

# ATTACHMENT 1

## RESOLUTION NO. PC-2021-08

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

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

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

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 The Minor cleanup items shown on Exhibit "A" generally include, but are not limited to: removing outdated references to "Uniform" Building Code; adding new definitions for supportive and transitional housing as well as major and minor vehicle repair facilities;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discussed; removing "Rehabilitation Centers" and "Organizational Camps" as uses that are allowed in any zone; removing outdated references to various sections of the Code that no longer exist; adding supportive and transitional housing as allowed uses consistent with State requirements;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

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

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

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

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

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

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

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

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

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

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

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

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Cody Leis, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission