

City of Hesperia

STAFF REPORT



DATE: April 8, 2021

TO: Planning Commission

FROM: Chris Borchert, Principal Planner

BY: Ryan Leonard, Senior Planner

SUBJECT: Development Code Amendment DCA21-00001; Applicant: City of Hesperia;
Area affected: City-wide

RECOMMENDED ACTION

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

BACKGROUND

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 The existing Development Code currently contains regulations that are no longer applicable, that require updating due to State law, that would benefit from additional clarity, and that require modification.

ISSUES/ANALYSIS

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

Minor Cleanup Items and Items Required by State Regulations:

- Removed outdated references to “Uniform” Building Code;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

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

Zoning Text Amendments:

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

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

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

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

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

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