

City of Hesperia  
**STAFF REPORT**



**ATTACHMENT 3**

**DATE:** March 14, 2019  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Acting Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Specific Plan Amendment SPLA19-00002; Applicant: City of Hesperia; Area affected: City-wide

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**RECOMMENDED ACTION**

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

**BACKGROUND**

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

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

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

**ISSUES/ANALYSIS**

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

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

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

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

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

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

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

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

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

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

**Floor Area Ratio:** The Floor Area Ratio is the relationship of buildable floor area (total amount of square feet) to a given site area (amount of land). If the parking standards are revised to allow parking in the street side setbacks, it would allow developers to utilize more of the site for development. Therefore, staff is recommending that the FAR be increased from 0.23 to 0.35 in the Neighborhood Commercial (NC) zone. Furthermore, staff would like to take a closer look at the maximum floor area requirements for all of the zones in the MSFCSP and may come back at a later time with recommended changes.

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

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

## **FISCAL IMPACT**

None.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENT(S)**

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



# ATTACHMENT 1



**Pedestrian Commercial Zone**

**APPLICANT(S):**  
CITY OF HESPERIA

**FILE NO(S):**  
SPLA19-00002

**LOCATION:**  
CITY-WIDE

**APN(S):**  
CITY-WIDE

**PROPOSAL:**

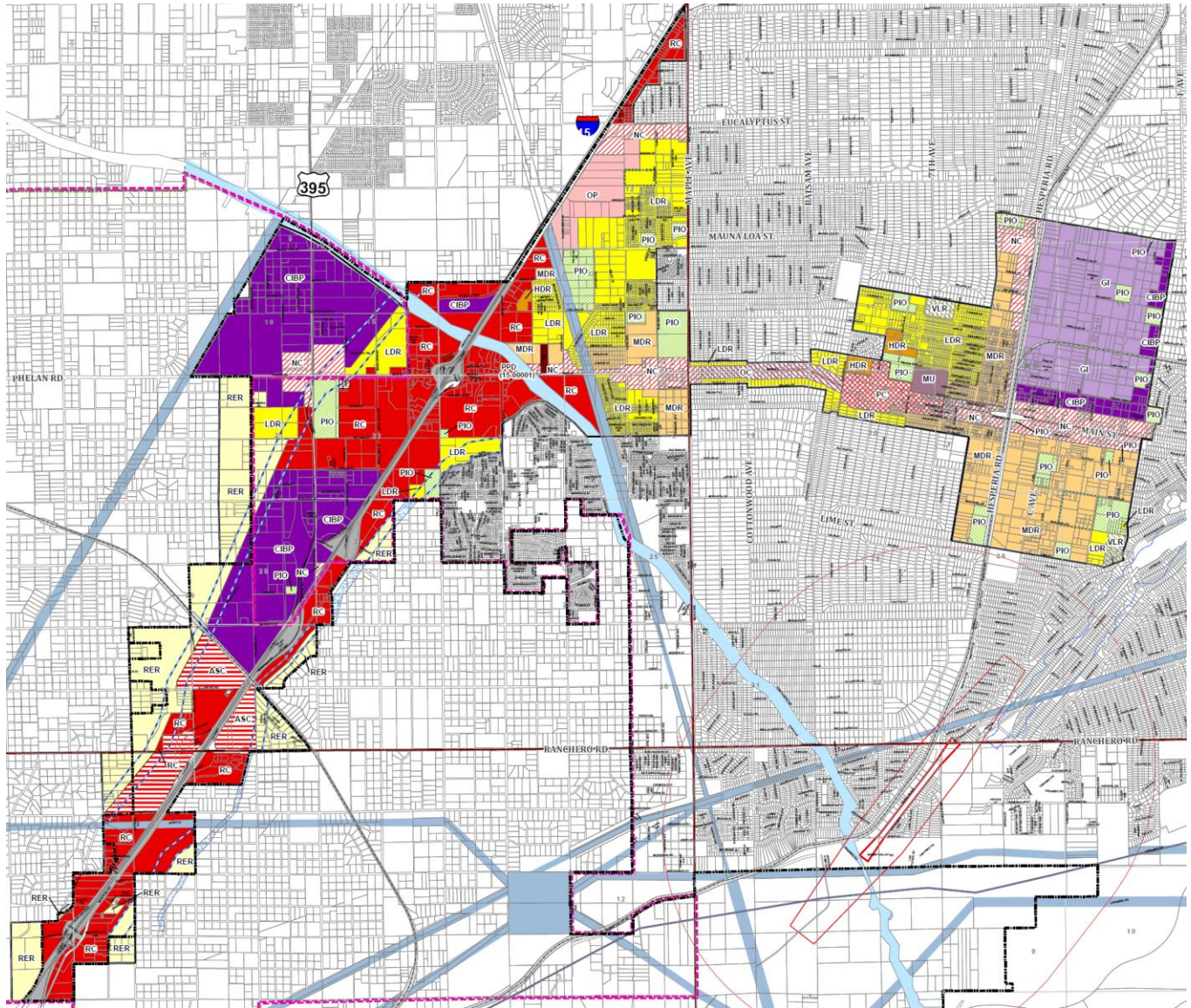
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 109 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM PEDESTRIAN COMMERCIAL (PC) TO NEIGHBORHOOD COMMERCIAL (NC); TO REMOVE ALL DEVELOPMENT STANDARDS THAT PROHIBIT PARKING IN THE STREET SIDE SETBACK FOR COMMERCIAL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



