00 spaces/1,000  |  |
| Medical/dental offices  | 5.00 spaces/1,000  | An 8-foot wide by 36-foot long vehicle drop-off lane shall be provided in front of the building(s) on properties 150 feet or wider.  |
| Restaurants, bars, eateries   | 10.00 spaces/1,000 | A restaurant or use which sells food for takeout or delivery only shall be subject to the retail and office (general) parking requirements.  |
| Sales/service uses  |                    |  |

|   |  |  |
|---|--|--|
| Car and light truck sales/rental  | 1.00 space/1,000 vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office and shop area |  |
| Diesel truck (excluding light truck) sales/rental   | 0.10 space/vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office area                |  |
| Recreational vehicle (RV) sales/rental  | 0.20 space/1,000 vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office area          |  |
| Automobile, RV, and diesel truck repair, plumbing and other service-oriented uses                         | 3 spaces/service bay + 4.00 spaces/1,000 non-service bay area  |  |
| Car and truck wash  |  |  |
| <u>Automated/hand-Full service carwash/detailing</u>  | 10 spaces  |  |
| <u>Express Carwash</u>  | <u>6 spaces</u>  |  |
| <u>Automated carwash that is ancillary to a primary use (i.e. a gas station and self-service carwash)</u> | 2 spaces/wash stall  |  |
| Open air retail sales nurseries/equipment   | 1.00 space/5,000 sales and display area (min. 6 spaces)  |  |

|  |   |  |
|--|---|--|
| Hotels, motels   |   |  |
| Less than 50 rooms   | 1.1 spaces/room                                     |  |
| 50 rooms and over  | 1.1 spaces/room + RV parking (5% of total)          |  |
| Entertainment uses   |   |  |
| Bowling alleys   | 5 spaces/lane                                       |  |
| Commercial stable  | 1 space/5 horses                                    |  |
| Commercial swimming pools/skating rinks  | 4.00 spaces/1,000                                   |  |
| Golf courses   |   |  |
| Regulation course  | 5 spaces/hole                                       | Additional parking spaces shall not be required for a driving range within a regulation course.  |
| Driving range  | 1 space/tee   |  |
| Miniature golf   | 4 spaces/hole                                       |  |
| Gyms, health clubs, dance studios, lodge halls, clubs                              | 6.67 spaces/1,000                                   |  |
| Auditoriums, churches, chapels, mortuaries, theatres, rodeo and other similar uses | 1 space/4 seats or 30.00 spaces/1,000 assembly area | A seat is defined as 18 lineal inches on a bench. The 30.00 spaces/assembly area parking ratio is to be used only when an assembly area does not contain fixed seating. Churches require 1 space for each classroom and secondary assembly area in addition to the parking required for the sanctuary. |
| Convalescent/group home  | 1 space/3 beds                                      |  |

|   |  |  |
|---|--|--|
| Hospital  | 1.75 spaces/bed                        |  |
| Library, museum   | 2.00 spaces/1,000                      |  |
| Parks   |  |  |
| Active recreation areas   | 20 spaces/acre                         |  |
| Tennis or racquetball   | 3 spaces/court                         |  |
| Passive recreation areas  | 10 spaces/acre                         |  |
| Government administrative offices                               | 5.00 spaces/1,000                      | These are government facilities frequented by the public; not for fire and police stations and other public uses not frequented by the public. |
| Public uses not frequented by the public (fire/police stations) | 2.00 spaces/1,000                      | 0.5 spaces/1,000 of the 2.0 spaces/1,000 shall be provided for the public.   |
| Public utility facilities                                       | 2.00 spaces/1,000                      | A minimum of two parking spaces shall be provided.   |
| Schools   |  |  |
| Schools (private) Pre-school/day care                           | 1 space/employee + 1 space/10 children | The number of spaces is based upon the facility's maximum student capacity.  |
| Grades K thru 8th   |  | 10 spaces + 2/classroom  |
| Grades 9th and above  |  | 10 spaces + 6/classroom  |
| Trade/business schools  |  | 1 space/employee + 1 space/3 students  |
| Industrial uses   |  |  |
| Industrial (nonspecific)  | 2.00 spaces/1,000                      | The number of parking spaces required is per 1,000 square feet of gross building   |
| Industrial storage/salvage                                      | 0.40 spaces/1,000                      |  |

