

# PLANNING COMMISSION AGENDA

## REGULAR MEETING

**Date: September 12, 2013**

**Time: 6:30 P.M.**

### COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Tom Murphy, Commissioner

Tom Steeno, Commissioner

\* - \* - \* - \* - \* - \* - \* - \*

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



**CITY OF HESPERIA**  
9700 Seventh Avenue  
Council Chambers  
Hesperia, CA 92345  
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

SEPTEMBER 12, 2013

**AGENDA  
HESPERIA PLANNING COMMISSION**

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

**CALL TO ORDER**

**6:30 p.m.**

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

Chair Chris Elvert  
Vice Chair William Muller  
Commissioner Jim Heywood  
Commissioner Tom Murphy  
Commissioner Tom Steeno

**JOINT PUBLIC COMMENTS**

*Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.*

*Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.*

**CONSENT CALENDAR**

- D. Approval of Minutes: August 22, 2013 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

- 1. Consideration of Specific Plan Amendment, SPLA13-00003 to amend the permitted uses within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan, pertaining to health and fitness clubs and medical services. (Applicant: City of Hesperia; APN: Citywide)

1-1

**PRINCIPAL PLANNER'S REPORT**

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

E. DRC Comments

2-1

F. Major Project Update

**PLANNING COMMISSION BUSINESS OR REPORTS**

*The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.*

**ADJOURNMENT**

The Chair will close the meeting after all business is conducted.

I, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, September 5, 2013 at 5:30 p.m. pursuant to California Government Code §54954.2.

  
Kathy Stine  
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING  
REGULAR MEETING  
August 22, 2013  
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:35 p.m. by Chair Elvert in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

**CALL TO ORDER 6:35 p.m.**

**Pledge of Allegiance to the Flag**

**Invocation**

**Roll Call:**

Present: Chris Elvert  
James Heywood  
Tom Murphy  
Tom Steeno

Absent: Bill Muller

**JOINT PUBLIC COMMENTS**

**Chair Elvert opened Public Comments at 6:39 p.m.**

No comments.

**Chair Elvert closed Public Comments at 6:39 p.m.**

**CONSENT CALENDAR**

- D. Approval of Minutes: August 8, 2013 Planning Commission Meeting Draft Minutes.

**Motion made by James Heywood to approve the August 8, 2013 Planning Commission Meeting Draft Minutes. Seconded by Tom Murphy and passed with the following roll call vote:**

**AYES: Chris Elvert, James Heywood, Tom Murphy, and Tom Steeno**  
**NOES: None**  
**ABSENT: William Muller**

**PUBLIC HEARING**

1. Consideration of Public Facility Review PFR13-00001 to include outdoor percolation ponds as part

of an approved 11-acre sub-regional sewage treatment plant (wastewater reclamation plant) located on the north side of Mojave Street between Appaloosa and Tamarisk Avenue; and relocation of the approved lift station and force main (pressure pipeline) located on the north side of Fresno Street east of Shahaptian Avenue (PFR13-00001; Applicant: Victor Valley Wastewater Reclamation Authority; APNs: 0405-313-24 thru 30 & 45 and 0405-711-68 & 69)

Senior Planner Stan Liudahl gave a PowerPoint presentation and introduced 4 green sheet items.

**Commissioner Bill Muller arrived at 6:52 p.m.**

**Chair Elvert opened Public Hearing at 6:53 p.m.**

Logan Olds, applicant and General Manager of VVWRA spoke and presented several slides to explain the building and the water reclamation process.

Public Information Officer for VVWRA, Ryan Orr spoke and explained the outreach process over the last 5 years.

Logan Olds explained the new percolation ponds, the Lift Station location and construction, and the construction traffic flow that would remain only in the City right-of-way on Mojave Street.

VVWRA team members, Charity Schiller and Tom Dodson spoke regarding the CEQA and legal process.

Tom Dodson covered the environmental impacts of the project.

Tom Holoman explained the recycled water process and the use of purple pipe.

Dr. C.J. Medearis resident of Hesperia Green spoke in opposition of the project.

Gregg Eacr resident of Hesperia Green spoke in opposition.