## AERIAL OF THE PEDESTRIAN COMMERCIAL ZONE



# ATTACHMENT 2



**APPLICANT(S):**  
CITY OF HESPERIA

**FILE NO(S):**  
SPLA19-00002

**LOCATION:**  
CITY-WIDE

**APN(S):**  
CITY-WIDE

**PROPOSAL:**

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



**MSFCSP LAND USE**

## **Attachment 3- Pedestrian Commercial and Neighborhood Commercial Zoning Standards**

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

#### **4.15 Review Process**

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

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

## **F. PEDESTRIAN COMMERCIAL ZONE**

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

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







*Examples of Pedestrian-oriented commercial uses.*

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

## **1. Permitted Uses**

The following uses are permitted in the Pedestrian Commercial zone:

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





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

## 2. Conditionally Permitted Uses

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

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

## 3. Prohibited Uses

The following uses are prohibited in the Pedestrian Commercial zone:

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



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

#### **4. Development Standards**

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

##### **4.1 Minimum Lot Size and Dimensions**

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

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

##### **4.2 Maximum Gross Floor Area Ratio**

The maximum gross floor area ratio shall be 0.35.

##### **4.3 Maximum Building Height**

The maximum building height shall be 35 feet.

##### **4.4 Street Yard Setbacks**

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

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

##### **4.5 Rear Yard Setbacks**

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

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

##### **4.6 Interior Side Yard Setbacks**

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

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



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

#### **4.7 Parking and Loading**

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

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

#### **4.8 Open Space and Landscaping**

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

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

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

#### **4.9 Walls and Fences**

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

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

#### **4.10 Trash Collection Areas**

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





**4.11 Mechanical Equipment Screening**

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

**4.12 Additional Standards and Guidelines**

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

**4.13 Review Process**

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

**5. Standards for Outdoor Dining in the Pedestrian Commercial Zone**

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

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

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

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

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

**5.1 Sidewalk Dining Locations**

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



### **5.2 *Patio Dining Locations***

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

### **5.3 *Adjacency to Buildings***

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

### **5.4 *Maintenance of Clear Passage***

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

### **5.5 *Demarcation of Sidewalk Dining Areas***

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

### **5.6 *Demarcation of Patio Dining Spaces***

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

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

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

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



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

### ***5.9 Parking Requirements***

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

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

### ***5.10 Materials***

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

### ***5.11 Hours of Operation***

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

### ***5.12 Display of Outdoor Menu Display***

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