|                              |   |  |
|------------------------------|---|--|
| Warehouse                    |   | floor area. Consult Section 16.20.077(A) for defining gross building floor area. |
| Less than 10,000 sq. ft.     | 2.00 spaces/1,000                                 |  |
| 10,000 sq. ft. and over      | 20 spaces + 0.40 space/ 1,000 over 10,000 sq. ft. |  |
| <del>Mini</del> Self-storage | 6 spaces  |  |

#### 16.20.085 - Parking standards.

- A. The required parking spaces shall be located on the same site with the main use or building except as provided herein. Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading facilities.
- B. On-site parking shall be restricted to those areas which are paved and designated for vehicle parking unless authorized through an approved temporary special event, site plan review or conditional use permit.
- C. When the occupancy or use of any premises is changed to a different use, parking to meet the requirements of Section 16.20.080 shall be provided for the new use or occupancy unless ~~otherwise permitted, the use is similar to a legally established use and the prior use did not abandon the site for more than six months. A period of one year applies for properties within the Main Street and Freeway Corridor Specific Plan.~~
- D. When the occupancy or use of any premises is altered, enlarged, expanded or intensified, additional parking to meet the requirements of Section 16.20.080 shall be provided for the additional area and/or use.
- E. No required parking space or loading area shall be discontinued, reduced or altered in any manner below the requirements established in this article unless replacement parking facilities are provided in accordance with Chapter 16.20.
- F. Where two or more uses are located in a single building or a single premises, required parking shall be provided for each specific use except as part of a mixed-use development as approved by a site plan review or conditional use permit.
- G. Shared parking may be approved by the reviewing authority; provided, that times of operation of the involved businesses are not the same, as specified herein.
  1. Up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by a use considered to be primarily a nighttime use; up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a nighttime or Sunday use may be provided by a use considered to be primarily a daytime use; provided, that such reciprocal parking area shall be subject to conditions as set forth in subsection (G)(3) of this section.

2. The following uses are typical daytime uses: banks, business and professional offices, clothing or repair or service shops, and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums, fraternal lodges, churches and theaters. The reviewing authority shall determine the parking requirements of the uses proposed for joint parking.
  3. Conditions Required for Joint Use.
    - a. A building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within one hundred fifty (150) feet of such parking facilities and shall be authorized as part of a recorded irrevocable reciprocal access and parking agreement.
    - b. The applicant shall provide written documentation as approved by the reviewing authority that there will be no substantial conflict in the principal operating hours for the buildings or uses for which the joint use of off-street parking facilities is proposed.
    - c. Parties concerned in the joint use of off-street parking facilities shall provide evidence of agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content.
  - H. Parking Spaces. Each full-sized off-street parking space shall have dimensions not less than nine feet in width and eighteen (18) feet in length, except parallel parking stalls which shall be a minimum of eight feet in width and twenty-four (24) feet in length. A maximum of twenty-five (25) percent of the total number of parking spaces provided may be a minimum of eight feet, six inches in width and eighteen (18) feet in length. These reduced-width spaces should not be located in close proximity to a primary building entrance(s). These reduced-width spaces may be provided at the end(s) of a row(s) of nine-foot-wide spaces as needed due to site constraints. However, these spaces shall not be alternated with nine-foot-wide spaces within an individual row(s) of spaces.
  - I. Parking spaces may overhang sidewalks and landscaped areas by up to two feet, provided the encroachment does not reduce a required handicapped accessible path of travel ~~below four feet in width~~ and landscaping does not interfere with the allowed encroachment. All walkways adjacent to overhanging parked cars shall have a clear width of four (4) feet.
- 

