

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
WATER DISTRICT**



Meeting Agenda

Tuesday, September 6, 2022

Closed Session - 5:00 PM

**City Council Chambers
9700 Seventh Ave., Hesperia CA, 92345
City Clerk's Office: (760) 947-1007**

City Council Members

**Brigit Bennington, Mayor
William J. Holland, Mayor Pro Tem
Larry Bird, Council Member
Cameron Gregg, Council Member
Rebekah Swanson, Council Member**

**Nils Bentsen, City Manager
Eric Dunn, City Attorney**

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



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 Council Meetings:

City Council meetings are now open to the public within the guidelines provided by the State which may include wearing masks and socially distancing from other attendees.

Public Comments can be made in-person at City Council Meetings and/or can be submitted via telephone recording that will be played during the meeting.

City Council meetings may be viewed live or after the event on the City's website at www.cityofhesperia.us.

Remote Public Comment:

Public Comments Made By-Telephone Process

Public comments will be accepted in advance until 5:30 pm on the day of the scheduled meeting by calling and leaving a recorded message at (760) 947-1056. Comments received past 5:30 pm will not be included in the record. If you would like to comment remotely, please follow the protocols below:

- Call (760)947-1056 to leave a detailed message of your public comment.

- Identify your name and the item you wish to comment on in your message.
- Contact information in your voicemail is optional, but will allow staff to easily follow up with you if necessary.
- Each public comment received by voicemail will be played by a staff member for up to three (3) minutes for Consent Calendar/New Business items and up to five (5) minutes for Public Hearing items.

Remote public comments received outside of the comment period outlined above will not be included in the record.

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT**

9700 7th Avenue, Council Chambers, Hesperia, CA 92345

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

Prior to action of the Council, 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.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

CLOSED SESSION - 5:00 PM

Roll Call

*Mayor Brigit Bennington
Mayor Pro Tem William J. Holland
Council Member Larry Bird
Council Member Cameron Gregg
Council Member Rebekah Swanson*

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. Assistant Secretary for FHEO v. City of Hesperia, California, et al.; Case Number 09-16-4717-8

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Negotiating Parties: Park 395 RV Center and City of Hesperia
Location: APN 3039-441-20
Under Negotiation: Price and Terms

Personnel Matters - Performance Evaluations
Government Code Section 54957

1. City Manager Personnel Evaluation

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Mayor Brigit Bennington
Mayor Pro Tem William J. Holland
Council Member Larry Bird
Council Member Cameron Gregg
Council Member Rebekah Swanson

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation on Brightline Train project by Sarah Watterson, Brightline West and Ray Wolfe, SBCTA

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Individuals wishing to speak during General Public Comments or on a particular numbered item are requested to submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the joint agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

JOINT CONSENT CALENDAR

1. Page 7 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, August 16, 2022.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, August 16, 2022.

Staff Person: Assistant City Clerk Erin Baum

Attachments: [Draft CC Min 2022-08-16](#)

2. Page 13 Consideration of the Draft Minutes from the Special Meeting held Wednesday,

August 24, 2022.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Wednesday, August 24, 2022.

Staff Person: Assistant City Clerk Erin Baum

Attachments: [Draft CC Min 2022-08-24](#)

3. Page 17

Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Staff Person: Director of Administrative Services Casey Brooksher

Attachments: [SR Warrant Run 9-6-2022](#)
[Attachment 1 - Warrant Run](#)

4. Page 19

Local Transportation Fund - Article 8a Claim

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2022-61, authorizing the City Manager to file the FY 2022-23 Local Transportation Fund - Article 8a claim in the amount of \$872,556 with San Bernardino County Transportation Authority (SBCTA).

Staff Person: Director of Administrative Services Casey Brooksher

Attachments: [SR Local Transportation Fund- Article 8a Claim 9-6-2022](#)
[Resolution 2022-61](#)

5. Page 23

Amendment to the Contract with NBS for Silverwood/Tapestry Development Fiscal Impact Analysis (FIA) Consulting Services

Recommended Action:

It is recommended that the City Council authorize the City Manager to amend the current agreement with NBS Government Finance Group (NBS) in the amount of \$16,500, for a total not-to-exceed amount of \$28,000, to include consultant services for Silverwood/Tapestry Development Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) Review.

Staff Person: Director of Administrative Services Casey Brooksher

Attachments: [SR Contract Amendment with NBS Government Finance Group 9-6-2022](#)

6. Page 25

Vehicle Procurement - Six Mid-Size Trucks

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District (HWD) authorize the City Manager to approve the procurement of six (6) 2023 Ford 4 x 4 trucks and enter into an agreement with Fairview Ford in the not-to-exceed amount of \$194,412.

Staff Person: Director of Public Works Jeremy McDonald

Attachments: [SR Vehicle Procurement - Six Mid-Size Trucks 9-6-2022](#)
[Attachment 1 - Bid Comparison](#)

7. Page 27 Fiscal Year 2022/23 - 2026/27 Five Year Measure I Capital Improvement Plan

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2022-65 approving the Measure I Five Year Capital Improvement Plan and Expense Strategy for Fiscal Years 2022/23 - 2026/27.

Staff Person: Administrative Analyst Bethany Hudson

Attachments: [SR 2022/23-2026/27 Five Year Measure I Capital Improvement Plan 9-6-2022](#)
[Resolution 2022-65](#)
[Attachment 2 - 2022-2027 MICIP Spreadsheet](#)
[Attachment 3 - 2022-2027 MICIP Expenditure Strategy](#)

CONSENT ORDINANCES

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

8. Page 33 Consideration of the Amendment to Title 1 related to Police Multiple Response/Firework Fees and Amendment to the City-wide Fee Schedule and Bail Schedule Related to Police Multiple Response/Firework Fees

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2022-12 amending Title 1 of the Hesperia Municipal Code related to Police Multiple Response/Firework fees.

Staff Person: Administrative Analyst Jacquelyn Castillo

Attachments: [SR Amend City-Wide Fee Schedule and Bail Schedule Fees 8-16-2022](#)
[Ordinance 2022-12](#)
[Attachment 2 - Exhibit A Title 1 Chapter 1.12.130\(16\)\(d\)](#)

9. Page 39 Development Code Amendment DCA22-00003; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2022-13 approving Development Code Amendment DCA22-00003 modifying

development standards associated with Accessory Dwelling Units (ADUs).

Staff Person: Senior Planner Ryan Leonard

Attachments: [SR Development Code Amendment DCA22-00003 8-16-2022](#)

[Ordinance 2022-13](#)

[Attachment 2 - Exhibit A](#)

[Attachment 3 - Planning Commission Staff Report with Attachments](#)

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Erin Baum, Assistant City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Wednesday, August 31, 2022 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Erin Baum,
Assistant City Clerk*

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.

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City of Hesperia Meeting Minutes - Draft City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, August 16, 2022

6:30 PM

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA FIRE PROTECTION DISTRICT
HESPERIA WATER DISTRICT
HESPERIA PUBLIC FINANCING AUTHORITY - ANNUAL MEETING
HESPERIA PUBLIC FACILITIES CORPORATION - ANNUAL MEETING**

CLOSED SESSION - 5:30 PM

Roll Call

Present: 5 - Council Member Bird, Council Member Swanson, Mayor Pro Tem Holland
Mayor Bennington and Council Member Gregg

Conference with Legal Counsel – Existing Litigation Government Code Section 54956.9(d)1

1. Assistant Secretary for FHEO v. City of Hesperia, California, et al.; Case Number 09-16-4717-8

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 5 - Council Member Bird, Council Member Swanson, Mayor Pro Tem Holland
Mayor Bennington and Council Member Gregg

D. Agenda Revisions and Announcements by City Clerk

City Attorney Eric Dunn introduced an item to discuss options for the upcoming election.

A motion was made by Bird, seconded by Swanson, that this item be added to the agenda. The motion carried by the following vote:

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

Discussion ensued.

