

# **PLANNING COMMISSION SPECIAL MEETING AMENDED AGENDA**



## **Meeting Agenda**

**Thursday, January 27, 2022**

**6:30 PM**

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### **Planning Commission Members**

**Cody Leis, Chair**

**Vacant, Vice Chair**

**Roger Abreo, Commissioner**

**Dale Burke, Commissioner**

**Sophie Steeno, Commissioner**

**Ryan Leonard, Senior Planner**

**Brian Wright-Bushman, Assistant City Attorney**



**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.

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

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

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

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

- A. Pledge of Allegiance to the Flag**
- B. Invocation**
- C. Roll Call**
- D. Presentation to outgoing Planning Commissioner Cody Leis**
- E. Reorganization of the Planning Commission**
  - 1. Election of Chair**
  - 2. Election of Vice Chair**

**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 November 4, 2021 Planning Commission Meeting Minutes.

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the special meeting held on November 4, 2021.

**Staff Person:** Office Assistant Maricruz Montes

**Attachments:** [DRAFT PC MIN 2021-11-04](#)

## **PUBLIC HEARINGS**

2. Page 7 Development Code Amendment DCA21-00002

**Recommended Action:**

It is recommended that the Planning Commission provide input and direction on the proposed accessory building code amendments and adopt Resolution No. PC-2021-18 recommending that the City Council introduce and place on first reading an ordinance approving DCA21-00002, modifying development standards associated with Accessory Buildings & Structures.

**Staff Person:** Senior Planner Ryan Leonard

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

[Attachment 1 - DCA21-00002 Resolution](#)

[Attachment 2 - 10-5-21 Metal buildings discussion](#)

3. Page 13 Appeal APP21-00001 of the DRC approval of SPRR21-00005, a retail commercial building located in the parking lot of the Hesperia Square shopping center; Appellant: Envision Foods, LLC. (dba Jack in the Box)

**Recommended Action:**

It is recommended that the Planning Commission review testimony from the appellant, the project proponent and the public and adopt Resolution No. PC-2021-17, denying the appeal.

**Staff Person:** Senior Planner Ryan Leonard

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

[Attachment 1 - Aerial View of Center and location](#)

[Attachment 2 - Original Site Plan](#)

[Attachment 3 - Site Plan with revision](#)

[Attachment 4 - Email Chain](#)

[Resolution PC-2021-17](#)

4. Page 25      Consideration of Specific Plan Amendment SPLA21-00002 to change approximately 55.5 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and to change approximately 3.5 gross acres from Regional Commercial (RC) to Public/Institutional Overlay (PIO) generally located on the west side of Amargosa Road between Avenal Street and Palmetto Way and north of the California Aqueduct (Applicant: RSC Hesperia LLC; APNs: 3064-461-04 and 0405-072-52 through 55)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-19 recommending that the City Council introduce and place on first reading an ordinance approving SPLA21-00002.

**Staff Person:** Senior Planner Ryan Leonard

**Attachments:** [Staff Report](#)  
[Attachment 1- General Plan Map](#)  
[Attachment 2- Aerial](#)  
[Resolution No. PC-2022-01](#)

## **NEW BUSINESS**

5. Page 33      Discussion of the Sign Regulations for Industrial Buildings

**Recommended Action:**

Determine whether to review signage individually or amend the code to suit larger buildings.

**Staff Person:** Senior Planner Ryan Leonard

**Attachments:** [Staff Report](#)  
[Attachment 1 - Proposed Modway Signage](#)

## **PRINCIPAL PLANNER REPORT**

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

**A.      DRC Comments**

**B.      Major Project Update**

## **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, January 20, 2021 at 5:30 p.m. pursuant to California Government Code §54954.2.*

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*Maricruz Montes,  
Planning Commission Secretary*



City of Hesperia

# City of Hesperia

## Meeting Minutes

### Planning Commission

#### PLANNING COMMISSION REGULAR MEETING

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Thursday, November 4, 2021

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#### AGENDA

#### HESPERIA PLANNING COMMISSION

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

#### CALL TO ORDER - 6:34 PM

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

Leis led the Pledge of Allegiance.

**B. Invocation**

Commissioner Abreo led the Invocation.

**C. Roll Call**

**Present** 4 - Commissioner Abreo, Commissioner Burke, Chair Leis, and Commissioner Steeno

**Absent** 1 - Vice Chair Caldwell

#### JOINT PUBLIC COMMENTS

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

*There were no public comments.*

*Public comments were closed at 6:36 p.m.*

#### CONSENT CALENDAR

**1. Consideration of the September 9, 2021 Planning Commission Meeting Minutes.**

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting held on September 9, 2021.

**Sponsors:** Office Assistant Maricruz Montes

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

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

**Absent:** 1 - Caldwell

**PUBLIC HEARINGS**

2. Consideration of Specific Plan Amendment SPLA21-00004 to change approximately 35 gross acres within the Main Street and Freeway Corridor Specific Plan from Office Park (OP) to Low Density Residential (LDR) generally located at on the west side of Topaz Ave, south of Verde Street, approximately 375 feet east of Blanchard Rd (Applicant: Anastasi Properties); APNs: 0405-052-03 thru 07)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution No. PC-2021-16 recommending that the City Council introduce and place on first reading an ordinance approving SPLA21-00004.

**Sponsors:** Senior Planner Ryan Leonard

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

**Aye:** 3 - Abreo, Burke and Steeno

**Nay:** 1 - Leis

**Absent:** 1 - Caldwell

**PLANNING COMMISSION COMMENTS**

*Commissioners wished everyone a Happy Thanksgiving.*

**ADJOURNMENT**

Meeting adjourned at 7:03 p.m. to our next regular scheduled meeting, Thursday, December 9, 2021 at 6:30 pm.

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Maricruz Montes,  
Planning Commission Secretary

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Cody Leis,  
Chair





**DATE:** January 13, 2022  
**TO:** Planning Commission  
**FROM:** Mike Hearn, Deputy Director of Community Development  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Development Code Amendment DCA21-00002; Applicant: City of Hesperia;  
Area affected: City-wide

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### **RECOMMENDED ACTION**

It is recommended that the Planning Commission provide input and direction on the proposed accessory building code amendments and adopt Resolution No. PC-2021-18 recommending that the City Council introduce and place on first reading an ordinance approving DCA21-00002, modifying development standards associated with Accessory Buildings & Structures.

### **BACKGROUND**

At the request of Council Member Holland, staff presented an item for discussion at the October 5, 2021, City Council meeting (Attachment 1). The City Council believes that metal accessory buildings should be allowed on lot sizes as low as 18,000 square feet, whereas the current requirement is 30,000 square feet. In the discussion, the City Council was also open to lowering the setbacks from 30 feet, and any other standard that staff and the Commission felt were impeding people from being able to have a metal building. Lastly, the City Council requested we review the regulations for storage/cargo containers.

### **ISSUES/ANALYSIS**

Accessory buildings are regulated under Article X. Development Standards for Residential and Agricultural Accessory Structures. The regulations pertain to the size, height, setbacks and whether it is metal or conventional construction. Analysis of the issue is as follows:

#### Size

Currently, every residential property is allowed a 1,000 square foot accessory building or up to 5% of their lot size. A Minor Exception can be requested for an increase in size up to 7.5% of lot size. Larger than 7.5% would need to apply for a Variance. Staff is proposing to make 7.5% the new standard, remove the requirement for a minor exception, and anything over that would require a variance.