#### **16.20.090 - Residential parking standards.**

In addition to those standards contained in Section 16.20.085 of this article, the following design standards shall apply to residential districts and developments:

- A. Covered off-street parking spaces in a garage or carport shall be a minimum of nine feet in width and nineteen (19) feet in depth of unobstructed area provided for parking purposes. A fully enclosed two-car garage shall have a minimum interior size of nineteen (19) feet in width and nineteen (19) feet in depth. The required minimum measurements may not include the exterior walls or supports of the structure.
- B. Driveways providing access to garages, carports and parking areas serving two or less dwelling units shall be a minimum of twelve (12) feet in width. When an accessory garage is proposed, which is required for either the principal residence or a second dwelling unit, the driveway requirements shall be as follows:
  1. For developed residential lots less than two acres in size, the driveway providing access to an accessory garage shall be surfaced with asphalt paving a minimum of two inches

in thickness or concrete with a minimum thickness of three and one-half inches or other permanent, impervious surfacing material per the specifications of the reviewing authority. An alternate surface material may be considered by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

2. For developed residential lots greater than two acres in size which front upon an unpaved street, the driveway providing access to an accessory garage shall be dust-proofed with either slag, gravel, or similar surface material as approved by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.
- C. Driveways providing access to garages, carports, and open parking spaces serving three or more dwelling units shall be a minimum of thirteen (13) feet in width for one-way traffic, and twenty-six (26) feet for two-way traffic. Where garages or carports are located on both sides of the driveway, a thirty-foot wide accessway between garage or carport spaces for two-way traffic shall be provided.
- D. Driveways which are separate from the right-of-way or common drive aisle and which provide access to garages shall be a minimum length of twenty (20) feet, excluding that portion within the public right-of-way or common drive aisle.
- E. No property owner shall sublease, subrent or otherwise make available to residents of other properties, the off-street parking spaces required by this article, ~~except for parking of commercial vehicles, as defined in Section 16.20.090(H).~~

---

#### 16.20.160 - Minimum residential construction standards.

- A. The following standards shall be applied to all permitted construction or installation within the city of all detached single-family residential structures unless otherwise specified within this code.
  1. Manufactured home foundation systems shall comply with either Section 18551 of the State Health and Safety Code or California Administrative Code, Title 25, Chapter 2, Sections 1333 and 1334, which shall include tie down, clip, or anchoring systems designed by a registered civil engineer to resist lateral forces for the subject manufactured home.
  2. Siding material shall consist of stucco, wood, brick, stone, or decorative concrete block. Synthetic products of a similar appearance, equivalent durability and providing equivalent fire resistance shall be permitted. Metal siding, if utilized, shall be non-reflective and horizontally lapping. The exterior covering material shall extend to a point at or near grade except if an approved solid wood, metal, concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
  3. The roofing material shall be of materials customarily used in the local area and shall be approved by the building official. All residential structures shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the residential structure, unless overhangs are architecturally incompatible with the design of the structure as approved by the building official.
  4. All entries/exits shall be completed per ~~Chapter 33 of the Uniform Building Code~~ Chapter 15.06 of this code.



5. The minimum habitable floor area for detached single-family residential units shall be one thousand (1,000) square feet measured from the exterior of the structure. The minimum habitable floor area shall be one thousand two hundred (1,200) square feet within the residentially zoned area known as the Mesa, generally bounded by Lime Street, Main Street and Rock Springs Road on the north; Glendale Road and the Mojave River on the east; the southern boundary of T4N, R4W on the south; and Santa Fe Avenue East and "I" Avenue on the west, except for Tract 8019, known as Hesperia Mobilehome Estates. The minimum habitable floor area shall be one thousand four hundred (1,400) square feet in Tract 6082, generally bounded by Maple Avenue on the east; Hercules Street on the north; Tamarisk Avenue on the west; and Willow Street on the south. The minimum habitable floor area for single-family homes within small lot subdivisions as defined in the Hesperia development code, shall be eight hundred (800) square feet.