Council directed staff to initiate a Special Meeting on August 24, 2022, at 6:00 pm, to consider appointments in lieu of holding an election.

E. Closed Session Reports by City Attorney

No reportable action was taken

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation to resident David Ellis, Pride Enhancement Program Honoree.

2. Presentation of Certificate of Recognition to Robert Stine by the City Council.

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

Bob Nelson commented on community issues.

Daniel Krist commented on community issues.

Rick Casas commented on cannabis business in the City.

Carlos De Oliveira commented on cannabis business in the City.

Sheldon De Oliveira commented on cannabis business in the City.

Allison Lee introduced herself and her interest as a potential candidate/appointee to City Council.

Al Vogler commented on OHV activity and fireworks in the City.

Council Comments were heard at this time in response to Public Comments.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Bird commented on cannabis laws in the state and country, public comments on cannabis, the Department of Justice lawsuit timing against the City, the effects of cannabis on our community's young people, VVWRA attendance on Thursday, and thanked Council Member Swanson for attending Tri City in his place.

Council Member Gregg commented on cannabis business owners public comments, his responding to calls in regards to cannabis, asked that council clarify stance on cannabis business going forward, and public comments accusing the City Council of being racist.

Council Member Holland commented on public commenters insulting the City Council and City itself, his historical stance on cannabis business in the City, previous comments from cannabis businesses during the process to allow cannabis businesses, and cannabis delivery originating from other Cities

Council Member Swanson and Mayor Bennington deferred their comments until the regular Council Comment item at the end of the meeting.

JOINT CONSENT CALENDAR

A motion was made by Holland, seconded by Gregg, that the Joint Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

1. Consideration of the Draft Minutes from the Special Meeting held Tuesday, August 2, 2022.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, August 2, 2022.

Sponsors: Assistant City Clerk Erin Baum

2. **HESPERIA PUBLIC FACILITIES CORPORATION AND HESPERIA PUBLIC FINANCING AUTHORITY ANNUAL MEETING ITEM**

Consideration of the Draft Minutes from the Corporation and Authority Annual Meetings held August 17, 2021.

Recommended Action:

It is recommended that the Board of Directors approve the Draft Minutes of the Corporation and Authority Annual Meetings held August 17, 2021.

Sponsors: Assistant City Clerk Erin Baum

3. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

Sponsors: Director of Administrative Services Casey Brooksher

4. Equipment Procurement for Water Distribution Program

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to approve the procurement of one vacuum excavator and enter into an agreement with Ditch Witch West in the not-to-exceed amount of \$84,808.

Sponsors: Director of Public Works Jeremy McDonald

5. Granicus Acquisition of GovQA

Recommended Action:

It is recommended that the City Council authorize the City Manager to enter into a one (1) year agreement with Granicus, LLC in an amount not-to-exceed \$10,866.50 to provide services for the City's electronic public records request and claims software program.

Sponsors: Assistant City Clerk Erin Baum

CONSENT ORDINANCES

A motion was made by Swanson, seconded by Holland, that the Consent Ordinances be

approved. The motion carried by the following vote:

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

6. Emergency Service Roles

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2022-11 amending Hesperia Municipal Code Chapter 2.20 regarding the line of succession in the direction of emergency services.

Sponsors: Community Relations Specialist Jennifer Colby

PUBLIC HEARING

7. Consideration of the Amendment to Title 1 related to Police Multiple Response/Firework Fees and Amendment to the City-wide Fee Schedule and Bail Schedule Related to Police Multiple Response/Firework Fees

Recommended Action:

It is recommended that the City Council, Board of Directors for the Hesperia Water District, Board of Directors for the Hesperia Housing Authority, and the Commissioners of the Community Development Commission introduce and place on first reading Ordinance No. 2022-12 amending Title 1 of the Hesperia Municipal Code related to Police Multiple Response/Firework fees; adopt Joint Resolution No. 2022-62, Resolution No. HWD 2022-14, Resolution No. HHA 2022-07, and Resolution No. HCDC 2022-04 amending the City-wide fee schedule related to the fees for the Multiple Response Program; and adopt Resolution No. 2022-63 amending the City-wide bail schedule related to prohibited firework fees.

Sponsors: Administrative Analyst Jacquelyn Castillo

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

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

8. Development Code Amendment DCA22-00003; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2022-13 approving Development Code Amendment DCA22-00003 modifying development standards associated with Accessory Dwelling Units (ADUs).

Sponsors: Senior Planner Ryan Leonard

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

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

9. Appeal to the City Council (APP22-00001); Applicant Pacific Communities Builder; APNs: 0405-042-23

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2022-64, denying appeal APP22-00001 and upholding the Planning Commission and Development Review Committee (DRC) denial of a third extension of time for Tentative Tract No. 17243 (TTE22-00001).

Sponsors: Senior Planner Ryan Leonard

Thomas Zimmerman spoke in opposition of the resolution during the public comment period.

Ron Freeman spoke in opposition of the resolution during the public comment period.

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

Aye: 4 - Bird, Holland, Gregg and Bennington

Nay: 1 - Swanson

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson gave an update on attendance at the SBCTA Mountain Desert meeting where they discussed signal timing and funding for improvements to HWY 138, commented on interest in the condition of the VVWRA plant in the City, reclaimed water availability, recent attendance at the Tri-Agency meeting, statements by public commenters on cannabis, her support of legal business in the City, traffic safety at stop signs, her daughter being recognized as a "Woman of Distinction", and wished her mother a happy 93rd birthday.

Council Member Bird commented on public speakers first amendment right to speak, his moral indignation, historical cannabis ballot measures, Federal, versus State, versus City, laws on cannabis, putting cannabis use on a future ballot measure in the City, supporting the citizens choice in approval of Measure N, and traffic safety at stop signs.

Council Member Gregg commented on traffic safety solutions, cannabis use as a future ballot measure in the City, National Night Out turn out, thanked Sheriff's, Fire and City staff for their attendance, the Farmer's Market in the Civic Park on Tuesdays, recognition of the Desert Recovery Group, the changing weather and thanked Public Works staff in response to flooding.

Mayor Pro Tem Holland commented on traffic safety, traffic enforcement, incorporating stop sign enforcement into the "Every Fifteen Minutes" program in local High Schools, public comments on the City Manager, his vote in a previous Council's decision on cannabis business within the City, public comments on the City and City Council, public comments on speaking limits, his pride in our Sheriff's and Fire departments reputation, and apologized to the City Manager for unwarranted accusations by the public.

Mayor Bennington commented on public comments in regards to her knowledge of the City, returning public commenters calls, her stance on adult use cannabis, acknowledged her parents in the audience, asked for an update on VVWRA progress with reclaimed water, recent attendance at Valley Morning Insight where Congressman Obermolte spoke, attendance at the recent Planning Commission Meeting, new tenants at the former K Mart site, attendance at the Blue Ribbon Breakfast honoring Detective Anthony Alvarez, Deputy Joel Chanceless and Deputy Curtis Bennington as Deputies of the Year, future attendance at the CAL Cities Desert Mountain region and MDAQMD meetings, thanked City staff, Sheriff's and Fire staff, recognized Hesperia City staff as the best City staff, and thanked Allison Lee for her attendance..

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

The meeting was adjourned in honor of Council Member Swanson's mother's and Council Member Bird's birthdays

*Erin Baum,
Assistant City Clerk*



City of Hesperia Meeting Minutes - Draft City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345
Teleconference Location:
428 N Beverly Dr, Beverly
Hills, CA 90210

Wednesday, August 24, 2022

6:30 PM

**SPECIAL MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT**

NO CLOSED SESSION

CALL TO ORDER - 6:00 PM

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

Present: 5 - Council Member Bird, Council Member Swanson, Mayor Pro Tem Holland
Mayor Bennington and Council Member Gregg

**Mayor pro Tem Holland participated via teleconference.*

- D. Agenda Revisions and Announcements by City Clerk – *No revisions*
- E. Closed Session Reports by City Attorney - *No closed session*

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

No public comments.