#### Setbacks and Height

The minimum setbacks are discussed in 16.20.075 - Table of projections into yards and courts, and the only requirement is 5 feet from the rear property line. However, when an accessory building exceeds 16 feet in height, or if it is metal, the setbacks go up to 30 feet. Staff is proposing to lower these to the minimum 5-foot requirement. For height, currently an accessory building can go up to 35 feet in height, similar to the main house. However,

when it exceeds 16 feet, it has to be 30 feet from the side and rear property lines. We are proposing to increase the 16 feet to 20 feet, before the building would need to meet the 30-foot setback requirements. This will help to ensure that a variety of roof designs and styles are accommodated.

Staff is open to discussing the height of 35 feet for an accessory building and structure as well. Many rear yard standards are to try and provide an area of recreation and possibly privacy, but the ability to build multiple stories as an accessory building up to 35 feet in height would change that.

#### 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. The proposed changes do not result in additional square footage from what could currently be built, they make the process easier. An 18,000 square foot lot can accommodate an accessory building currently, it just cannot be made of metal.

The Ordinance is consistent with the goals, policies and objectives of the General Plan and will allow more residents the ability to have metal buildings and also enjoy the expanded use of their property.

#### **FISCAL IMPACT**

None

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

1. Provide alternative direction to staff.

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

1. Resolution No. PC-2021-18, with Exhibit "A"
2. City Council discussion report from October 5, 2021

Green Sheet Item #2, Information received after posting of the  
Agenda.

**EXHIBIT “A”  
DCA21-00002  
Ordinance 2022-**

Additions are underlined red text and deletions are ~~red and strikethrough~~

**1) The following are modifications to Article VI. - Variances and Minor Exceptions**

**16.12.220 - Reviewing authority.**

A. The reviewing authority may grant minor exceptions and variances from any property development standard in the city's adopted development code, subject to the procedures set forth in this article, when it is found that the strict and literal interpretation of such provisions would deny a use of property consistent with the intent and purpose of the code and the general plan.

B. Review and approval for the following minor exception requests will be through the administrative review with notice procedure, pursuant to Section 16.12.005(A)(2).

~~8. Accessory Buildings and Structures. In residential and agricultural designations the maximum allowable aggregate accessory building and accessory structure area may be increased in accordance with the allowable area increases outlined within Sections 16.20.395 and 16.20.405. The granting of a minor exception shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and designation in which the property is situated. In reviewing a minor exception for any area increase, the reviewing authority shall also consider special circumstances relative to the proposal such as implementation of architectural elements, increased setbacks between the structure(s) and adjacent properties, use of landscape buffers and screening devices, and other similar devices.~~

9.8. Alternative Energy Systems. The maximum height and minimum yard regulations for windmills may be adjusted pursuant to Section 16.16.063. The granting of a minor exception shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and designation in which the property is situated. In reviewing a minor exception, the reviewing authority shall balance the need for the proposed placement and additional height to increase the efficiency of the windmill with its impact potential upon the surrounding area.

~~10. 9.~~ Other Exceptions. Exceptions may be considered, where in the opinion of the reviewing authority, such exceptions may not have a cumulative effect greater than those exceptions previously listed.

**2) The following are modifications to 16.20.075 - Table of projections into yards and courts.**

10. ~~Non-metallic~~ Garages, carports, sheds and other detached, enclosed accessory buildings. Metal residential and agricultural accessory buildings, cargo containers, trailers without axles and similar storage structures are also regulated by Section 16.20.420, whichever is more restrictive.

*Under Rear Yard heading:*

Allowed

May occupy no more than 25% of rear yard.

Minimum 5 ft. separation

from side and rear lot lines.

**3) The following are modifications to Article X. - Development Standards for Residential and Agricultural Accessory Structures**

**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 7.5 percent of the net lot area. Each accessory building shall be in compliance with all Title 16 regulations. The area of a guest house or, 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.

~~**16.20.395 - Allowable accessory building area increases.**~~

~~The maximum allowable aggregate accessory building area upon lots within residential and agricultural zone districts may be increased to seven and one-half percent of the net lot area with approval of a minor exception application pursuant to Chapter 16.12.~~

**16.20.400 - Allowable accessory structure area.**

The size of accessory structures 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 maximum aggregate accessory structure area not to exceed ~~ten~~ 15 percent of the net lot area. The allowable accessory structure area shall be in addition to, and not a part of the allowable accessory building area. Each accessory structure shall be in compliance with all Title 16 regulations.

**~~16.20.405 - Allowable accessory structure area increases.~~**

~~The maximum allowable aggregate accessory structure area upon lots within residential and agricultural zone districts may be increased to fifteen (15) percent of the net lot area with approval of a minor exception application pursuant to Chapter 16.12.~~

**16.20.410 - Accessory building height limitations.**

Accessory buildings shall not exceed thirty-five (35) feet in height and a maximum of two and one-half stories. Accessory buildings within thirty (30) feet of any side or rear property line shall not exceed ~~sixteen (16)~~ twenty (20) feet in height. The allowable height increases within Section 16.20.055 shall not apply to accessory buildings.

**16.20.415 - Accessory structure height limitations.**

Accessory structures shall not exceed sixteen (16) feet in height except agricultural accessory structures such as windmills, silos, water tanks and similar accessory farm structures, and other specific structures which are regulated by Section 16.20.060. The allowable height increases within Section 16.20.055 shall not apply to accessory structures.

**16.20.420 - Metal accessory buildings.**

Metal accessory buildings shall only be allowed ~~upon lots at least thirty thousand (30,000) square feet in net area in the A, RR and R1-18000 zone districts.~~ Metal buildings shall be located between the rear of the primary residence and the rear property ~~line and not within thirty (30) ten feet of any side or rear property line.~~

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

The number of storage containers upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Individual storage containers shall not exceed four hundred (400) square feet in individual area and nine and one-half feet in height. Storage 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 container per acre shall be allowed (rounding up is not permissible). Storage 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 container shall be painted in a tan, brown or dark green color in an adequate thickness to cover prior logos, writing and paint color. Each storage container shall be in compliance with all Title 16 regulations.

# ATTACHMENT 1

## RESOLUTION NO. PC-2021-18

**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 ALLOWING METAL BUILDINGS ON ADDITIONAL PROPERTIES, REMOVING TEMPORARY DEPENDENT HOUSING AND OTHER NONSUBSTANTIVE CHANGES (DCA21-00002)**

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

**WHEREAS**, on October 5, 2021, the City Council heard a discussion item regarding existing development standards for accessory buildings and specifically metal accessory buildings and they agreed to have Staff expand the ability of property owners in residential zones of ½ acre (R1-18,000 zoning), and also review the other regulations as well; and

**WHEREAS**, the City proposes to amend various sections of the Municipal Code that would relate to accessory buildings, and also temporary dependent housing and campgrounds; 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"; and

**WHEREAS**, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed 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 January 13, 2022, 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-



00002, amending various sections of the Municipal Code to allow an expanded ability of property owners in R1-18000 zoning to enjoy metal buildings as shown on Exhibit "A."

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

**ADOPTED AND APPROVED** on this 13<sup>th</sup> day of January 2022.

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Cody Leis, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission



**DATE:** October 5, 2021  
**TO:** Mayor and City Council Members  
**FROM:** Nils Bentsen, City Manager  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Request from Councilmember Holland to discuss the development standards and requirements of metal accessory buildings for possible modification.