These minimum habitable floor area requirements do not apply to below market rate units, adopted specific plans, or to ~~second~~accessory dwelling units constructed on lots where a primary dwelling unit is constructed.

The provisions of this subsection shall also not apply to any existing structures, or projects which have been issued building permits as of the effective date of the ordinance codified in this subsection. Any such existing structure may be altered, repaired or reconstructed with a minimum habitable floor area greater than or equal to its originally approved dimensions without regard to the provisions of this subsection.

6. Minimum floor width and depth shall each average twenty (20) feet measured from the exterior of the structure excluding garages, porches, patio, eaves, cabanas and pop-outs.
7. All residential structures shall have a fully enclosed two-car garage with a minimum interior size of nineteen (19) feet wide and nineteen (19) feet long, and constructed in compliance with the ~~Uniform~~-Building Code.

---

#### 16.20.205 - Density bonus provisions.

- A. Percent density bonus or other incentives of equivalent financial value based upon the land cost per dwelling unit shall be granted as follows:

| Affordable Units/<br>Category   | % Units | Bonus Granted | Additional<br>Bonus<br>for Each<br>1% Increase | % Units<br>Required<br>for Maximum<br><del>35</del> <u>50</u> %<br>Bonus |
|---|---------|---------------|--|--|
| Note: A density bonus may be selected form only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35% and an additional sq. ft. bonus may be granted for a day care center. |         |               |  |  |
| Very-low income   | 5%      | 20%           | 2.5%   | <del>14</del> <u>5</u> %   |

|   |                          |                             |      |                  |
|---|--------------------------|-----------------------------|------|------------------|
| Lower-income  | 10%                      | 20%                         | 1.5% | <del>20</del> 4% |
| Moderate-income (ownership units only)                          | 10%                      | 5%                          | 1%   | <del>40</del> 4% |
| Senior housing (35 units or more; no affordable units required) | 100%                     | 20%                         | —    | —                |
| Land donation for very-low income housing                       | 10% of market-rate units | 15%                         | 1%   | 30% <sup>4</sup> |
| Condominium conversion-moderate-income                          | 33%                      | 25% (a)                     | —    | —                |
| Condominium conversion-lower-income                             | 15%                      | 25% (a)                     | —    | —                |
| Day Care Center   | —                        | Sq. Ft.=day care center (a) |      |                  |
| Notes: (a) Or an incentive of equal value, at the City's option |                          |                             |      |                  |

1. Ten percent of the total units of a housing development are designated for low-income households;
2. Five percent of the total units of a housing development are designated for very-low-income households;
3. A housing development designated for senior citizens as defined in Section 16.20.195.

4. Maximum 35% bonus

Note: A developer requesting a density bonus above twenty (20) percent is strongly encouraged to arrange a pre-application conference in accordance with the provisions specified in Chapter 16.12 prior to submittal of a formal application.

(Ord. 2011-03, § 3(Exh. A), 5-3-11)

16.20.207 - Additional density bonus.

- A. The maximum density bonus for any project, even when combined with other available bonuses, is ~~thirty-five (35)~~ fifty (50) percent.

1. For each one percent above the ten percent threshold of lower income households, the bonus shall be increased by 1.5 percent.
2. For each one percent above the five percent threshold of very-low income households, the bonus shall be increased by 2.5 percent.
3. For each one percent above the ten percent threshold of moderate-income households in condominium projects, the bonus shall be increase by one percent.

---

#### **16.20.390 - Allowable accessory building area.**

The size of accessory buildings permitted upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Lots within all other residential and agricultural zone districts shall be permitted a one thousand (1,000) square foot aggregate accessory building up to a maximum aggregate accessory building area not to exceed five percent of the net lot area. Each accessory building shall be in compliance with all Title 16 regulations. The area of a guest house, ~~second-accessory~~ dwelling unit, or temporary dependent housing unit shall be in addition to and shall not be considered as part of the allowable accessory building area authorized under this section.