NEW BUSINESS

1. Consideration to Cancel the November 8, 2022, Election Due to Insufficient Nominees for the Offices of City Council District 2, City Council District 3, and City Council District 4.

Recommended Action:

It is recommended that the City Council 1) Accept the City Clerk's certification that there is only one (1) nominee for City Council District 3 and City Council District 4 to be filled at the November 8, 2022 Election; and 2) Accept the City Clerk's certification that there is no nominee for City Council District 2 to be filled at the November 8, 2022 Election; and 3) Consider Adoption of a Resolution No. 2022-66 Appointing the Nominees to City Offices that were to be elected at the November 8, 2022 Election and canceling the November 8, 2022, Election.

Sponsors: Eric Dunn

Allison Lee commented on City Council District 2 appointment.

Seth Levy Caveyo commented on City Council District 2 appointment.

Christopher Sevy commented on City Council District 2 appointment.

David Bashar Ellis commented on City Council District 2 appointment.

David Heredia commented on City Council District 2 appointment.

Andres Rodriguez commented on City Council District 2 appointment.

Selina Gomez commented on City Council District 2 appointment.

A motion was made by Bennington, seconded by Swanson, to approve appointment of nominees of City Council District 3 Cameron Gregg and City Council District 4 Brigit Bennington. The motion carried by the following vote:

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

A motion was made by Holland, seconded by Gregg, to approve appointing Allison Lee to the office of City Council District 2. The motion carried by the following vote:

Aye: 5 - Bird, Swanson, Holland, Gregg and Bennington

Nay: 0

A motion was made by Holland, seconded by Swanson to approve Resolution 2022-66 to cancel the General Municipal Election scheduled on November 8, 2022. The motion carried by the following vote:

Aye: 5 - Bird, Holland, Gregg, Swanson, and Bennington

Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson commented on the election.

Council Member Bird commented on the election process, and opportunities within the City.

Council Member Gregg commented on the election process.

Mayor Pro Tem Holland had no comments.

Mayor Bennington commented on the election process, thanked everybody for coming out and showing interest, thanked staff.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Melinda Sayre, City Clerk

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City of Hesperia STAFF REPORT



DATE: September 6, 2022

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Administrative Services
Anne Duke, Deputy Finance Director
Fatima Jacobo, Accountant

SUBJECT: Warrant Run Report (City – Successor Agency – Housing Authority – Community Development Commission – Water)

RECOMMENDED ACTION

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, and Water District.

BACKGROUND

The Warrant Run totals represented below are for the period July 16, 2022 through August 5, 2022.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$6,411,050.38	\$536,746.10	\$0.00	\$6,947,796.48
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	2,364.78	360.00	0.00	2,724.78
Community Development Commission	0.00	0.00	0.00	0.00
Water	1,144,040.34	216,764.96	0.00	1,360,805.30
Totals	\$7,557,455.50	\$753,871.06	\$0.00	\$8,311,326.56

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
07/16/2022-08/05/2022

FUND #	FUND NAME	W/E 7/22/2022	W/E 7/29/2022	W/E 8/5/2022	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable								
100	GENERAL	\$ 1,566,346.32	\$ 1,629,760.26	\$ 189,743.66	\$ 3,385,850.24	\$ -	\$ 3,724,882.88	\$ 4,640,666.84
200	HESPERIA FIRE DISTRICT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
204	MEASURE I - RENEWAL	\$ 1,128.42	\$ -	\$ 11,259.26	\$ 12,387.68	\$ -	\$ 52,444.33	\$ 16,793.88
207	LOCAL TRANSPORT-SB 325	\$ -	\$ 112.50	\$ 270.00	\$ 382.50	\$ -	\$ 996.68	\$ 25,000.00
209	GAS TAX-RMRA	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
210	HFPD (PERS)	\$ -	\$ 1,093,200.00	\$ -	\$ 1,093,200.00	\$ -	\$ 1,093,200.00	\$ 1,007,746.00
251	CDBG	\$ 21,180.88	\$ 3,718.87	\$ -	\$ 24,899.75	\$ -	\$ 24,907.19	\$ 374,599.85
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
256	ENVIRONMENTAL PROGRAMS GRANT	\$ 2,970.78	\$ 1.50	\$ 39.51	\$ 3,011.79	\$ -	\$ 3,051.30	\$ 1,266.02
257	NEIGHBORHOOD STABILIZATION PROG	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
258	CDBG-CV CARES ACT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
260	DISASTER PREPARED GRANT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
263	STREETS MAINTENANCE	\$ 34,795.15	\$ 281,416.06	\$ 59,627.32	\$ 375,838.53	\$ -	\$ 417,831.99	\$ 287,537.60
300	DEV. IMPACT FEES - STREET	\$ -	\$ 2,721.18	\$ -	\$ 2,721.18	\$ -	\$ 2,721.18	\$ 465.50
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 17,460.50	\$ 14,509.50
302	DEV. IMPACT FEES - FIRE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
303	DEV. IMPACT FEES - POLICE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
304	DEV. IMPACT FEES - PUBLIC WKS.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
306	DEV. IMPACT FEES - 2018-STREETS	\$ -	\$ 49,679.04	\$ 67,247.69	\$ 116,926.73	\$ -	\$ 227,867.39	\$ 465.50
312	DIF 2018-POLICE FACILITIES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
313	DIF A-04 DRAINAGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
396	DEVELOPMENT IMPACT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
399	FEMA-1203-DR (DISASTER)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
400	2004 STREETS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
401	CITY DEBT SERVICES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
501	CFD 91-3 BELGATE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
504	CITY WIDE STREETS - CIP	\$ -	\$ 151,139.59	\$ 193,119.60	\$ 344,259.19	\$ -	\$ 665,908.07	\$ -
509	CITY FACILITIES CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
800	EMPLOYEE BENEFITS	\$ 339,273.94	\$ 78,917.14	\$ 305,637.62	\$ 723,828.70	\$ -	\$ 1,105,829.81	\$ 806,520.52
801	TRUST/AGENCY	\$ 9,569.13	\$ 477.81	\$ 312.56	\$ 10,359.50	\$ -	\$ 135,571.52	\$ 358,514.82
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,467.50	\$ 168.00
807	CFD 2005-1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,206.84
808	HFPD (TRANSITION)	\$ -	\$ -	\$ 317,384.59	\$ 317,384.59	\$ -	\$ 317,384.59	\$ -
815	PLAN REVIEW TRUST - FRONTIER	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	CITY	\$ 1,975,264.62	\$ 3,291,143.95	\$ 1,144,641.81	\$ 6,411,050.38	\$ -	\$ 7,799,524.93	\$ 7,538,460.87
163	REDEVELOP OBLIG RETIREMENT-2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	SUCCESSOR AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
370	HOUSING AUTHORITY	\$ 100.00	\$ 2,264.78	\$ -	\$ 2,364.78	\$ -	\$ 2,372.22	\$ 2,976.68
	HOUSING AUTHORITY	\$ 100.00	\$ 2,264.78	\$ -	\$ 2,364.78	\$ -	\$ 2,372.22	\$ 2,976.68
170	COMMUNITY DEVELOPMENT COMMISSION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	COMMUNITY DEVELOPMENT COMMISSION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
700	WATER OPERATING	\$ 73,928.65	\$ 580,272.80	\$ 52,493.27	\$ 706,694.72	\$ -	\$ 1,111,788.16	\$ 2,222,864.71
701	WATER CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,540.15
710	SEWER OPERATING	\$ 10,737.80	\$ 135,201.67	\$ 283,037.91	\$ 428,977.38	\$ -	\$ 736,582.00	\$ 617,467.79
711	SEWER CAPITAL	\$ 574.00	\$ 6,411.00	\$ -	\$ 6,985.00	\$ -	\$ 6,985.00	\$ 142,508.71
713	SEWER CAPITAL REHAB AND REPLACE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
720	RECLAIMED WATER OPERATIONS	\$ 18.78	\$ 290.93	\$ 1,073.53	\$ 1,383.24	\$ -	\$ 2,455.66	\$ 276.10
	WATER	\$ 85,259.23	\$ 722,176.40	\$ 336,604.71	\$ 1,144,040.34	\$ -	\$ 1,857,810.82	\$ 2,990,657.46
	ACCOUNTS PAYABLE TOTAL	\$ 2,060,623.85	\$ 4,015,585.13	\$ 1,481,246.52	\$ 7,557,455.50	\$ -	\$ 9,659,707.97	\$ 10,532,095.01
REG. PAYROLL								
	City	\$ 267,359.30	\$ -	\$ 269,386.80	\$ 536,746.10	\$ -	\$ 821,019.47	\$ 707,774.10
	Housing Authority	\$ 181.05	\$ -	\$ 178.95	\$ 360.00	\$ -	\$ 553.08	\$ 449.64
	Water	\$ 107,026.15	\$ -	\$ 109,738.81	\$ 216,764.96	\$ -	\$ 327,878.19	\$ 303,266.11
	PAYROLL TOTAL	\$ 374,566.50	\$ -	\$ 379,304.56	\$ 753,871.06	\$ -	\$ 1,149,450.74	\$ 1,011,489.85