Mathew Chappell resident of Hesperia Green spoke in opposition.

Susie Elliott resident of Hesperia Green spoke in opposition.

Harold Smith resident of Hesperia Green spoke in opposition to the project.

Israel Levy from North Hills, CA spoke in opposition but stated he came to the meeting to find out more information.

Ronn Chapman resident of Hesperia Green spoke in opposition.

James Barga resident of Hesperia Green spoke in opposition.

Logan Olds spoke again in conclusion and answered questions.

Commissioner Tom Murphy asked when the project was planned to begin construction and how long it would take to build. He also inquired as to how many full time staff members would be onsite.

Logan Olds stated that construction will commence by 2014 and said an operator will visit the site daily for approximately 4 hours.

Commissioner Tom Steeno asked about the percolation rate and the basin design.

Logan Olds stated that the ponds are designed to constantly percolate and only one will contain water at a time. In the summer water demand may mean the ponds will be empty most of the time.

Chair Chris Elvert stated that he was not pleased with the process and planning of this plant and felt it was unfair to homeowners.

Commissioner Bill Muller asked if this project died and with area growth that is anticipated, what the impact would be.

Logan Olds stated that it would take years to go through this process again and major upgrades to the existing sewer would have to be made.

Logan Olds stated in the year 2020 the state will penalize the City for not having purple pipe reclaimed water.

Commissioner James Heywood asked for clarification on the ponds being approved since the project has already been approved, connectivity of purple pipe for usage, and when the planning of the ponds was moved from I Ave. and Manzanita.

Logan Olds stated that it would have required reverse osmosis with no ponds and stated that the State said the indirect facility would cost \$15 to \$20 million more at that site due to the processes. He also stated that water wells were too close to the other site and the decision was made in 2012 to move the ponds to the current location.

James Heywood asked if there would be no project if ponds were not approved and Logan confirmed yes, that no project would be built.

Chair Elvert asked who had the responsibility to place the purple pipeline to distribute the reclaimed water after the project is built.

Logan Olds stated that placing the pipeline is the responsibility of the City.

Gary Eacr spoke again in opposition.

Dr. C.J. Medearis again spoke in opposition.

Mathew Chapman spoke again in opposition.

Principal Planner Dave Reno, AICP clarified that the construction traffic will be on Mojave Street and not affect Hesperia Green Estates.

**Chair Elvert closed the public hearing at 9:18 p.m.**

Commissioner Steeno stated that he felt perception was the problem and when this project is built out that the perception will fade away.

Commissioner James Heywood stated he had concerns that the idea of percolation ponds at this site was planned from the beginning.

**Motion made by Tom Murphy to adopt Resolution No. PC-2013-10, approving Public Facility Review PFR13-00001. Seconded by William Muller and passed with the following verbal roll call vote:**

**AYES:**        **Tom Murphy**  
                  **Tom Steeno**  
                  **Chris Elvert** with comment that he was voting on the percolation ponds only, it would be beautifully landscaped, there won't be much water in the ponds and it would be clean water.  
                  **William Muller**  
                  **James Heywood** with clarification that he felt the opposition had to do with perception and that over time he felt perception would change.

**NOES:**        **Ncne**

### PRINCIPAL PLANNER'S REPORT

- E. DRC Comments
- F. Major Project Update

No further comments were made by Principal Planner Dave Reno.

### PLANNING COMMISSION BUSINESS OR REPORTS

### ADJOURNMENT

Chair Elvert closed the meeting at 9:37 p.m. until the next Planning Commission meeting on September 12, 2013 at 6:30 p.m.

Chris Elvert,  
Commission Chair

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By: Kathy Stine,  
Commission Secretary

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## Dave Reno - Principal Planner

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**From:** Zondree Scott <zondreescott@yahoo.com>  
**Sent:** Monday, August 19, 2013 11:36 AM  
**To:** Dave Reno - Principal Planner  
**Subject:** Re: Sewage Treatment Plant

August 19, 2013

Dave Reno  
Principal Planner  
Hesperia City Hall  
9700 Seventh Avenue  
Hesperia, Ca. 92345

Dear Mr. Reno,

I am writing this letter as a follow up regarding a request of plans for construction of an 11 acre sub-regional sewage treatment plant next door to my Homeowners Association, where I reside.