---

#### **16.20.425 - Cargo containers, trailers without axles and similar storage ~~structures~~containers.**

The number of storage ~~structures~~containers upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Individual storage ~~structures~~containers shall not exceed four hundred (400) square feet in individual area and nine and one-half feet in height. Storage ~~structures~~containers within all other residential and agricultural zone districts shall not be allowed on lots less than thirty thousand (30,000) square feet in net area. In these zone districts, a maximum of one storage ~~structure~~container per acre shall be allowed (rounding up is not permissible). Storage ~~structures~~containers shall be located between the rear of the primary residence and the rear property line and not within thirty (30) feet of any side or rear property line. Each storage ~~structure~~container shall be in compliance with all Title 16 regulations.

---

**Table 16.20.680 (D) - Animal allowances in the Low Density Residential (LDR) zone**

| Type of Animal | Permit Symbol | Lot size criteria    | Quantities | Additional Regulations   |
|----------------|---------------|----------------------|------------|--|
| Dogs and Cats  | A             | Under 18,000 sq. ft. | 2 of each  | Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8). |

|                                    |    |   |  |  |
|------------------------------------|----|---|--|--|
|                                    |    | Between 18,000 sq. ft. - 19,499 sq. ft. | 4 of each  |  |
|                                    |    | Between 19,500 sq. ft.- 1 acre          | 6 of each  |  |
| Small Livestock                    | NP | Under 1 acre                            | Educational Animal Permit Only                   | Not permitted unless authorized by an educational animal project or prior to residential use on five acres or more.  |
|                                    | A  | 1 acre or more                          | 1 per 5,000                                      | Each lot limited to one buck. Total allowed is combined with small animals and fowl  |
| Horses, mules, donkeys, and llamas | A  | Over 20,000 sq. ft.                     | 1 per 10,000 sq. ft., not to exceed a total of 6 | Lots 19,000 sq. ft. and larger may be allowed one horse with written approval from all contiguous property owners. Lots with a minimum net lot area of 10,000 sq. ft. previously within the RR designation shall be allowed one horse. |
| Small animals                      | A  | Under 1 acre                            | 2 for 3,500 sq. ft., not to exceed 25 per acre   | Cannot be kept for meat or pelts. Total allowed is combined with fowl  |
|                                    | A  | 1 acre or more                          | 15 per 10,000 sq. ft.                            | Cannot be kept for meat or pelts. Total allowed is combined with fowl and small livestock  |
| Hogs and large pigs                | NP |   | 0  |  |
| Fowl                               | NP | Under 7,200 sq. ft.                     | 0  |  |
|                                    | A  | Between 7,200 sq. ft.                   | 2 for 3,500 sq. ft., not to                      | <u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of</u>  |

|                |    |                  |                       |   |
|----------------|----|------------------|-----------------------|---|
|                |    | - 43,559 sq. ft. | exceed 25 per acre    | <u>allowed may be male.</u> Total allowed is combined with small animals  |
|                | A  | 1 acre or more   | 15 per 10,000 sq. ft. | <u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of allowed may be male.</u> Total allowed is combined with small animals and small livestock |
| Cattle         | NP |                  | 0                     |   |
| Columbi, caged | A  | Under 1 acre     | 40 maximum            |   |
|                |    | 1 acre or more   | 65 maximum            |   |

**Table 16.20.680 (E) - Animal allowances in the Very Low Density Residential (VLR) zone**

| Type of Animal | Permit Symbol | Lot size criteria                       | Quantities | Additional Regulations   |
|----------------|---------------|---|------------|--|
| Dogs and Cats  | A             | Under 18,000 sq. ft.                    | 2 of each  | Female or neutered male potbellied pigs may be substituted for allowable quantities of dogs. One acre and up, one additional per ½ acre (maximum 8). |
|                |               | Between 18,000 sq. ft. - 19,499 sq. ft. | 4 of each  |  |
|                |               | Between 19,500 sq. ft.- 1 acre          | 6 of each  |  |