*No payments were issued on July 1, 2022.

City of Hesperia

STAFF REPORT



DATE: September 6, 2022

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Administrative Services
Anne M. Duke, Deputy Finance Director

SUBJECT: Local Transportation Fund – Article 8a Claim

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2022-61, authorizing the City Manager to file the FY 2022-23 Local Transportation Fund – Article 8a claim in the amount of \$872,556 with San Bernardino County Transportation Authority (SBCTA).

BACKGROUND

The California Transportation Development Act (TDA) of 1971 provides a funding mechanism to local government for transit services. This mechanism consists of the collection and allocation of one-fourth cent of each sales tax transaction to the State Local Transportation Fund. Called Local Transportation Funds (LTF), these monies are annually allocated to local governments based on population. In our region, SBCTA is the governing authority over these funds. In FY 2021-22, the total allocation of LTF for the City of Hesperia was approximately \$4,810,503.

LTF may be used for street and road improvements if any monies remain after providing for local transit needs. These road and street monies, should they be available, are designated as LTF – Article 8a funds, and must be officially claimed by the agency as such. This claim must be made to SBCTA.

Annually, the Victor Valley Transit Authority (VVTA) holds public hearings to determine the unmet transit needs. Based upon information from those hearings and established state and federal requirements, VVTA determines the total cost of all transit services in the High Desert. The City contributes LTF to this budget in proportion to its share of participants in the various VVTA programs offered. As a member of the VVTA, the City of Hesperia has met its constituents' FY 2021-22 transit needs through the expenditure of a major portion of allocated LTF.

The City's portion of the VVTA budget for FY 2021-22 was estimated to be \$4,810,503, with \$3,937,947 to be utilized by VVTA for transit purposes including: VVTA administration and related capital purchases; the interconnected Victor Valley regional route system and pickup service and transportation for ADA clients; and the Hesperia Community Route. The remaining funding of \$872,556 is then made available to the City to be used for street and road improvements. The City's FY 2022-23 allocation of \$872,556 is substantially higher than the FY 2021-22 allocation of \$82,465, primarily due to grant funding received by VVTA during FY 2021-22. However, the City has been notified by VVTA that the FY 2022-23 allocation may be the last year of Article 8 funds distributed to the City for road improvements, due to increased transit needs.

Distribution of Article 8a funds for FY 2022-23 occurs upon completion of the annual audit of these funds and the Measure I funds. For FY 2020-21, the audit was completed in December 2021.

ISSUES/ANALYSIS

Since all City transit needs have been met for FY 2021-22 through participation in the VVTA programs cited above, SBCTA has notified the Finance Department that the balance of the City's LTF allocation of \$872,556 can now be claimed as Article 8a monies and used for street and road improvements.

Adoption of the Resolution No. 2022-61 and submission of that Resolution with the required claim form will fulfill SBCTA requirements for the City to claim the residual LTF as Article 8a monies for street and road improvements.

FISCAL IMPACT

The Article 8a allocation is included in the FY 2022-23 Budget.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENTS

1. Resolution No. 2022-61

RESOLUTION NO. 2022-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AUTHORIZING THE CITY TO FILE THE FY 2022-23 LTF – ARTICLE 8a LOCAL STREETS AND ROADS CLAIM WITH SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA)

WHEREAS, the California Transportation Development Act of 1971 (TDA) provides that one-fourth cent of every sales tax collection on the dollar be deposited in the State Local Transportation Fund (LTF) for allocation to local government based upon population; and

WHEREAS, this allocation is managed by the SBCTA, and is distributed annually; and

WHEREAS, these monies must first be used to meet local transit needs, with this portion of the allocation given to the agency which manages this service; for the City of Hesperia this entity is the Victor Valley Transit Authority (VVTa); and

WHEREAS, the balance of this LTF allocation can be requested by each local government to use for the improvement of streets and roads; and

WHEREAS, this application must be made to SBCTA on an official LTF – Article 8a claim form, wherein the applying jurisdiction agrees: (1) that such monies will be used only in accordance with TDA provisions and allocation instructions; (2) to provide financial reporting information; and (3) to provide a governing body authorization document to file said claim; and

WHEREAS, the City's Finance Department has completed the first two steps of the claim process, and now requests Council authorization to proceed in the collection of these Article 8a monies.

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

Section 1. The Council hereby finds that all of the facts set forth in the Resolution are true and correct.

Section 2. The Council authorizes the City Manager to file the FY 2022-23 LTF – Article 8a Local Streets and Roads Claim in the amount of \$872,556 with SBCTA.

Section 3. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED THIS 6th DAY OF SEPTEMBER 2022.

Brigit Bennington, Mayor

ATTEST:

Erin Baum, Assistant City Clerk

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City of Hesperia

STAFF REPORT



DATE: September 6, 2022

TO: Mayor and City Council Members

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Administrative Services

SUBJECT: Amendment to the Contract with NBS for Silverwood/Tapestry Development Fiscal Impact Analysis (FIA) Consulting Services

RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to amend the current agreement with NBS Government Finance Group (NBS) in the amount of \$16,500, for a total not-to-exceed amount of \$28,000, to include consultant services for Silverwood/Tapestry Development Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) Review.

BACKGROUND

Currently, the City contracts with NBS to provide CFD administration/delinquency services (City's CFD 2005-1 Belgate Development, Residential Maintenance and Services CFD 2021-01, and the Non-Residential Maintenance and Services CFD 2022-01), as well as the Silverwood/Tapestry Development fiscal impact analysis (FIA) consulting services. For Fiscal Year (FY) 2022-23, the total contract for these during this year is \$41,630 (\$30,130 for CFD administration/delinquency and \$11,500 for Tapestry Development FIA consulting services).

ISSUES/ANALYSIS

With the nearing completion of the FIA report, the next step is to review the CFD pro forma prepared and provided by the developer in conjunction with the identified components in the Developer Agreement, along with a review of the rate model, including overlapping debt, value to lien and overall tax burden on each property, which are needed for a rate and method of apportionment and overall CFD report.

FISCAL IMPACT

Funding for these services is included in the Fiscal Year 2022-23 Operating Budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

None.