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### **RECOMMENDED ACTION**

It is recommended that the City Council review the existing development standards for the use of metal buildings within the city, discuss issues and provide direction to Staff on any proposed changes.

### **BACKGROUND**

Ordinance 2001-13 & 14 were adopted on November 7, 2001 and appear to be the last revisions to Article X. Development Standards for Residential and Agricultural Accessory Structures. The minutes from the October 17, 2001, meeting are attached and show the amendments passing by a 3-2 vote.

While the minutes are not clear enough to understand the exact issues that the two dissenting councilmembers had, ex-principal planner Dave Reno, remembers that it was mostly the aesthetics of the metal buildings. Some people view metal buildings as “ugly” versus traditional construction.

### **ACCESSORY BUILDING DEVELOPMENT STANDARDS (*excerpted where noted*)**

... 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. ...

... The maximum allowable aggregate accessory building area upon lots within residential and agricultural zone districts may be increased to seven and one-half percent of the net lot area with approval of a minor exception application pursuant to Chapter 16.12. ...

Accessory buildings shall not exceed thirty-five (35) feet in height and a maximum of two and one-half stories. Accessory buildings within thirty (30) feet of any side or rear property line shall not exceed sixteen (16) feet in height. The allowable height increases within Section 16.20.055 shall not apply to accessory buildings.

Metal accessory buildings shall only be allowed upon lots at least thirty thousand (30,000) square feet in net area. Metal buildings 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.



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

The number of storage containers upon lots within the A-2 (General Agricultural) zone district shall be unlimited. Individual storage containers shall not exceed four hundred (400) square feet in individual area and nine and one-half feet in height. Storage 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 container per acre shall be allowed (rounding up is not permissible). Storage 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 container shall be in compliance with all Title 16 regulations.

#### **DISCUSSION**

The first provision of the development standards regulates the size of the building, allowing all properties an accessory building of 1,000 square feet, then increasing up to 5% of the lot size.

The second provision allows requests to increase the allowable square feet from 5% to 7.5%, with approval of a Minor Exception from the Development Review Committee.

The third provision regulates height and mentions Section 16.20.055 which states:  
"Single household dwellings in land use districts or zone districts that impose a height limitation of thirty-five (35) feet or less may exceed the height limit by up to twenty-five (25) feet, when two side yards of at least twenty (20) feet are provided."

Lastly, the fourth provision requires a minimum lot size of 30,000 square feet to have a metal accessory building. Lots less than 30,000 s.f. would need to have standard construction.

Additional information will be provided at the meeting.

#### **FISCAL IMPACT**

None

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

1. Article X. Development Standards for Residential and Agricultural Accessory Structures



**DATE:** January 27, 2021  
**TO:** Planning Commission  
**FROM:** Mike Hearn, Deputy Director of Community Development  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Appeal APP21-00001 of the DRC approval of SPRR21-00005, a retail commercial building located in the parking lot of the Hesperia Square shopping center; Appellant: Envision Foods, LLC. (dba Jack in the Box)

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### **RECOMMENDED ACTION**

It is recommended that the Planning Commission review testimony from the appellant, the project proponent and the public and adopt Resolution No. PC-2021-17, denying the appeal.

### **BACKGROUND/HISTORY**

The "Hesperia Square" shopping center sits on about 10 acres of land at the northwest corner of Main Street and I Avenue. The main tenant is currently Vallarta Market, along with TB Furniture, Dollar Tree and Victor Valley Rescue Mission Thrift Store. The owner of the majority of the center, excepting the 2 outpads for Jack-in-the-Box and Country Kitchen, has proposed a new building in between the Firestone tire service building and the Jack-in-the-Box. (Attachment 1)

The proposed 3,469 square foot building was submitted by Westland Real Estate Group, who represent the ownership, 17320-90 Main St. Hesperia, LLC. SPRR21-00005 went through the Development Review Committee process, where it was scheduled for a public hearing on October 6, 2021. That morning, the appellant (Jack in the Box) emailed concerns with the project and its impact on their business. No other comments were received about the project. The email chain is included as Attachment 2.

### **ISSUES/ANALYSIS**

The development review process was fairly simple since the building is proposed where a parking lot currently exists, neither Engineering nor the Fire Department had any requirements or changes. For Planning, there are a number of code requirements to review:

#### Parking

Retail and most other standard commercial development is parked at 5 spaces per 1,000 square feet of building, while restaurants require 10 spaces per 1,000 square feet. In a multi-tenant shopping center of this size, the parking is 4 spaces per 1,000 square feet, regardless of use. Including the 17 spaces for the new building, that would result in a need for 465 total spaces, and the site has over that amount, including the spaces located behind the buildings.

#### Lot Coverage/Floor Area Ratio

Single story buildings can cover 35% of the site in the Neighborhood Commercial zone. The site size is approximately 417,260 square feet in size, allowing 146,041 s.f. of building. The existing buildings appear to add up to approximately 112,000 square feet, well below the maximum.

#### Parking Spaces/Drive Aisles

The parking spaces meet the minimum requirements of nine feet width and 18 feet length, with two feet of length able to overhang the sidewalk. Drive aisles for two-way traffic are required to be a minimum of 26 feet wide.

#### Architectural Design

While the building's architectural style does not match any other buildings in the center, it is very well designed and meets or exceeds the commercial design guidelines. Additionally, the other three buildings along Main Street also don't match the center.

#### Covenants, Creeds & Restrictions (CC&R's)

CC&R's are very common in shopping center development, and can often be used to lure an anchor tenant by then writing restrictions that prevent another similar business from being allowed to locate in the shopping center. CC&R's can be more restrictive than the municipal code, but not less restrictive. These documents are recorded on the property and do not involve the city, although occasionally we'll review them to ensure they comply with codes. Challenges to CC&R's would be a civil suit and not involve the city.

When a building is proposed to be built for permitted uses like retail and restaurants, the Development Review Committee is the reviewing authority, and if the project complies with the development standards, it must be approved.

In order to prevent this, the parcel map should not have been approved with the outpads not having enough parking for their buildings. The stand-alone Jack in the Box restaurant typically requires 40 parking spaces, within the center it requires 16 spaces, and the parcel map gave them eight. While reciprocal parking and access agreements ensure the ability to park in any space, they don't address where the parking spaces need to be.

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

1. Provide alternative direction to staff.

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

1. Aerial photo showing location on site
2. Site Plan showing new building and changes
3. Site Plan showing revised parking
4. Email Chain with Appellant
5. Resolution No. PC-2021-17