|                                    |    |                |                                 |   |
|------------------------------------|----|----------------|---------------------------------|---|
| Small Livestock                    | A  | Under 1 acre   | 1 per 5,000                     | Each lot limited to one buck. Total allowed is combined small animals, and fowl   |
|                                    | P  | 1 acre or more | 12 per acre                     | Total allowed is combined horses, cattle and hogs   |
| Horses, mules, donkeys, and llamas | A  | All sizes      | 1 per 10,000 sq. ft.            | Total allowed is combined with small livestock, cattle and hogs   |
| Small animals                      | A  | Under 1 acre   | 15 per 10,000 sq. ft.           | Cannot be kept for meat or pelts. Total allowed is combined with small livestock and fowl   |
|                                    | P  | 1 acre or more | 150 per acre                    |   |
| Hogs and large pigs                | NP | Under 1 acre   | 0                               |   |
|                                    | P  | 1 acre or more | 2 per acre, but not more than 5 | Total allowed is combined with horses, cattle and small livestock. Cannot be garbage feed   |
| Fowl                               | A  | Under 1 acre   | 15 per 10,000 sq. ft.           | <u>Any male fowl limited to 1 per 14,000 sq. ft. Lots over 18,000 sq. ft., 10% of allowed may be male.</u> Total allowed is combined with small animals and small livestock |
|                                    | P  | 1 acre or more | 150 per acre                    |   |
| Cattle                             | NP | Under 1 acre   | 0                               | Total allowed is combined with horses, hogs and small livestock   |
|                                    | P  | 1 acre or more | 4 per acre                      |   |

|                   |   |                   |                |  |
|-------------------|---|-------------------|----------------|--|
| Columbi,<br>caged | A | Under 1 acre      | 65 maximum     |  |
|                   | P | 1 acre or<br>more | 150<br>maximum |  |

---

#### **16.28.050 - Buildings, structures and facilities.**

- A. Structural Requirements. The erection, construction, reconstruction, repair, relocation or alteration of all permanent buildings and structures located within a mobile home park shall conform to the requirements of the ~~Uniform~~ Building Code as adopted by Chapter 15.04.
- 

#### **16.32.050 - Design standards.**

D. Site Resource Utilization.

1. The planned development shall be designed and developed in such a manner as to minimize the cutting of trees, disturbance of ground cover, cut-and-fill work, drainage alteration and hillside development. All tree removals shall be in accordance with county permit procedures.
2. All new dirt work and exposed slopes shall be suitably stabilized in accordance with the ~~Uniform~~ Building Code and this code. Scarred and erosion-prone areas shall be stabilized with appropriate planting.
3. A drainage analysis shall be prepared and shall accompany the application for a planned development.

E. Site and Structure Relationship.

1. The spacing of buildings shall be governed by the requirements for adequate light and air, proper access, fire regulations and the need for visual and auditory privacy.
2. Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to "micro" (subsections of the planned development) climate control and pleasing relationships of building mass.
3. The planned development shall be designed to minimize the likelihood of criminal activity by:
  - a. Minimizing those areas that are neither clearly private or public;
  - b. Planting landscaping such that maximum observation is obtained while providing the desired degree of aesthetics.
4. Building height, bulk and "micro" coverage are regulated only inasmuch as they meet the performance criteria set out above.
5. No structure for human habitation shall be placed in an environmentally hazardous, fragile or unique area.

F. Perimeter.



1. Adjacent properties to the planned development shall be protected from adverse influences of traffic, land uses, building scale and density by the combined use of screening, setbacks and land use location.
2. Perimeter planning and coordination are required to assure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure.
3. Planned development projects which are within wild land fire-hazard areas as defined in the general plan shall develop fuel modification plans approved by the Hesperia Fire Protection District.