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City of Hesperia

STAFF REPORT



DATE: September 6, 2022

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Jeremy McDonald, Director of Public Works
Robert Worby, Fleet/Warehouse Supervisor

SUBJECT: Vehicle Procurement – Six Mid-Size Trucks

RECOMMENDED ACTION

It is recommended that the City Council and Board of Directors of the Hesperia Water District (HWD) authorize the City Manager to approve the procurement of six (6) 2023 Ford 4 x 4 trucks and enter into an agreement with Fairview Ford in the not-to-exceed amount of \$194,412.

BACKGROUND

The Fiscal Year (FY) 2022-23 Budget includes funding for the replacement of six vehicles (Code Enforcement Program, Street Maintenance Division, and Water Production Program). These existing units have reached the end of their useful lifespan as annual costs attributed to maintaining assets exceed salvage value. The current three (3) trucks in the Water Division were purchased in 2005 and 2006, and each have over 116,000 miles; the Street Division truck was purchased in 2006, and has a faulty transmission needing to be replaced, with over 124,000 miles. The two additional trucks are for new positions that were added at the end of FY 2021-22 within the Code Enforcement Program.

ISSUES/ANALYSIS

The Public Works Division released a formal request for bid (RFB) on Thursday, July 28, 2022, soliciting bids from vendors both locally and out of the area to maximize bid response. A public bid opening was held on Tuesday, August 16, 2022, and two responses were received including Victorville Chevrolet. Vendors who did not respond include Victorville Motors, Mountain View Chevrolet, Valley Hi Toyota, Valley Hi Honda, Valley Hi Nissan, Rotolo Chevrolet, Greiner GM, Sunland Ford, Moss Brothers Chrysler Dodge Jeep Ram, and Mark Christopher Chevrolet. Staff recommends awarding the bid to Fairview Ford who has been deemed to be the lowest responsive/responsible vendor.

FISCAL IMPACT

Funding for the purchase of the replacement vehicles has been included in the FY 2022-23 Operating Budget.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Bid comparison

RFB 2022-23-003 Six New Mid-Size 4 x 4 Trucks

Bid Result

Bid Comparison Type: Taxable

Bid Comparison Completed By: Robert Worby

Date: 8/16/2022

Fairview Ford Sales San Bernardino, CA				Victorville Chevrolet / Cadillac Victorville, CA					
Item No.	UOM	Qty	Description	Bidder Part #	Unit Cost	Extended Amount	Bidder Part #	Unit Cost	Extended Amount
1	EA	2	2023 Mid-Size 4 x 4 Truck Crew Cab	N/A	\$31,394.000	\$62,788.00	N/A	\$29,995.000	\$59,990.00
2	EA	4	2023 Mid-Size 4 x 4 Truck Super Cab	N/A	\$29,398.000	\$117,592.00	N/A	\$30,680.000	\$122,720.00
				Subtotal		\$180,380.00	Subtotal		\$182,710.00
				Sales Tax (7.75%)		\$13,979.45	Sales Tax (7.75%)		\$14,160.03
				Bid Amount (with tax)		\$194,359.45	Bid Amount (with tax)		\$196,870.03
				Tire Fee (not subject to Sales Tax per Cal BOE)		\$52.50	Tire Fee (not subject to Sales Tax per Cal BOE)		\$52.50
				TOTAL BID		\$194,411.95	TOTAL BID		\$196,922.53
				Submitted Bid Amount		\$194,411.95	Submitted Bid Amount		\$196,929.11
				Difference		\$0.00	Difference		(\$6.58)
				Winning Bidder					

*Per Hesperia Ordinance 2014-09, Section 3.08.080, Sub-section E, "For purposes of determining the lowest responsible, responsive bidder, there shall be deducted from the bid(s) submitted by a local bidder all sales taxes which will be apportioned to and received by the City" (1%).

City of Hesperia

STAFF REPORT



DATE: September 6, 2022

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Rachel Molina, Assistant City Manager
Bethany Hudson, Administrative Analyst

SUBJECT: Fiscal Year 2022/23 – 2026/27 Five Year Measure I Capital Improvement Plan

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2022-65 approving the Measure I Five Year Capital Improvement Plan and Expense Strategy for Fiscal Years 2022/23 – 2026/27.

BACKGROUND

In November 2004, voters in San Bernardino County approved Ordinance No. 04-01, a second 30-year term to impose a one half of one percent retail transaction and sales tax to fund transportation related improvements and traffic management programs. Originally established in 1989 as Measure I, currently referred to as Measure I 2010-2040, revenue collected are to be utilized as follows:

- 70% Local Street Program (2% of the revenue is to be reserved for Project Development and Traffic Management Systems)
- 25% Major Local Highway Program (used to leverage against State/Federal funds)
- 5% Senior and Disabled Transit Program

ISSUES/ANALYSIS

Jurisdictions receiving Measure I tax revenue from the San Bernardino County Transportation Authority (SBCTA) Local Street Program must annually adopt, by action of their governing body, a Five Year Capital Improvement Plan (CIP), which outlines the projects upon which the Measure I pass-through funds will be expended. Only projects identified in the current CIP are eligible for use of Measure I revenue and only 50% of the estimated revenue can be programmed for use on general maintenance and city overhead. The other 50% of revenue should be programmed to specific road projects which identify projects by street name and project type. The Measure I Five Year (CIP) should also include an Expense Strategy, which explains the City's policy approach and expenditure method in identifying projects to be funded by Measure I. At the end of the year, SBCTA audits the City's Measure I expenditures to ensure they are consistent with the projects programmed in the Measure I Five Year (CIP).

- Beginning in Fiscal Year 2018/19, the first payment of the Ranchero Road Interchange Public Share Reimbursement was due to SBCTA. This 10-year payback agreement between the City and SBCTA allowed the advancement of the Ranchero Road interchange project whereby the City borrowed its local share of the project funding from SBCTA. The City obligated Development Impact Fees (DIF) as the source of this

repayment, and the City anticipates it will successfully make reimbursement payments from DIF for fiscal years 2021/22 and 2022/23; however, the repayment is included in the MICIP for future years past FY 2022/2023 as a placeholder in the event that the City is not able to continue making payments with DIF fees.

FISCAL IMPACT

There is no direct fiscal impact as a result of the subject item. This action simply adopts the FY 2022/23 – 2026/27 Five Year Measure I Capital Improvement Plan for the purpose of expending Measure I revenues. Any changes in financial condition can be clarified with an amendment to the plan.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2022-65
2. Measure I Five Year CIP 2022/23 - 2026/27 Spreadsheet
3. Measure I Five Year CIP 2022/23- 2026/27 Expenditure Strategy

RESOLUTION NO. 2022-065

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA,
CALIFORNIA, ADOPTING THE 2022/23-2026/27 MEASURE I FIVE-YEAR
CAPITAL IMPROVEMENT PLAN**

WHEREAS, San Bernardino County voters approved passage of Measure I in November 2004, authorizing the San Bernardino County Transportation Authority to impose a one-half of one percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

WHEREAS, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 04-01 of the Authority; and

WHEREAS, the Strategic Plan requires each local jurisdiction applying for revenue from the Local Streets Program to annually adopt and update a Five-Year Capital Improvement Plan; and

WHEREAS, California Public Utilities Code 190300 and Ordinance No. 04-01 requires each local jurisdiction to maintain General Fund expenditures for transportation-related construction and maintenance activities at the required Maintenance of Effort base year level in each fiscal year of the adopted Five-Year Capital Improvement Plan, which for the City of Hesperia is \$29,429; and

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

Section 1. The City Council hereby adopts the 2022/23- 2026/27 Measure I Five-Year Capital Improvement Plan, attached to this resolution; and

Section 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 6th day of September 2022.