# ATTACHMENT 1



**APPELLANT:**  
ENVISION FOODS, LLC. (DBA JACK IN THE BOX)

**FILE NO:**  
APP21-00001

**LOCATION:**  
NORTHWEST CORNER OF MAIN STREET AND I AVENUE IN THE  
HESPERIA SQUARE SHOPPING CENTER

**APN :** 0410-135-56

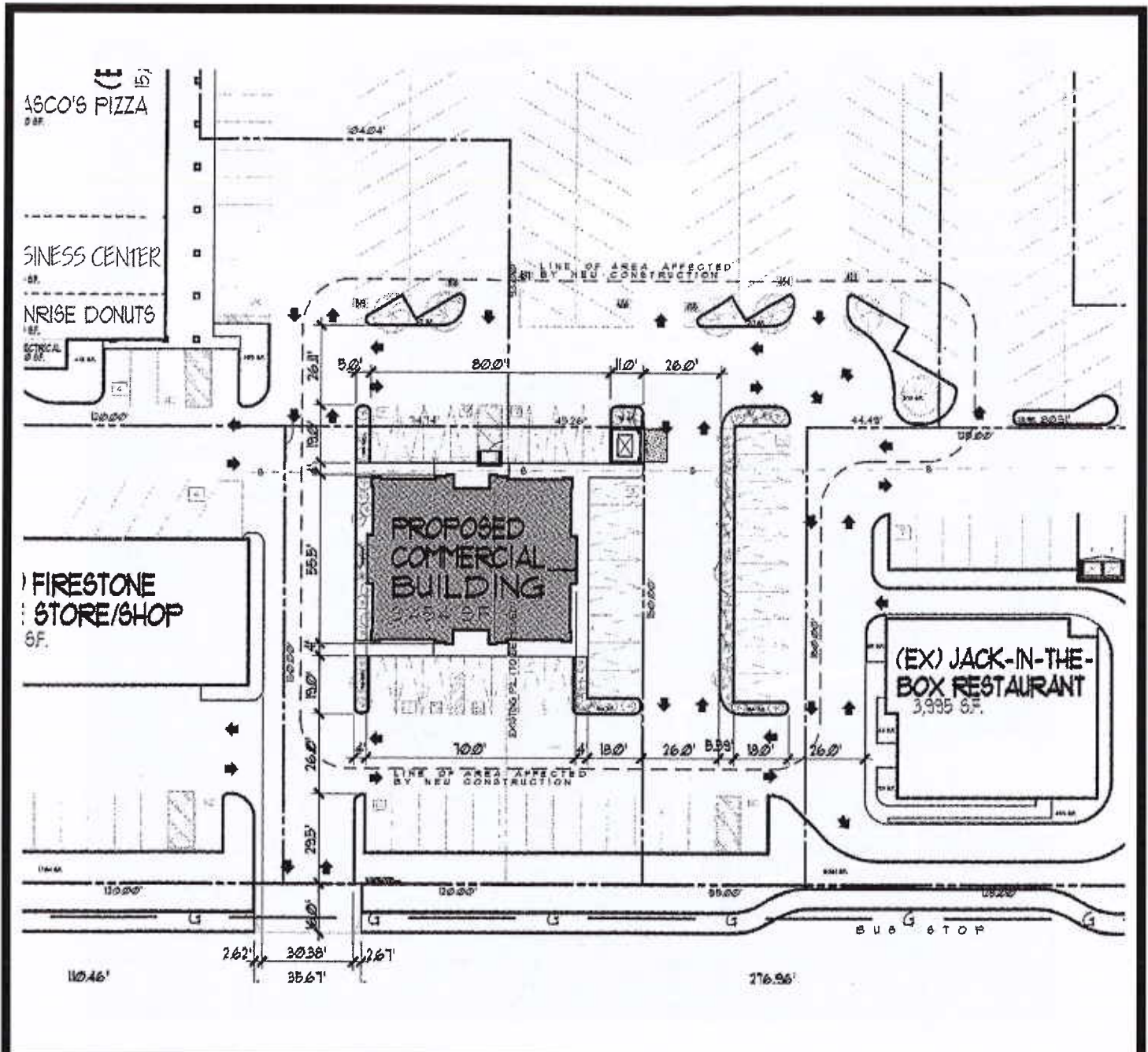
**APPEAL:**  
OVERTURN THE DEVELOPMENT REVIEW COMMITTEE APPROVAL OF SPRR21-00005  
FOR A 3,500 SQUARE FOOT RETAIL COMMERCIAL BUILDING



**AERIAL VIEW SHOWING SITE LOCATION**



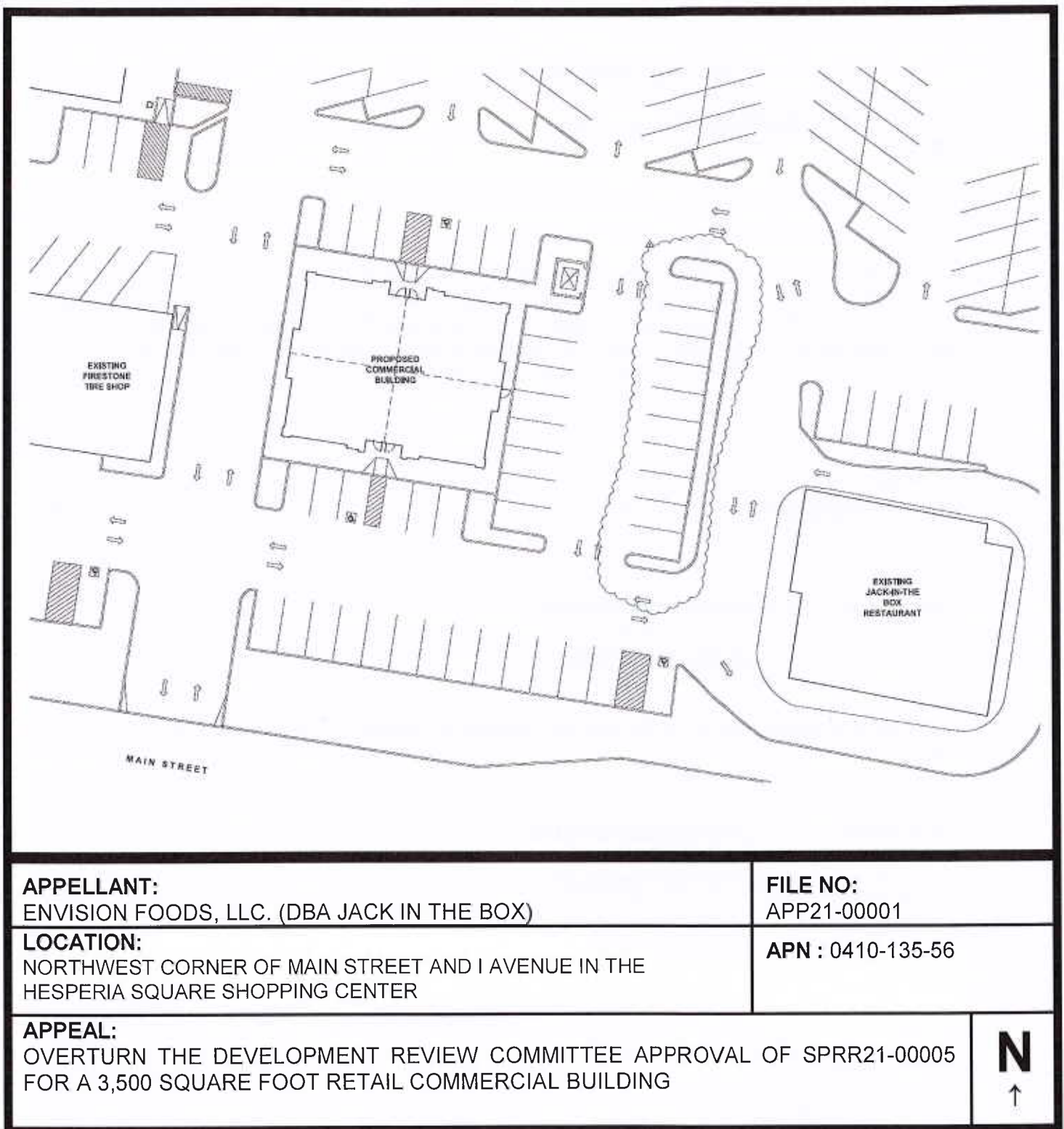
## ATTACHMENT 2



<b>APPELLANT:</b> ENVISION FOODS, LLC. (DBA JACK IN THE BOX)	<b>FILE NO:</b> APP21-00001
<b>LOCATION:</b> NORTHWEST CORNER OF MAIN STREET AND I AVENUE IN THE HESPERIA SQUARE SHOPPING CENTER	<b>APN :</b> 0410-135-56
<b>APPEAL:</b> OVERTURN THE DEVELOPMENT REVIEW COMMITTEE APPROVAL OF SPRR21-00005 FOR A 3,500 SQUARE FOOT RETAIL COMMERCIAL BUILDING	