I attended and expressed my concerns at the Hesperia Development Review Committee Meeting on Wednesday, July 17, 2013 after the presentation given about the sewage treatment plant.

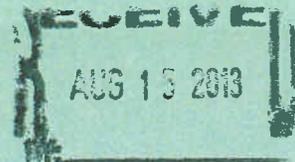
There was a representative from Victor Valley Wastewater Reclamation Authority who came to speak to homeowners at our clubhouse during our annual board elections for Hesperia Green Estates on July 23, 2013. The response from the homeowners was outrage that it would be built here. There was also a homeowner who lives outside our association that attended. He lives across the street from where this facility would be built. He was so angry about the plans and also not being notified of the city's intentions previously.

The homeowners expressed the same concerns as previously, downturn in property values, close to schools, homes and safety.

Again, as a homeowner I am requesting you to decline this request for an 11 acre sub-regional sewage treatment plant.

Sincerely,

Zondree Scott  
10382 Shahaptain Avenue  
Hesperia, Ca. 92345  
(760) 947-5070



Planning Commission  
City of Hesperia  
9700 7<sup>th</sup> Avenue  
Hesperia, Ca. 92340.

August 12<sup>th</sup>, 2013

Dear Planning Commissioners,

My name is Codrin Mihai and I represent the owners of TTM 15868, located directly south and across Mojave Avenue from the proposed site for the planned sub-regional in the City Hesperia. I am currently working with the City of Hesperia to obtain a final map for TTM 15868. During the steps to achieve Final Map approval, I have also worked with the VVWRA as they have planned, designed, and openly communicated their steps toward approval of the proposed sub-regional.

As a concerned neighbor and future developer in the City of Hesperia, I have been impressed with the VVWRA's professionalism, concerns for the area, and state of the art design for the proposed sub-regional. Not only have they increased the amount of landscape buffering surrounding the proposed facility, and designed sub-surface pumping systems, they have relocated the water basins further from the Mojave Street public right of way. Overall my team and I feel that the proposed facility located north of Mojave Avenue and west of Tamarisk has been carefully designed to function as efficiently and sensitive to its surroundings as any in operation today.

I believe that in an environment of continued growth within the City of Hesperia, and to plan for an increase in population, so too does the City and the VVWRA need to plan for an increase in demand for sanitation, re-claimed water and other important public services.

Please allow this letter to serve as my thanks for the efforts, communication, cooperation and concern for the general public shown by Mr. Logan Olds and his staff of professionals at VVWRA. The proposed sub-regional will be a positive addition to the City of Hesperia's growth plan and instrumental in helping the City and the VVWRA manage the demands of the growth in the City of Hesperia.

A handwritten signature in black ink, appearing to read "C. Mihai".

Sincerely,  
Codrin Mihai.  
Owner, TTM15868  
City of Hesperia.

## Stan Liudahl - Senior Planner

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**From:** Scott Miller <mrhsmillerusa@aim.com>  
**Sent:** Wednesday, August 21, 2013 9:47 AM  
**To:** Dave Reno - Principal Planner; Stan Liudahl - Senior Planner  
**Subject:** Public Facility Review PFR13-00001 - Wastewater Reclamation plant

Mr. Reno and Mr. Liudahl:

I am writing to you again concerning the proposed project known as Public Facility Review PFR13-00001 which is the sub-regional wastewater treatment plant, including outdoor ponds and a lift station located on the north side of Mojave Street, between Appaloosa Avenue and Tamarisk Avenue on the north side of Fresno Street east of Shahaptian Avenue affecting APNs: 0405-313-24 thru 30 & 45 and 0405-711-68 & 69.