Brigit Bennington, Mayor

ATTEST:

Erin Baum, Assistant City Clerk

Resolution Number:	2022-65
Resolution Approval Date:	9/6/2022
Contact Person/Title:	Bethany Hudson - Admin Analyst
Phone:	760-947-1438
Email:	bhudson@cityofhesperia.us

Total Programming is currently

143%

.....
Total Estimated Revenue

Measure I Local Pass-through Program

FIVE YEAR CAPITAL IMPROVEMENT PLAN

Fiscal Years 2022/2023 thru 2026/2027

Jurisdiction:

Hesperia

Total Estimated Programming:

\$36,756,433

CITY OF HESPERIA

MEASURE I CAPITAL IMPROVEMENT PLAN

EXPENDITURE STRATEGY

Fiscal Year 2022/23 – Fiscal Year 2026/27

The majority of Measure I revenue is planned to be utilized for the following types of eligible transportation improvements and policy prioritizations:

- Intent to allocate 50% or less of anticipated annual revenue on General Program Categorical expenditures. Specifically, the Measure I funds will be utilized annually to supplement the City's Street Division General Maintenance Program. This includes preservation and upkeep of existing and newly reconstructed roads to original constructed condition in order to maintain its integral useful life and to provide safe, convenient, and practical intercity transportation.
- Intent to allocate the remaining 50% of the anticipated annual revenue on the rebuilding and betterments of local roadways and alternative transportation. Local roadway betterments are scheduled to be completed under the Park and Ride Expansion Project, the Ranchero Road Aqueduct Crossing Project, Ranchero Road Improvements from 7th Avenue to Mariposa Road, traffic signals at Ranchero Road and Maple Avenue, Ranchero Road and Seventh Avenue as well as Ranchero Road and Cottonwood Avenue, the Sultana Street Improvements, the Muscatel Street Improvements, the Cedar Street Roadway Improvements, Maple Avenue Street Improvements, Aqueduct Crossing Improvements, Kaiser Permanente Way Extension, and FY 2019-20 CDBG Street Improvements.
- Beginning in Fiscal Year 2018/19, the first payment of the Ranchero Road Interchange Public Share Reimbursement was due to the San Bernardino County Transportation Authority (SBCTA). This 10 year payback agreement between the City and SBCTA allowed the advancement of the Ranchero Road interchange project whereby the City borrowed its local share of the project funding from SBCTA. The City obligated Development Impact Fees (DIF) as the source of this repayment, but if insufficient DIF fees are collected, SBCTA will withhold the City's annual Measure I allocation to make the payment whole on an annual basis. Currently the City anticipates that revenue from DIF will cover the Reimbursement for fiscal years 2022-23 and 2023-24. The Reimbursement is included in the MICIP report for future fiscal years after FY 2023/2024 as a placeholder to prepare for the possibility of a reduction in DIF fees which would result in payments made from Measure I funding.

City of Hesperia

STAFF REPORT



DATE: August 16, 2022

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District
Chair and Board Members, Hesperia Housing Authority
Chair and Board Members, Hesperia Community Development Commission

FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**

BY: Melinda Sayre, Director of Government Services/City Clerk
Jacquelyn Castillo, Administrative Analyst

SUBJECT: Consideration of the Amendment to Title 1 related to Police Multiple Response/Firework Fees and Amendment to the City-wide Fee Schedule and Bail Schedule Related to Police Multiple Response/Firework Fees

RECOMMENDED ACTION

It is recommended that the City Council, Board of Directors for the Hesperia Water District, Board of Directors for the Hesperia Housing Authority, and the Commissioners of the Community Development Commission introduce and place on first reading Ordinance No. 2022-12 amending Title 1 of the Hesperia Municipal Code related to Police Multiple Response/Firework fees; adopt Joint Resolution No. 2022-62, Resolution No. HWD 2022-14, Resolution No. HHA 2022-07, and Resolution No. HCDC 2022-04 amending the City-wide fee schedule related to the fees for the Multiple Response Program; and adopt Resolution No. 2022-63 amending the City-wide bail schedule related to prohibited firework fees.

BACKGROUND

The City's Multiple Response Program is governed by Hesperia Municipal Code Section 1.12.130 Special Enforcement Procedures, where large or tumultuous parties, domestic disturbances, gatherings, boisterous activities, or music, or any combination thereof, which interfere with the neighbors' reasonable enjoyment of their property, constitute a threat to public peace, morals, and safety, and elicit numerous calls to the police department.

In addition to disturbances and boisterous activities, the occurrence of multiple false alarms requiring police department response and multiple 911 calls where reasonable circumstances are not established have the effect of reducing manpower availability and therefore, threatening public safety. For the purposes of this section, multiple false alarms and/or multiple unreasonable 911 calls are considered a disturbance and subject to police multiple response fees. For the first incident, the responsible party will be issued a written warning (no fee) and the property will be placed on a probation period for three years from the date of the initial response. Any additional responses that occur during the three-year probation period will cause the property to be subject to the fee schedule on the next page.

Furthermore, the possession and usage of fireworks requires police and city department response and reduces manpower availability, in addition to creating an unsafe situation and threatening public safety and so shall be considered a disturbance and subject to police multiple

response fees, and are subject to a separate fine schedule, and fees are issued upon the first occurrence.

ISSUES/ANALYSIS

Multiple Disturbance/Firework Fees

Multiple Disturbance/Firework fees were presented as a discussion item at the July 19, 2022 City Council meeting. Staff sought direction from City Council members to amend fees related to the Multiple Disturbance fees. Accordingly, it was determined that fees should be increased to deter repeat offenders from engaging in boisterous activities, false alarms/multiple unreasonable 911 calls, and use of illegal fireworks.

It is recommended that the fee schedule for general disturbances be updated as follows:

General Disturbance Fees:

- First Response: No Charge/ Warning and three-year probation
- Second Response: Increase from \$150 to \$500
- Third Response: Increase from \$500 to \$1000
- Fourth Response: Will remain at \$1,000
- Each Subsequent Response: Will remain at \$2,500
- (Actual costs may be assessed in addition to any subsequent response)
- Citation Filing Fee: \$19 (charged to each response)
- Late Fees: 50% of total due

It is recommended that the bail schedule for fireworks be updated as follows:

Fireworks Fine Schedule

- First Response: Increase from \$1,000 to \$1,250 (to align with County fines)
- Second Response: Increase from \$2,000 to \$2,500
- Third Response: Increase from \$3,000 to \$5,000
- Fourth Response: Increase from \$3,000 to \$5,000
- Subsequent response: Increase from \$3,000 to \$5,000
- (Actual costs may be assessed in addition to any subsequent response)
- Citation Filing Fee: \$19 (charged to each response)
- Late Fees: 50% of total due

Multiple Disturbance/Firework Statistics

Staff conducted an analysis of the total number of multiple disturbances/firework responses for the period of January 1, 2020 through July 31, 2022. Grand totals are outlined in the chart below by year and activity type:

YEAR	911 CALLS	DISTURBING THE PEACE	FALSE ALARM BUSINESS	FALSE ALARM RESIDENTIAL	FIREWORKS	MUSIC	OTHER	PARTY	GRAND TOTALS
2020	2	25	32	1	31	38	1	55	185
2021		19	35	4	19	24	15	11	127
2022		12	23	5	18	28	4	75	165
TOTALS	2	56	90	10	68	90	20	141	477

An analysis of the statistical data for this scope period revealed that there was a total of 385 locations where there were multiple disturbances/firework responses. Of this total, 50 locations had 2 or more calls.

With the increased fees, staff anticipates a reduction in the number of repeat offenses.