### ***5.13 Maintenance of Outdoor Dining Furniture***

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

### ***5.14 Conformance to ADA and Title 24 requirements***

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

### ***5.15 Permit Requirements***

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







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



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



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



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



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



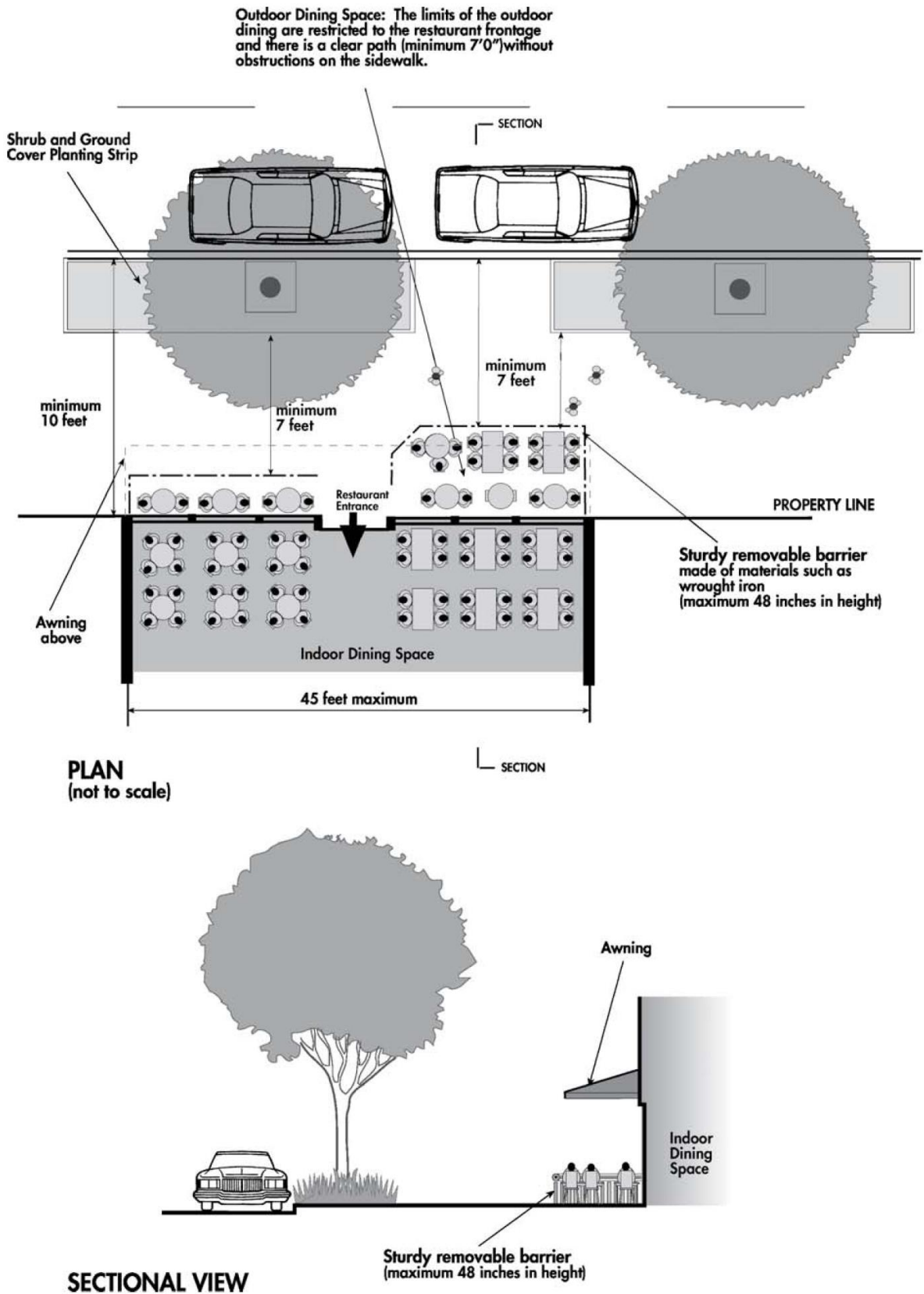


Figure 9.1: Typical Layout of Outdoor Dining Spaces



## **G. NEIGHBORHOOD COMMERCIAL ZONE**

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

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

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

### **1. Permitted Uses**

The following uses are permitted in the Neighborhood Commercial zone:

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





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



*Examples of appropriate Neighborhood Commercial uses*

## **2. Conditionally Permitted Uses**

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

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



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

### 3. Prohibited Uses

The following uses are prohibited in the Neighborhood Commercial zone:

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

### 4. Development Standards

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

#### 4.1 *Minimum Lot Size and Dimensions*

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

#### 4.2 *Maximum Gross Floor Area Ratio*

The maximum gross floor area ratio shall be 0.23.

#### 4.3 *Maximum Building Height*

The maximum building height shall be 45 feet.

#### 4.4 *Street Yard Setbacks*



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

#### **4.5 Rear Yard Setbacks**

The following are the minimum requirements for rear yard setbacks:

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

#### **4.6 Interior Side Yard Setbacks**

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

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

#### **4.7 Parking and Loading**

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

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



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

#### **4.8 Open Space and Landscaping**

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

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

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

#### **4.9 Walls and Fences**

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

#### **4.10 Outdoor Displays, Storage, Equipment, and Work Areas**

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

#### **4.11 Trash Collection Areas**

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

#### **4.12 Mechanical Equipment Screening**

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

#### **4.13 Standards for Vehicle Fuel Stations**

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

#### **4.14 Standards for Vehicle Service and Minor Repairs**

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

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

#### **4.15 Standards for Vehicle Wash Facilities**

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

#### **4.16 Additional Standards and Guidelines**

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





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

#### **4.17 Review Process**

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

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

### **H. COMMERCIAL/INDUSTRIAL BUSINESS PARK ZONE**

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



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

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



# ATTACHMENT 4

## RESOLUTION NO. PC-2019-06

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ADOPTED AND APPROVED** on this 14<sup>th</sup> day of March 2019.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Cecilia Alonzo, Secretary, Planning Commission

# EXHIBIT “A”

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

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

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

## ***4.7 Parking and Loading***

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

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

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

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

## ***4.2 Maximum Gross Floor Area Ratio***

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