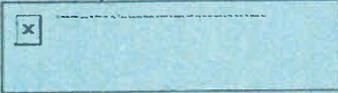
I am a homeowner in Hesperia Green Estates and the treasurer of the HOA. While having my personal concerns for this project, I have also been requested to notify you, on behalf of the majority of the property owners in the 128-lot Hesperia Green Estates development, that we intend to oppose this sewage project for the following reasons:

1. The immediate area consists of a 128-lot high density residential development as well as the surrounding areas consist of developed residential tracts in addition to approved plat maps that have tracts already subdivided for future development. These areas are not conducive to having any type of industrial and/or commercial development. Most environmentalists argue that sewage developments should be a minimum of 1.5 miles away from any residential development and "green" buffered by recreational parks and/or retail developments.
2. The parcels under consideration are not zoned for industrial and/or commercial development, nor are they bordering on areas that would permit this type of development.
3. There is a proposal for a pump station that elicits loud noise on a 24-hour basis that will back up to the rear of our existing residential high density development. This could not be buffered sufficiently to allow the common vested property rights of quiet enjoyment for the homeowners and common area recreational area.
4. Due to the heavy winds that blow daily, primarily to the east, north, and southeast, and average 25 – 35 MPH, there is no way that the stench from this proposed development would not impact the residents and school children within a one mile radius.
5. This type of sewage development presents numerous health and safety issues. Besides the additional traffic that would be created on a residential street loaded with small children, the health issues of air stripping have shown that coliform bacteria and total organisms are more prevalent at night and they're highest when it's windy or the humidity is above 35%. These issues are particularly alarming during summer nights when most residents leave their windows open. If these particles are inhaled, they go through the lungs and then swallowed. This can cause respiratory and gastrointestinal exposure. Some of these organisms pass directly into the bloodstream. Other health issues involve houseflies and cockroaches. Raw sewage attracts flies which can carry millions of pathogens which are transferred to whatever the flies land on next.
6. This brings up the issues associated with secondary or backup contingency plans in the event of an emergency or pipeline break. To date, we have not been provided with how these issues would be mitigated. In the fly issue mentioned above, what happens when the drinking water and food becomes contaminated by flies as a result of landing on and spreading open sewage?
7. Studies have consistently shown that the impact to property values in the immediate area of a sewage plant causes significant depreciation of value. This value loss is attributed to foul odors, eyesores, pests, etc. In the surrounding tracts, there is a huge amount of residential development that, if impacted by falling property value, would severely impact property taxes being paid for which the County and City of Hesperia benefit from. This has been shown through the homeowners in the City of Eastvale in Riverside County who have been going through a class action lawsuit triggered by a sewage treatment facility and the impact of falling values on them.
8. The ponds were not included in the original proposal. Now that these necessary ponds are coming in for approval, we see this as an attempt to blindsides us when all along this was considered to be a two-step process to slide it by for approval. We vehemently oppose these ponds being approved due to potential overflow, foul smell, and possible hazardous waste that could impact the environment. While a safeguard of "throwing a switch" to close off the flow is proposed, what happens if there is a valve problem? There are no other backup safeguards proposed.
9. The lift station housing units are on residentially-zoned land next to a high density development that is not approved nor intended to be for industrial use.

There are large parcels of land to the north and to the west that are far more industrially desirable than the proposed parcels. We trust that the City of Hesperia will realize better planning and choose a location that is far more conducive to this type of development than the present proposal because we intend on doing whatever is necessary to stop this development from coming to our neighborhood. We will see you at the public meeting on the August 22. ***Please be advised that we have already spoken to some advocacy groups, the EPA, and environmental attorneys. We will pursue a class-action lawsuit if this proposal moves forward.***

Lastly, I want to remind you of the Council's recent decision regarding the Oak Hills solar project not fitting in with the City's planned development. It is interesting that this was supported by the Planning Commission after receiving letters citing concerns, "relating to inconsistency with the County General Plan and Oak Hills Community Plan, aesthetic impacts/blight, decreased property values, drainage impacts, increased traffic, biological impacts, increased noise and hazardous materials....." Now I ask you, how is that project any different than the situation that we have here??

Sincerely,

A rectangular box with a dashed border, containing a small square icon with an 'x' inside, indicating a redacted signature.