FISCAL IMPACT

Adoption of this resolution will allow the City to continue to collect fees that adequately recover costs based on services provided.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2022-12
2. Exhibit "A" Title 1 Chapter 1.12.130 (16)(d) Multiple Police Response - Fireworks
3. Joint Resolution No. 2022-62
4. Fee Schedule and Exhibit "A" attached
5. Resolution No. 2022-63
6. Bail Schedule with Exhibit "A" attached

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 1 OF THE HESPERIA MUNICIPAL CODE, CHAPTER 1.12.130 TO UPDATE THE FEES RELATED TO THE MULTIPLE DISTURBANCE/FIREWORK RESPONSE PROGRAM

WHEREAS, the City of Hesperia has the authority and responsibility to protect the public health, safety, and welfare; and

WHEREAS, Title 1 of the Hesperia Municipal code contains regulations related to the Multiple Disturbance/Firework Response program; and

WHEREAS, the City Council finds that increasing multiple disturbance/firework response fees will deter individuals from repeatedly engaging in boisterous activities, false alarms/multiple unreasonable 911 calls, and illegal fireworks; and

WHEREAS, modifications to the program are necessary to update reference to multiple disturbance/firework response fees; and

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

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

Section 1. All of the facts set forth in the forgoing recitals are true, correct and are adopted as findings.

Section 2. Title 1, Chapter 1.12.130 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto.

Section 3. This Ordinance shall take effect on September 16th, 2022.

Section 4. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 5. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

ADOPTED AND APPROVED this 16th day of August, 2022.

Brigit Bennington, Mayor

ATTEST _____
Erin Baum, Assistant City Clerk

Attachment 2

Exhibit A: Title 1 Chapter 1.12.130(16)(d) – Special Enforcement Procedures - Multiple Response - Fireworks

d. Fireworks. The possession and usage of fireworks requires police and city department response and reduces manpower availability, in addition to creating an unsafe situation and threatening public safety and so shall be considered a disturbance and subject to police multiple response fees.

Responses related to fireworks shall be subject to fees established by resolution of the Hesperia City Council. the following schedule of fees: First Response – \$150.00; Second Response – \$500.00; Third Response – \$1,000.00; Fourth and all subsequent responses – \$2,500.00. Additionally, at the discretion of the Police Captain or their designee, any response shall also incur actual costs.

Response for fireworks shall be subject to the probation requirements as required by this chapter for multiple responses.

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City of Hesperia

STAFF REPORT



DATE: August 16, 2022

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**

BY: Rachel Molina, Assistant City Manager
Ryan Leonard, Senior Planner
Yuying Ma, Assistant Planner

SUBJECT: Development Code Amendment DCA22-00003; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2022-13 approving Development Code Amendment DCA22-00003 modifying development standards associated with Accessory Dwelling Units (ADUs).

BACKGROUND

On May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs). On June 1, 2021, the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements.

In January 2022, the California Department of Housing and Community Development (HCD) requested copies of the City's existing ADU Ordinance. On June 3, 2022, HCD provided written comments to the City regarding the existing ADU Ordinances. The adopted ADU Ordinances comply with many of the State's statutory requirements, however certain aspects of the ADU Ordinances must be revised to comply with State ADU Law.

PROJECT SUMMARY

The ADU Ordinance (specifically section 16.12.360 of the Development Code) currently allows ADU's in the agricultural, single family, multi-family, and mixed-use zoning designations. However, it was discovered that Section 16.16.085 of the Municipal Code is inconsistent with the ADU Ordinance because it incorrectly lists ADUs as a prohibited use in the R3 zoning designation. Therefore, DCA22-00003 will modify Section 16.16.085 of the Municipal Code to clarify that ADUs are an allowed use in the multifamily zoning designations.

Development Code Amendment DCA22-00003 will also clarify that an ADU may be allowed on a lot with an existing or proposed "primary residence" as opposed to a "single family residence." This will ensure that references to multifamily buildings are not omitted in the ADU Ordinance.

DCA22-00003 will amend the existing ADU Ordinance to remove two regulations that are considered to be subjective terms. The existing ADU Ordinance currently requires that "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.” HCD determined that “obvious indication” could be a subjective term. Therefore, this requirement will be removed.

In addition, the existing ADU Ordinance states that an ADU “shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.” As with above, the terms “excessive noise, traffic or other disturbances” and “significantly adverse impacts” were determined to be subjective terms and will be removed. However, the City may continue to use the adequacy of water and sewer services to determine where ADUs may be permitted.

Planning Commission Review: On July 14, 2022 the Planning Commission voted 5-0 to forward this item to the City Council with a recommendation for approval.

Conclusion: The Ordinance is consistent the goals, policies and objectives of the General Plan and will bring the City’s Accessory Dwelling Unit regulations into compliance with State ADU law.

ATTACHMENT(S)

1. Ordinance No. 2022-13
2. Exhibit "A"
3. Planning Commission Staff Report with attachments.

ORDINANCE NO. 2022-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA,
CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT
MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH
ACCESSORY DWELLING UNITS (DCA22-00003)**

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 Section 16.12.360 of the City of Hesperia Development Code regulations, which pertain to Accessory Dwelling Units (ADUs); and

WHEREAS, the proposed Development Code Amendment will modify Section 16.16.085 of the Municipal Code to state that an ADU is an allowed use in the R3 zoning designation; and

WHEREAS, the proposed Development Code Amendment will modify Section 16.12.360 (E)(1) to clarify that an ADU may be allowed on a lot with an existing or proposed “primary residence” as opposed to a “single family residence”; and

WHEREAS, the proposed Development Code Amendment will modify Section 16.12.360 (E) of the Municipal Code to remove two regulations that are considered to be subjective terms; the term “obvious indication” of two units will be removed and the terms “excessive noise, traffic or other disturbances” and “significantly adverse impacts” and will be removed; and

WHEREAS, the proposed Development Code Amendment will modify Section 16.12.360 of the City of Hesperia Development Code regulations to add the approval time of 120 days; 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 July 14, 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, on August 16, 2022, the City Council 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 Ordinance have occurred.

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

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the Council, including written and oral staff reports, the Council 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 DCA22-00003 amending the ADU regulations as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 16th day of August 2022.

Brigit Bennington, Mayor

ATTEST:

Erin Baum, Assistant City Clerk

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~~):

16.12.360 Accessory dwelling units.

- A. Purpose. The purpose of these provisions is to establish procedures for permitting an accessory dwelling unit (ADU); to implement state law requiring consideration for such uses.
- B. Definitions.
 - a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - c. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made by pursuant to the provisions and limitations of this article.
 - a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).
 - b. The City shall act on the application to create an ADU or a Junior ADU within 120 days from the date that the City receives a completed application, unless either:
 - a) The Applicant requests for a delay, in which case the 120 day time period is tolled for the period of the requested delay, or

2.

b) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the City may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling until the City acts on the permit application to create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

c. Approval of a permit to construct an accessory dwelling unit shall be valid for a period not to exceed thirty-six (36) months.

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.

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10. The design and construction of each ADU shall conform to all applicable provisions of the Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

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 primary~~ 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 or proposed multi-family structure.
2. A detached accessory unit shall not exceed 1,200 square feet per structure of livable floor area (excludes garage and any accessory 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 the separate entrance shall be located on the side or rear of the structure and whenever possible, located facing toward the interior yard areas.~~
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.
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
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.

9. 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.
10. 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.~~
11. 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.
 - c) 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.
 - d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single family residence.
 - e) 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.

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- f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence.
 - g) Additional parking shall not be required.
 - h) 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.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12 , § 3(Exh. A), 6-20-17; Ord. No. 2020-04 , § 3(Exh. A), 5-19-20; Ord. No. 2021-01 , 3(Exh. A), 6-1-21)

The following are modifications to Article IV of Chapter 16.16:

16.16.085 Residential and ancillary uses.

Residential and Ancillary Uses	R1	R3 ¹	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. Accessory dwelling unit	A	NP A	A	A	A	16.12.360
D. Guest house ²	A	NP	A	A	A	
E. Home Occupation	A	A	A	A	A	Chapter 5.44 (Municipal Code)
F. Board and room, not to exceed two persons, without kitchen privileges	A	A	A	A	A	
G. Accessory buildings and structures ³	A	A ⁴	A	A	A	16.20.385—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—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 16.20.385—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	
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) ⁷	C	C	C	C	C	
L. Group homes not licensed by the state with six or more residents	C	C	C	C	C	
M. Supportive housing and transitional housing	S	S	S	S	S	16.08.332 and 16.08.333
N. Parking of commercial vehicles, as defined in the California Vehicle Code	A	NP	A	A	A	16.20.090(H)
O. Mobile home parks	S	S ⁵	S	S	S	16.28.010—16.28.070
P. Hotels and Motels	NP	S ⁶	NP	NP	NP	
Q. Small family day care to 12 or fewer children	A	A	A	A	A	

R. Large family day care to 13 or more children	S	S	S	S	S	
S. 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. Accessory structures and uses shall be customarily incidental to any permitted uses when located on the same site with the main building and use.
4. Shall include recreational vehicle parks.
5. 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.
6. 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.