## SITE PLAN SHOWING NEW BUILDING & PARKING LAYOUT

# ATTACHMENT 3



**SITE PLAN SHOWING PROPOSED REVISION**

**From:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
**Sent:** Wednesday, October 6, 2021 8:36 AM  
**To:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>  
**Subject:** Site Plan Review SPRR21-00005

Dear Chris,

Hi. I'm with the franchisee that operates the Jack in the Box restaurant on Main Street. I recently received the attached from our landlord. I can't tell where the proposed building is going to be. Can you please send me the proposed site plan, if they have it. Obviously we would be greatly concerned if the building to be proposed is going to be along Main Street adjacent to our building and would strongly object, as those are parking spaces that are primarily used for our business and that would cause a material impact to our business.

Thank you.

Navid Sharafatian, Esq.  
[navid@envisionfoods.com](mailto:navid@envisionfoods.com)  
(310) 720-4647

**From:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>  
**Sent:** Wednesday, October 6, 2021 9:05 AM  
**To:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
**Subject:** RE: Site Plan Review SPRR21-00005

Navid, it is in between Jack in the Box and the Firestone Tire building – see attached plans -  
Chris

**From:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
**Sent:** Wednesday, October 6, 2021 9:09 AM  
**To:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>  
**Subject:** RE: Site Plan Review SPRR21-00005

Chris, thanks for the quick reply. Oh wow, that is going to create a major bottleneck there in many ways. Do we know what the allowed uses would be – restaurant use would totally impact the parking really bad.

Navid Sharafatian, Esq.  
Envision Foods, LLC  
[navid@envisionfoods.com](mailto:navid@envisionfoods.com)  
Mobile: (310) 720-4647



**From:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>

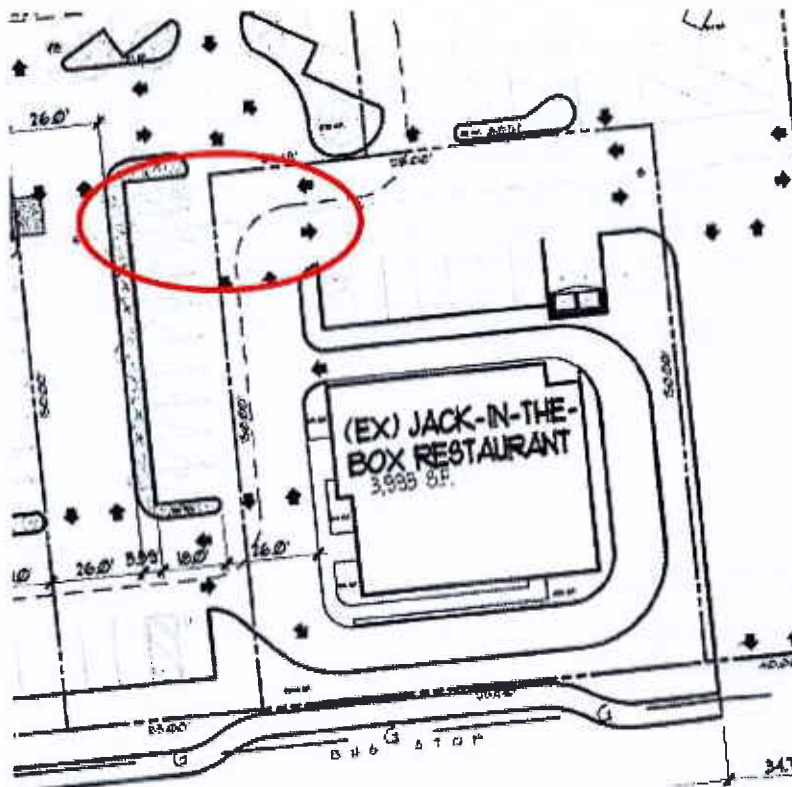
**Sent:** Wednesday, October 6, 2021 9:39 AM

**To:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>

**Subject:** RE: Site Plan Review SPRR21-00005

Chris, thank you for that info. So having very little time to look at this (and I apologize for that, it was sent to our office by our landlord and it only got to me recently), I do have some concerns that I'd like to share:

There is no sugar coating this, this new building will definitely negatively impact our business for several reasons. The reconfiguration of the parking spaces and the drive aisles will cause lots of problems. Our drive thru stack will back up and block parking spaces and the free flow of traffic will definitely get impacted. We love to be partners in development, but this building is too big for that little space and reconfiguring the parking and layout to make it work is going to cause too many problems for us to support it. So we do object to this. I circled the area I feel has the most dramatic impact. I would encourage the city to talk through this with the developer, this is too big a building to squeeze into such a small area.



Navid Sharafatian, Esq.  
Envision Foods, LLC  
[navid@envisionfoods.com](mailto:navid@envisionfoods.com)  
Mobile: (310) 720-4647



**From:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>  
**Sent:** Tuesday, October 12, 2021 7:37 AM  
**To:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
**Subject:** RE: Site Plan Review SPRR21-00005

Hi Navid, thanks for that info. I did receive a proposal from the applicant to modify the parking layout so that drive-through stacking is not impacted. It does still reroute the drive aisle through the center, but I don't see how that is a negative impact to you.

Chris

**From:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
**Sent:** Tuesday, October 12, 2021 8:04 AM  
**To:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>  
**Subject:** RE: Site Plan Review SPRR21-00005

Good morning Chris,

Well that revised site plan now has the parking all facing their new building. Please allow me a day or two to discuss this and also inform the property owner (our landlord), I'm pretty sure they do not know what is going on here. There are currently 30 parking spaces between the two buildings, they are adding this new building and squeezing the same parking for 3 buildings now to share – and I'm not clear on the size of those parking spaces either based on their site plan (are they compact spaces . . . we both know most of the patrons are not compact car users). I'm truly not trying to be difficult, but this can have a very devastating impact on our business and I would have never imagined a building would get proposed to be squeezed in such a small space. I'm sure that was never contemplated when the project was originally planned out.

Navid Sharafatian, Esq.  
[navid@envisionfoods.com](mailto:navid@envisionfoods.com)  
(310) 720-4647

**From:** Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>  
**Sent:** Friday, October 15, 2021 2:11 PM  
**To:** Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
**Cc:** 'Miguel Flores' <[miguel.fl@westlandreg.com](mailto:miguel.fl@westlandreg.com)>  
**Subject:** RE: Site Plan Review SPRR21-00005

Hi Navid,

I have not heard back from you regarding your concerns. It seemed that your main concern initially was drive-through stacking blocking parking spaces. They proposed flipping the landscape planter, which removes that concern, but it doesn't sound like you like that. The parking spaces are all standard at nine feet by 18 feet length. The property owner was notified through the public hearing process.