Scott Miller  
Treasurer, Hesperia Green Estates HOA

**Stan Liudahl - Senior Planner**

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**From:** jim medearis <drjim@drmedearis.com>  
**Sent:** Monday, August 19, 2013 7:45 PM  
**To:** Stan Liudahl - Senior Planner  
**Subject:** This week's hering  
**Attachments:** Projected Cost Depreciation From Impact of Waste Water Treatment Plant.docx

Attn: Mr Stan Liudahl

07/19/2013

Projected Cost Depreciation From Impact of Waste  
Water Treatment Plant

Project impact on 250 homes

Short term impact

Average value projected to be \$150,000. per home X 250  
homes = \$37 M

15% loss = \$5.6 M

20% loss = \$7.5 M

In the 128 homes in Hesperia Green Estate (HOA)

Average home value of \$95,000.

15% loss = \$14,000. Plus relocation costs of  
\$10,000.

Total short term loss of \$24,000.

20% loss = \$19,000. plus relocation cost of  
\$12,000.

Total short term loss of \$31,000.

Much of the impact of loss is driven by **perception**.

No one wants this "plant" in their back yard or next door.

The truth is this total long term impact could very well be over \$50 Million

The truth is, the more I work on this project, the bigger mess it is.

As Owens Olds said, we have been working on this for twenty years. Wow.

It is amazing, the Waste Board did not even own all of the land that they purported to own.

This reminds me of the "used car salesman". I can't trust his words.

Much of this project is about "perception" and this "Board" sure has fallen on their face more than once.

For example, Ryan Orr report to the last hearing and to the Hesperia Green Estate monthly meeting, claiming that he had canvassed the area with a four page info sheet and door hangers.

After being pressed and no one in the meeting having received such, he then admitted, that he had covered the houses on the corner, being the North West corner; these homes are not even in our association at all.

It is very hard to believe anything about this project, that it is safe for us when the picture changes each month, like the pump on lot #147 and #148 was a PIO; oops, and now #145 and #146 will become a PIO and oh, we never did own #147. So Planning can move or make a new PIO at will. This is misleading at the least. We do not need this here; City of Victorville is great at this.

These lots are land locked.

Like the pond being detached at another site, but now attached at the new site. Also they didn't even own the 8.5 acres until 02/03/2012. This could not have been a Regional Park, they did not own it yet.

Then there is the issue of cutting through the block wall for an access entrance for the "pump". This will not be allowed.

Now, Zoning is to protect us from the undesirables and to control inappropriate plans that require conformity and compliance, but not with a PIO.

Then zoning is to alert the surrounding owners of possible damage to their properties, and we can feel safe with our investments.

This is to give each a personal choice: can I or can I not live with this plan. My choice.

We had no choice if any of us could or could not live with this Waste Water Project.

WE HAVE BEEN VIOLATED by a broken system. This must be stopped an all cost.

When Planning and Zoning is bypassed, no one has a voice or a choice for our investment and protection with "preference" and expectation of stability of one's future.

8-20-2013

I Ruben M Perez

Address: 14407 Fresno<sup>st</sup> Hesperia CA 92345

I am apposed to the waste Treatment  
Plant in my backyard.

Sign: Ruben M Perez S



**Little Caesars®**

**August 20, 2013**

**To: Messrs Elvert, Steeno, Murphy, Muller and Heywood  
City of Hesperia Planning Commissioners**

**Gentlemen,**

**I write to ask for your positive support for the Victor Valley Wastewater Authority project before you August 22. We have three stores and our Franchise Operations Office located in Hesperia and feel that there is no more vital issue than wise use of existing water sources that provide for planned sustainable growth in this City.**

**Residents may not appreciate the pressure local municipalities are under to stay on budget. Treated water used on city parks and roadway medians mean more dollars for police, fire and infrastructure projects sorely needed in a growing city.**

**This project is just the first step on the way to reclaiming and using all the water we now waste. Without these positive steps growth will be terminated and with that comes a downward spiral of reduced city services and rising water rates.**

**I urge you to be unanimously positive towards this project to demonstrate its importance to all concerned residents, business owners and future residents of Hesperia. A prior commitment prevents me from addressing you at your public meeting. Thank you for your service and consideration.**

**Regards,**

**Dennis P. (Pat) Orr  
C.E.O.**

City of Hesperia  
STAFF REPORT



**DATE:** September 12, 2013  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Lissette Sanchez-Mendoza, Assistant Planner  
**SUBJECT:** Pedestrian Commercial Uses (Fitness Clubs and Medical Services)

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2013-11, approving SPL13-00003, amending the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan, regarding health and fitness clubs and medical services.