(Ord. No. 2011-10, § 3(Exh. A), 8-16-11; Ord. No. 2014-02, § 3(Exh. A), 2-18-14 ; Ord. No. 2021-01 , 3(Exh. A), 6-1-21)

City of Hesperia
STAFF REPORT

DATE: July 14, 2022

TO: Planning Commission

FROM: Rachel Molina, Assistant City Manager

BY: Ryan Leonard, Senior Planner
Yuying Ma, Assistant Planner

SUBJECT: Development Code Amendment DCA22-00003; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2022-10 recommending that the City Council introduce and place on first reading an ordinance approving DCA22-00003, modifying development standards associated with Accessory Dwelling Units (ADUs).

BACKGROUND

On May 19, 2020 the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs). On June 1, 2021 the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements.

In January 2022 the California Department of Housing and Community Development (HCD) requested copies of the City's existing ADU Ordinance. On June 3, 2022, HCD provided written comments to the City regarding the existing ADU Ordinances. The adopted ADU Ordinances address many of the State's statutory requirements, however certain aspects of the ADU Ordinances must be revised to comply with State ADU Law.

ISSUES/ANALYSIS

Staff has identified required changes to the ADU Ordinance as well as other opportunities to improve the existing ordinance, as discussed below. The proposed Development Code Amendment will modify the City's existing ADU Ordinance to fully comply with the State ADU Law.

The ADU Ordinance (specifically section 16.12.360 of the Development Code) currently allows ADU's in the agricultural, single family, multi-family, and mixed-use zoning designations. However, it was discovered that Section 16.16.085 of the Municipal Code is inconsistent with the ADU Ordinance because it incorrectly lists ADUs as a prohibited use in the R3 zoning designation. Therefore, DCA22-00003 will modify Section 16.16.085 of the Municipal Code to clarify that ADUs are an allowed use in the multifamily zoning designations.

Development Code Amendment DCA22-00010 will also clarify that an ADU may be allowed on a lot with an existing or proposed “primary residence” as opposed to a “single family residence.” This will ensure that references to multifamily buildings are not omitted in the ADU Ordinance.

DCA22-00010 will amend the existing ADU Ordinance to remove two regulations that are considered to be subjective terms. The existing ADU Ordinance currently requires that “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.” HCD determined that “obvious indication” could be a subjective term. Therefore, this requirement will be removed.

In addition, the existing ADU Ordinance states that an ADU “shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.” As with above, the terms “excessive noise, traffic or other disturbances” and “significantly adverse impacts” were determined to be subjective terms and will be removed. However, the City may continue to use the adequacy of water and sewer services to determine where ADUs may be permitted.

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. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation.

Conclusion: The Ordinance is consistent the goals, policies and objectives of the General Plan and will bring the City’s Accessory Dwelling Unit regulations into compliance with State ADU law.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. PC-2022-10, with Exhibit “A”

ATTACHMENT 1

RESOLUTION NO. PC-2022-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUS) (DCA22-00010)

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 Section 16.12.360 of the City of Hesperia Development Code regulations, which pertain to Accessory Dwelling Units (ADUs); and

WHEREAS, the proposed Development Code Amendment will modify Section 16.16.085 of the Municipal Code to state that an ADU is an allowed use in the R3 zoning designation; and

WHEREAS, the proposed Development Code Amendment will modify Section 16.12.360 (E)(1) to clarify that an ADU may be allowed on a lot with an existing or proposed “primary residence” as opposed to a “single family residence”; and

WHEREAS, the proposed Development Code Amendment will modify Section 16.12.360 (E) of the Municipal Code to remove two regulations that are considered to be subjective terms; the term “obvious indication” of two units will be removed and the terms “excessive noise, traffic or other disturbances” and “significantly adverse impacts” and will be removed; and

WHEREAS, the proposed Development Code Amendment will modify Section 16.12.360 of the City of Hesperia Development Code regulations to add the approval time of 120 days; 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 July 14, 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 DCA22-00003, amending the Accessory Dwelling Unit regulations as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 14th day of July 2022.

Roger Abreo, 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~~):

16.12.360 Accessory dwelling units.

- A. Purpose. The purpose of these provisions is to establish procedures for permitting an accessory dwelling unit (ADU); to implement state law requiring consideration for such uses.
- B. Definitions.
 - a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
 - b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
 - c. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made by pursuant to the provisions and limitations of this article.
 - a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).
 - b. The City shall act on the application to create an ADU or a Junior ADU within 120 days from the date that the City receives a completed application, unless either:
 - a) The Applicant requests for a delay, in which case the 120 day time period is tolled for the period of the requested delay, or

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b) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the City may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling until the City acts on the permit application to create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

c. Approval of a permit to construct an accessory dwelling unit shall be valid for a period not to exceed thirty-six (36) months.

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.

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10. The design and construction of each ADU shall conform to all applicable provisions of the Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

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 primary~~ 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 or proposed multi-family structure.
2. A detached accessory unit shall not exceed 1,200 square feet per structure of livable floor area (excludes garage and any accessory 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~~ the separate entrance shall be located on the side or rear of the structure and whenever possible, located facing toward the interior yard areas.
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.
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
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.

9. 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.
10. 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.~~
11. 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.
 - c) 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.
 - d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single family residence.
 - e) 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.

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- f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence.
 - g) Additional parking shall not be required.
 - h) 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.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12 , § 3(Exh. A), 6-20-17; Ord. No. 2020-04 , § 3(Exh. A), 5-19-20; Ord. No. 2021-01 , 3(Exh. A), 6-1-21)

The following are modifications to Article IV of Chapter 16.16:

16.16.085 Residential and ancillary uses.

Residential and Ancillary Uses	R1	R3 ¹	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. Accessory dwelling unit	A	NP <u>A</u>	A	A	A	16.12.360
D. Guest house ²	A	NP	A	A	A	
E. Home Occupation	A	A	A	A	A	Chapter 5.44 (Municipal Code)
F. Board and room, not to exceed two persons, without kitchen privileges	A	A	A	A	A	
G. Accessory buildings and structures ³	A	A ⁴	A	A	A	16.20.385—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—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 16.20.385—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	
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) ⁷	C	C	C	C	C	
L. Group homes not licensed by the state with six or more residents	C	C	C	C	C	
M. Supportive housing and transitional housing	S	S	S	S	S	16.08.332 and 16.08.333
N. Parking of commercial vehicles, as defined in the California Vehicle Code	A	NP	A	A	A	16.20.090(H)
O. Mobile home parks	S	S ⁵	S	S	S	16.28.010—16.28.070
P. Hotels and Motels	NP	S ⁶	NP	NP	NP	
Q. Small family day care to 12 or fewer children	A	A	A	A	A	

R. Large family day care to 13 or more children	S	S	S	S	S	
S. 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. Accessory structures and uses shall be customarily incidental to any permitted uses when located on the same site with the main building and use.
4. Shall include recreational vehicle parks.
5. 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.
6. 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.

(Ord. No. 2011-10, § 3(Exh. A), 8-16-11; Ord. No. 2014-02, § 3(Exh. A), 2-18-14 ; Ord. No. 2021-01 , 3(Exh. A), 6-1-21)