We've given you an opportunity to work out a solution, since that hasn't happened, we'll move forward with the approval of the project. If you would like to appeal the DRC decision, you have 10 days from today, or by October 26, 2021.

If you have any questions, let me know.

Chris

From: Navid Sharafatian <[navid@envisionfoods.com](mailto:navid@envisionfoods.com)>  
To: Chris Borchert <[cborchert@cityofhesperia.us](mailto:cborchert@cityofhesperia.us)>; [jpotter@prpropertiesinc.com](mailto:jpotter@prpropertiesinc.com)  
<[jpotter@prpropertiesinc.com](mailto:jpotter@prpropertiesinc.com)>  
Cc: 'Miguel Flores' <[miguel.fl@westlandreg.com](mailto:miguel.fl@westlandreg.com)>  
Sent: Fri, Oct 15, 2021 3:22 pm  
Subject: RE: Site Plan Review SPRR21-00005

Dear Chris,

Our VP of operations was out of town and got back yesterday. He went by the property today to take a look and I just spoke to him – I'll detail that below. I also spoke with the manager for the property owner on Wednesday, they did not realize what was contemplated here and were investigating the matter, including that there are most likely CCR's recorded against the property which restrict such development. Jim Potter is the manager and he is copied on this email.

As far the proposed modification, what they proposed to do is even worse than what was originally provided. Our VP operations verified what I suspected. The Firestone customers and employees park in that middle parking field and take up much of it, and on the weekends, its even worse. By adding another 3,800 feet of users space, that is going to absolutely create a jammed area. It is a very small area to squeeze in another building and it will negatively impact us. Several problems will be created that will not be solvable. (1) there will be a lack of parking between our building, the Firestone building, and now this new building – the parking is already challenged; (2) currently, the cars stack up for the drive thru parallel with Main Street – with the impacted parking, most likely the cars will stack up wrapping around the building which will be problematic, and of more concern (3) our customers will have to walk through the stack of cars for the drive thru to access the parking which is very dangerous. We are against this project and it will be an absolute unmitigated disaster. There is a huge parking field inside the center that they can add their square footage that would impact nobody – why are they trying to squeeze this building in the smallest area in the whole center?

And I believe you encouraged the applicant to contact us to discuss their proposed development. For your information, nobody has contacted us.

Kindly let us know what other steps if any we need to take to express our strong objection to this project.

Navid Sharafatian, Esq.  
[navid@envisionfoods.com](mailto:navid@envisionfoods.com)  
(310) 720-4647

# ATTACHMENT 5

## RESOLUTION NO. PC-2021-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING THE APPEAL (APP21-00001) OF THE DEVELOPMENT REVIEW COMMITTEE (DRC) APPROVAL OF SPRR21-00005, A REQUEST TO CONSTRUCT A 3,469 SQUARE FOOT COMMERCIAL BUILDING IN THE PARKING LOT OF THE HESPERIA SQUARE SHOPPING CENTER WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTH SIDE OF MAIN STREET, AT THE INTERSECTION OF I AVENUE (APP21-00005)**

**WHEREAS**, Envision Foods, LLC, dba Jack in the Box, has filed an application requesting appeal of SPRR21-00005 which approved a new 3,469 square foot commercial building discussed herein; and

**WHEREAS**, Westland Real Estate Group (Westland) applied for the Site Plan Review Revision on September 9, 2021 and the application applies to the existing Hesperia Square Shopping Center at the northwest corner of Main Street and I Avenue also referenced as Assessor's Parcel Number 0410-135-56; and

**WHEREAS**, the application proposes the alteration of an approximately 24,000 square foot area to modify the parking and drive aisles to allow the construction of the new building; and

**WHEREAS**, after going through the Development Review Committee process, SPRR21-00005 was scheduled to be approved at the DRC hearing on October 6, 2021 when email contact was received by the appellant Envision Foods, LLC; and

**WHEREAS**, the approval of the project was placed on hold to allow Envision Foods to understand the proposal and to provide formal comments as to why they oppose the project, and to notify the applicant Westland to see if they could offer any solutions; and

**WHEREAS**, with the primary concern seeming to be the drive-through line blocking parking spaces, Westland revised the parking closest to Jack in the Box by moving the landscape planter from the west side of the spaces to the east side, eliminating the stacking issue; and

**WHEREAS**, the appellant did not seem to like the revision, and the property owner of the Jack in the Box site also became involved and was looking into the Covenant's, Creeds & Restrictions (CC&R's) regarding the construction of new buildings; and

**WHEREAS**, CC&R's are not enforced by the City, therefore approval of the project was issued and the applicant filed the appeal within the 10 day appeal period; and

**WHEREAS**, the project was exempt from the California Environmental Quality Act requirements through an In-Fill Development ProjectExemp; and

**WHEREAS**, on January 13, 2022, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Appeal, 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 December 9, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon the project being proposed in an existing shopping center, the Planning Commission finds that the project complies with the conditions of an In-Fill Development Project and is not subject to CEQA.
- (b) The proposed development of a 3,469 square foot commercial building within the Neighborhood Commercial (NC) zone of the Specific Plan is a permitted use and the proposed project complies with all applicable provisions of the Specific Plan and Development Code.
- (c) 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.
- (d) 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 nonresidential uses within the NC 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.
- (e) The site for the proposed use will have adequate access based upon its frontage along Main Street and I Avenue and the driveways are existing. 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.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the NC zone of the Main Street and Freeway Corridor Specific Plan. The proposed development of a commercial building is an allowable use with approval of a revised site plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Appeal APP21-00001.

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

**ADOPTED AND APPROVED** on this 13<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Cody Leis, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Maricruz Montes, Secretary, Planning Commission





**DATE:** January 13, 2022

**TO:** Planning Commission

**FROM:** Ryan Leonard, Senior Planner  
Mike Hearn, Deputy Director of Community Development

**SUBJECT:** Specific Plan Amendment SPLA21-00002; Applicant: RSC Hesperia, LLC & City of Hesperia; APNs: 3064-461-04, 06, 0405-072-37, 52 thru 55

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## **RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt Resolution No. PC-2022-01 recommending that the City Council introduce and place on first reading an ordinance approving SPLA21-00002.

## **BACKGROUND**

**Proposal:** RSC Hesperia, LLC has submitted an application requesting a Specific Plan Amendment to change approximately 31 gross acres (APNs 0405-072-52 thru 55) within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) (Attachments 1 and 2).

Staff has expanded the application to include an additional 28 gross acres (APNs 3064-461-04, 06, & 0405-072-37 & 54). Staff is recommending that APN No. 3064-461-04 located to the west of Palmetto Way and APN No. 0405-072-37 located at the corner of Avenal Street and Amargosa Road be changed from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP). In addition, the Victorville Water District owns two parcels (APNs 3064-461-06 and 0405-072-54) which are developed with a water tank and a water treatment plant. Staff is recommending that these two parcels be changed from Regional Commercial (RC) to Public/Institutional Overlay (PIO). The Public/Institutional Overlay (PIO) zoning is appropriate as it is intended for public facilities such as water facilities, and it will not conflict with the proposed surrounding zoning.

**Location:** Generally located west of Amargosa Road, north of the California Aqueduct, and to the north and west of Palmetto Way (APNs: 3064-461-04, 06, 0405-072-37, 52 thru 55).