---

## Chapter 16.36 - SIGN REGULATIONS<sup>[16]</sup>

### 16.36.060 - Nonresidential signs (includes hotel and motel).

- C. All signs must adhere to size, height and spacing limits per the type of sign as specified below:
1. Attached (Wall or Integral Roof) Signs. Wall signs are permitted at two square feet of sign area per lineal foot of principal building(s) fronting the street(s) with a maximum area of one hundred fifty (150) square feet per sign. Wall signs must be attached to the building and may be designated as integral roof signs, but shall not extend above the roof. Wall signs shall be placed on the exterior wall of the tenant space. Any number of signs may be used but the maximum area allowed shall be the cumulative total of all wall signs.

---

### 16.36.090 - Special uses.

Special uses include special events, promotional events and political signs.

- I. Promotional and special event signs shall include a-frame signs and flag poles as illustrated below. These signs are not permitted on any vehicle. Temporary signs are subject to approval of a temporary special event permit and may ~~shall~~ be permitted as follows:

#### Flag Pole Signs

1. ~~For twelve (12) months from the effective date of this ordinance, one temporary signs shall be allowed without a permit. The temporary signs is subject to the following regulations:~~
  - a. ~~An~~ A-frame signs shall not exceed a sign area of twenty (20) square feet, and a height of four feet. A flags mounted on a poles shall not exceed a sign area of sixty-five (65) square feet and a height of twelve (12) feet.
  - b. No temporary sign shall be placed within ten feet of another temporary sign. This separation requirement shall only apply to temporary signs allowed in

Section 16.36.090(1). It shall be the responsibility of each tenant to coordinate the placement of the sign with other tenants.

- c. The signs may only be displayed during business hours of operation.
  - d. The signs must be neatly and professionally constructed and all lettering done in a professional workmanlike manner.
    - i. ~~A-f~~Flag poles signs shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole.
    - ii. ~~An~~A-frame signs shall be constructed of durable materials that are weather and rust-resistant.
  - e. The signs may not be illuminated or contain any electrical components.
  - f. The signs must be installed in a manner preventing it from falling or blowing over.
  - g. The temporary signs shall be placed on the privately owned property where the business is located.
  - h. The temporary signs shall not be placed in the right-of-way, clear sight triangle, or handicap path of travel. A temporary signs shall not be hung from, or attached to, utility poles, light poles, or landscaping.
  - i. The temporary signs shall be subject to the maintenance and abatement provisions in Chapters 8.32 and 16.36 of this Municipal Code. The installation or erection of any sign in violation of this section shall be, and is hereby declared to be, unlawful and a public nuisance.
- 

#### **16.40.040 - Slope analysis requirements and criteria.**

- I. Building setbacks, grading, construction, maximum slope heights, and slope drainage facilities shall be designed in accordance with standard engineering practices, the development code, applicable chapters of the ~~Uniform~~ Building Code and procedures established by this chapter.

Green Sheet item DCA21-00001 information received after posting  
of the Agenda.

**15.04.030 - Automatic fire sprinklers.**

In addition to the requirements of Section R313 of the California Residential Code, an automatic fire sprinkler system shall be installed in new manufactured homes (HSC Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (HSC 18008.7) in accordance with Title 25 of the California Code of Regulations.

In addition to the requirements of Section 903 of the 2019 California Building Code, an automatic fire extinguishing system shall be installed in every building of Group A, B, E, F, H, I, L, M, S or U with 5,000 or more square feet of floor area or two or more stories in height.

**EXCEPTIONS:**

1. Buildings separated into fire areas of less than 5,000 square feet by one or more four (4) hour separation walls constructed in accordance with Table 721.1(2) of the California Building Code, containing no openings and extending from the foundation to a point at least 30-inches above the roof line.
2. Canopies constructed entirely of non-combustible materials with no enclosing walls and spaced at least ten (10) feet from adjacent buildings or structures.
3. Mini-storage buildings constructed entirely of non-combustible materials and not containing hazardous materials.
4. Buildings with a single, small, low occupancy room on the second floor, when approved by the Fire Chief and Building Official.
5. Detached garages two stories in height.

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