### BACKGROUND

The Main Street and Freeway Corridor Specific Plan (MSFCSP) was adopted September 16, 2008. This plan amendment affects the Pedestrian Commercial zone located along the Main Street commercial corridor (Attachment 1). One previous amendment to the MSFCSP was approved on January 17, 2012, regarding setbacks and approval procedures. This proposed amendment focuses on the uses within the Pedestrian Commercial zone, which intends to promote a pedestrian environment by providing setbacks and uses conducive to walkability. This zone is characterized as one that creates 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.

### ISSUES/ANALYSIS

In the past few months staff has received several requests to allow uses such as health and fitness clubs larger than the allowed 4,000 square feet and medical services within the Pedestrian Commercial zone. Health and fitness clubs, less than 4,000 square feet, are allowed within the Pedestrian Commercial zone with a Conditional Use Permit. Office uses are permitted in the Pedestrian Commercial zone on upper floors only, while medical and dental services are prohibited. Staff has taken this opportunity to take a closer look at these types of uses in this zone. Inasmuch as the intent of the zone is to promote walkability, uses such as health and fitness clubs and medical services indirectly contribute to the intent of the zone by creating destination points that attract people to this particular area of the City. Limiting the size, for example, also limits other types of health and fitness clubs to be allowed in this zone. Staff understands that these uses are service oriented rather than an entertainment use, but staff believes these uses bring additional traffic to the downtown, not only by the patrons of such establishments but by its employees, thus promoting daytime as well as evening use of the area.

Staff believes that the Pedestrian Commercial zone could accommodate health and fitness clubs as well as office/medical uses without jeopardizing the functionality of a downtown. In

addition to meeting the intent of creating a pedestrian friendly environment, uses have to comply with other requirements. Parking, for example, is required at a higher ratio of 6.67 spaces per 1,000 square feet, for health and fitness clubs, rather than 4-5 spaces per 1000 square feet of retail/office development. In the case of medical/dental services the parking ratio is 5 per 1,000, which is consistent with retail/office development on parcels one acre or less. These requirements will dictate the size and location of these types of uses when the intent is to establish within existing commercial development.

If approved, Fitness 19 proposes to establish a 9,524 square foot health and fitness club within the Cardenas shopping center, located on the southeast corner of Main Street and 11<sup>th</sup> Avenue. This site contains ample parking and the site is designed as a typical commercial retail development with parking and access along the Main Street and 11<sup>th</sup> Avenue. The current limitation on health and fitness clubs, within the Pedestrian Commercial prevents Fitness 19 from establishing within this development. As previously mentioned, there is a desire for health and fitness clubs and medical services in this zone and staff believes the uses are compatible with the current development and existing uses within the Pedestrian Commercial zone. Main Street, in this area, contains a diverse range of business including restaurants, professional administrative/office, entertainment, retail, as well as personal service. In as much as a pedestrian environment is desired, staff understands that the existing built environment may create some constraints, therefore establishment of different uses should be considered. In the case of new development, the Pedestrian Commercial zone is within an area of the City that does not contain an abundance of available vacant land, therefore development of new health and fitness clubs or medical services, for example, would be limited. Finally if such use were to develop within the Pedestrian Commercial zone, there are regulations and standards that encourage development in this area to provide elements that promote an environment that is conducive to pedestrian use.

Staff's recommendation is to allow medical and dental services subject to a conditional use permit and allow health and fitness clubs subject to a conditional use permit regardless of size. The amendment provides minor changes to the uses allowed within the Pedestrian Commercial zone, however staff has included an alternative that would allow office uses while limiting the overall percentage of medical and dental uses within an existing or proposed development project.

**Environmental:** This Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 16.12.415(B)(10) of the City's CEQA Guidelines. The proposed Ordinance does not significantly expand the allowable uses, change intensities, or grant entitlements not already permitted.