**General Plan and Land Uses:** The project consists of seven parcels that total approximately 59 gross acres. Five (5) of the parcels are vacant, however APN No. 0405-072-37 which is located at the corner of Avenal Street and Amargosa Road contains a billboard. Two (2) of the parcels are developed with water facilities owned by the Victorville Water District. The subject parcels are all currently zoned Regional Commercial (RC) within the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 1. The existing distribution building for MGA Entertainment (originally Heilig-Meyers) is located to the immediate south. The California Aqueduct is located immediately to the southwest. The City boundary is located immediately to the west and to the north.

## **ISSUES/ANALYSIS**

**General Plan and Land Uses:** Over the past year there has been an increased demand for industrial land that can accommodate large warehouse distribution facilities. The applicant, RSC Hesperia, LLC recently approached the City and indicated that they would like to develop the subject parcels with a warehouse distribution center. As these types of uses are restricted in the Regional Commercial (RC) zone, staff informed the applicant that a change of zone would be required for a development application to proceed.

Although the City originally planned for the subject parcels to be developed with commercial uses, very little interest has ever been expressed from commercial developers. Furthermore, within the past few years the retail industry has undergone a major shift as traditional brick and mortar retail uses face stiffening competition from online-only stores. Given that the subject parcels are not located in close proximity to a freeway interchange, and retailers are not building as many “brick and mortar” locations as previously, it is unlikely that the subject parcels would ever be developed with regional-serving commercial uses. For these reasons staff supports the proposed Specific Plan Amendment.

**Drainage:** Any future development will be required to handle the increase in storm water runoff as a result of construction of a project. Future applicants will be required to submit a drainage study when they apply for a site plan review.

**Water and Sewer:** The subject parcels have the ability to connect to existing water and sewer lines.

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

**Conclusion:** The proposed Specific Plan Amendment will allow the applicant to move forward with building and site design for this location. The change from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) is appropriate as retail trends are shrinking the amount of needed square footage and close proximity to freeway interchanges is critical. Furthermore, changing the zoning of the area to Commercial Industrial Business Park (CIBP) will further the City's goal to attract investment and jobs to the City.

## **FISCAL IMPACT**

None.

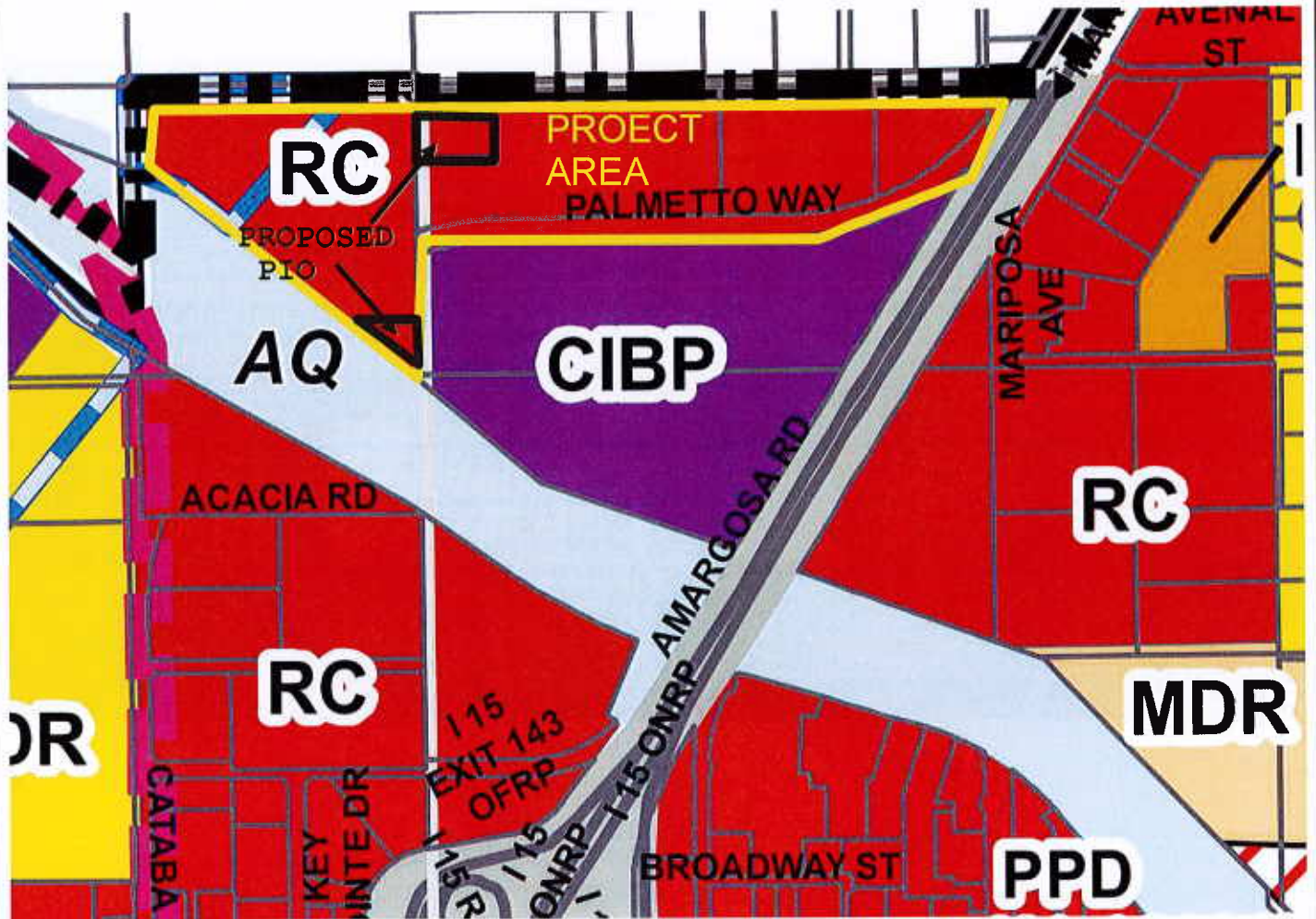
## **ALTERNATIVE(S)**

Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. General Plan Map
2. Aerial Photo
3. Resolution No. PC-2022-01

# ATTACHMENT 1



**APPLICANT:**  
RSC HESPERIA, LLC & CITY OF HESPERIA

**FILE NO:**  
SPLA21-00002

**LOCATION:**  
WEST OF AMARGOSA ROAD, NORTH OF THE CALIFORNIA  
AQUEDUCT, AND TO THE NORTH AND WEST OF PALMETTO WAY.

**APNs :** 3064-461-04, 06,  
0405-072-37, 52 THRU 55

**PROPOSAL:**  
TO CHANGE APPROXIMATELY 55.5 GROSS ACRES FROM REGIONAL COMMERCIAL  
(RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) AND TO CHANGE  
APPROXIMATELY 3.5 ACRES FROM REGIONAL COMMERCIAL (RC) TO  
PUBLIC/INSTITUTIONAL OVERLAY (PIO)



## GENERAL PLAN MAP



## ATTACHMENT 2

**APPLICANT:**

RSC HESPERIA, LLC & CITY OF HESPERIA

**FILE NO:**

SPLA21-00002

**LOCATION:**

WEST OF AMARGOSA ROAD, NORTH OF THE CALIFORNIA  
AQUEDUCT, AND TO THE NORTH AND WEST OF PALMETTO WAY.

**APNs :** 3064-461-04, 06,  
0405-072-37, 52 THRU 55

**PROPOSAL:**

TO CHANGE APPROXIMATELY 55.5 GROSS ACRES FROM REGIONAL COMMERCIAL  
(RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) AND TO CHANGE  
APPROXIMATELY 3.5 ACRES FROM REGIONAL COMMERCIAL (RC) TO  
PUBLIC/INSTITUTIONAL OVERLAY (PIO)

## AERIAL PHOTO

# ATTACHMENT 3

## RESOLUTION NO. PC-2022-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 55.5 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) AND TO CHANGE APPROXIMATELY 3.5 ACRES FROM REGIONAL COMMERCIAL (RC) TO PUBLIC/INSTITUTIONAL OVERLAY (PIO) (SPLA21-00002)**

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

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

**WHEREAS**, RSC Hesperia, LLC has submitted an application for SPLA21-00002 described herein (hereinafter referred to as the "Application") for assessor's parcels 3064-461-04, 06, 0405-072-37, 52 thru 55; and

**WHEREAS**, the City of Hesperia joined in the application in order to rezone some additional property to the west that would have remained Regional Commercial even though it is farther from access to Mariposa Road; and

**WHEREAS**, the project consists of seven parcels that total approximately 59 gross acres; five (5) of the parcels are vacant, and two (2) of the parcels are developed with water facilities owned by the Victorville Water District; and

**WHEREAS**, the application proposes to change approximately 55.5 gross acres (APNs 3064-461-04, 0405-072-37, 52, 53 and 55) within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and approximately 3.5 gross acres (APNs 3064-461-06 and 0405-072-54) from Regional Commercial (RC) to Public/Institutional Overlay (PIO); and

**WHEREAS**, there has been very little interest from developers to develop the property with commercial uses due to: 1) a shift in the retail industry as traditional brick and mortar retail uses face stiffening competition from online-only stores, and 2) the subject parcels are not located in close proximity to a freeway interchange; and

**WHEREAS**, it is unlikely the subject parcels would ever be developed with regional-serving commercial uses and are more likely to be developed with a mix of manufacturing, warehousing and light industrial uses that would otherwise be allowed in the Commercial Industrial Business Park (CIBP) zone; and

**WHEREAS**, the Public/Institutional Overlay (PIO) zoning is also appropriate as it is intended for public facilities such as water facilities and it will not conflict with the proposed surrounding zoning; and

**WHEREAS**, the project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the



environment. The proposed Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt if they do not propose to increase the density or intensity allowed by the General Plan, Regional Commercial uses are more intensive than Commercial Industrial type uses; and

**WHEREAS**, on January 13, 2022, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

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

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

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

Section 2. The five parcels (APNs 3064-461-04, 0405-072-37, 52, 53 and 55) that are proposed to be changed from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) are suitable for the land uses allowed in the Commercial Industrial Business Park (CIBP) zoning classification, and adequate space exists which can meet the standards for setbacks, height, lot coverage, parking and circulation within the proposed Specific Plan designation.

Section 3. The two parcels (APNs 3064-461-06 and 0405-072-54) proposed to be changed from Regional Commercial (RC) to Public/Institutional Overlay (PIO) are appropriate in that the parcels are currently developed with a water tank and a water treatment plant and the zoning designation is intended for public facilities such as water facilities.

Section 4. The proposed change in zone will not have a significant adverse impact on surrounding properties or the community in general, because the property is north of and adjacent to CIBP to the south, has Amargosa Road as an eastern border, the wash as a western border and Avenal Street and the City boundary to the north.

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

Section 5. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPLA21-00002, to change approximately 55.5 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and approximately 3.5 acres from Regional Commercial (RC) to Public Institutional Overlay (PIO) as shown on Attachment 1.

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

**ADOPTED AND APPROVED** on this 13<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Cody Leis, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Maricruz Montes, Secretary, Planning Commission

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**DATE:** January 13, 2022  
**TO:** Planning Commission  
**FROM:** Mike Hearn, Deputy Director of Community Development  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Discussion of the Sign Regulations for Industrial Buildings

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## DISCUSSION

The first one million square foot building is under construction along Caliente Road on the west side of Interstate 15 freeway. Chapter 16.36 of the Development Code contains the Sign Regulations and all nonresidential signage, including the Modway furniture building are governed by the following:

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

A. The following signs shall be permitted for nonresidential uses. Deviations from the following standards and the sign menu in Section 16.36.130 shall be permitted subject to review and approval of a site sign plan to govern all signage on a site. Should the site plan contain requests for signs that exceed the requirements of Section 16.12.220(7) of the development code, then the sign plan shall be referred to the planning commission for review and approval.

B. Total Sign Area. The total sign area for an individual use or combination of uses or buildings on a commercial or industrial site is computed as three square feet of signage per one lineal foot of principal building(s) that fronts on a street, alley or parking lot with customer entrances. Institutional uses shall not be granted a cumulative total, but shall be allowed signs listed in the sign menu and described per this chapter.

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.

The Modway building is about 1,550 feet in length, resulting in a Total Sign Area allowance of 4,650 square feet for the entire site, and 3,100 square feet of wall signage, if they were allowed to exceed 150 square feet.

With quite a few larger scale buildings coming in the future, Staff would like to find the most efficient way of processing them, whether each building comes before the Commission, or whether the sign code is modified specifically for these buildings.

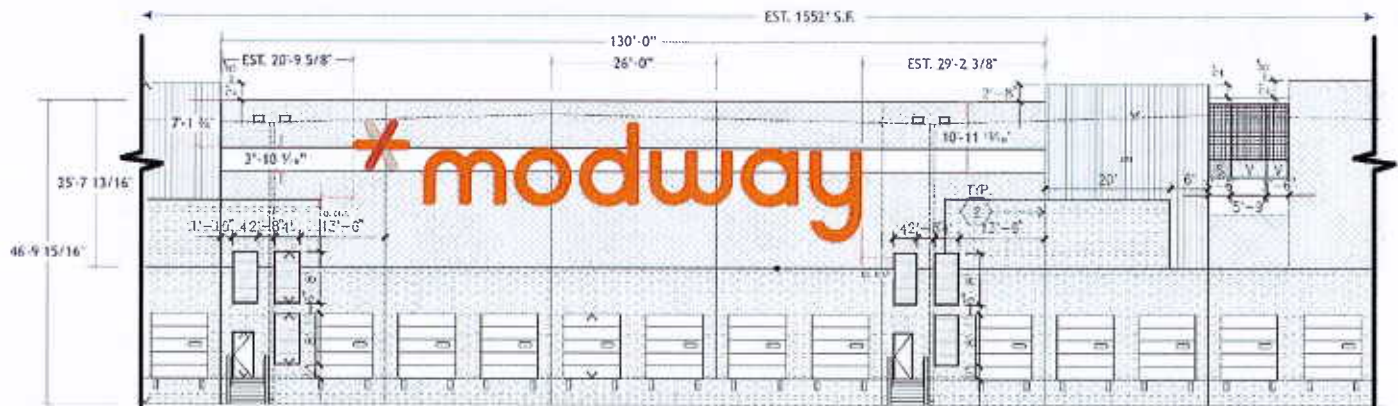
# EXHIBIT 1



CURRENT CONDITION (EAST ELEVATION) PROPOSED SIGN 1499.7 SQ. FT.



CURRENT CONDITION (EAST ELEVATION) 150 SQ. FT.



PROPOSED SIGN; EAST ELEVATION (PARTIAL)

SCALE: 1/10" = 1'-0"

## PROPOSED MODWAY SIGNAGE