**Conclusion:** This Specific Plan Amendment would allow consideration of medical services and fitness clubs without jeopardizing the intent of the Pedestrian Commercial zone.

#### **FISCAL IMPACT**

None.

**ALTERNATIVES:**

1. Medical services could be limited to a certain percentage of a development, new or existing. Because parking requirements will be the primary limitation on the establishment of medical services, staff believes that this additional limitation is unnecessary.

**ATTACHMENTS:**

1. Aerial Photo of the Pedestrian Commercial Zone
2. Resolution PC-2013-11, recommending adoption of SPLA13-00003, with Exhibit "A"

# ATTACHMENT 1



**Pedestrian Commercial Zone**



**Medical office project recently extended (SPRE13-00003)**

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

**FILE NO(S):**  
SPLA13-00003

**LOCATION:**  
CITY-WIDE

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

**PROPOSAL:**  
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO AMEND THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN REGARDING HEALTH AND FITNESS CLUBS AND MEDICAL SERVICES.



## AERIAL OF THE PEDESTRIAN COMMERCIAL ZONE

# ATTACHMENT 2

## RESOLUTION NO. PC-2013-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A SPECIFIC PLAN AMENDMENT TO AMEND THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN REGARDING HEALTH AND FITNESS CLUBS AND MEDICAL SERVICES (SPLA13-00003).**

**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**, 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**, On January 17, 2012, the City Council of the City of Hesperia adopted Ordinance No. 2012-01, thereby adopting an amendment to the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, The City finds that it is necessary to amend the uses within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan to provide for health and fitness clubs of a certain size and medical services; and

**WHEREAS**, The proposed Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt provided the amendment does not increase the density or intensity of the development. The proposed Ordinance does not significantly expand the allowable uses, change densities, or grant entitlements not already permitted by the Specific Plan; and

**WHEREAS**, On September 12, 2013, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Specific Plan 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, this 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 SPLA13-00003, amending the Pedestrian Commercial zone uses as shown on Exhibit "A."

**ADOPTED AND APPROVED** on this 12<sup>th</sup> day of September 2013.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

## EXHIBIT 'A'

Text additions are shown in red and underlined deletions are shown in ~~red and strikethrough~~.

### 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.

#### 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), on upper floors only.~~
- ef) Outdoor sales and display, incidental to the primary use.
- fg) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, self-service laundry, etc.).
- gh) Restaurants (sit down and take out), including outdoor dining.
- hi) Retail sales – under 10,000 square feet.
- ij) Schools - specialty non-degree (e.g., dance and martial arts).
- jk) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
- kl) 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 – ~~4,000 square feet or less~~.
- 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) Offices including 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) Medical services – clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).~~
- ~~fg) Mini-storage.~~
- ~~gh) Motel.~~
- ~~hi) Shopping center – more than 5 acres in size.~~
- ~~ij) Vehicle fuel stations (i.e., gasoline stations).~~
- ~~jk) Vehicle repair facilities.~~
- ~~kl) Vehicle sales, leasing or rental – new or used.~~
- ~~lm) Vehicle wash facilities.~~
- mn) 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.



**CITY OF HESPERIA  
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, AUGUST 28, 2013**

**A. PROPOSALS:**

**1. FRONTIER COMMUNITIES (TTR13-00001)**

**Proposal:** Consideration of revisions to an approved Tentative Tract Map (TT-17980) to redesign 313 single-family residential lots on approximately 110 gross acres. An Addendum to the Initial Study and Negative Declaration has been prepared for the proposed revisions.

**Location:** North of Rancho Road, south of Mission Street, between Topaz Avenue and Maple Avenue (APNs: 0405-371-17, 47; 0405-383-01, 31 & 32)

**Planner:** Daniel Alcayaga

**Action:** Administrative approval

**2. OPTIONS FOR YOUTH (SPRR13-00011)**

**Proposal:** Consideration of a revised site plan review to establish a 4,765 square foot learning center within an existing building.

**Location:** 15461 Main Street, Units 101 thru 104 (APN: 0408-183-11)

**Planner:** Stan Liudahl

**Action:** Administrative approval