

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: August 13, 2015

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Bell- Hahn, Commissioner

Bob Rogers, Commissioner

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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.

August 13, 2015

**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 Tom Murphy
 - Vice Chair William Muller
 - Commissioner James Heywood
 - Commissioner Joline Bell-Hahn
 - Commissioner Bob Rogers

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: July 9, 2015 Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

- 1. Consideration of Specific Plan Amendment SPLA15-00002 from General Industrial (GI) to Commercial/Industrial Business Park (CIBP) on 0.8 acres at 17014 Smoke Tree Street (Applicant: City of Hesperia: APN: 0410-112-21)
- 2. Public comments relating to the Tapestry Specific Plan and Draft Environmental Impact Report

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

F. Major Project Update

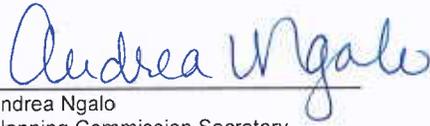
PLANNING COMMISSION BUSINESS OR REPORTS

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, Andrea Ngalo, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, August 6, 2015 at 5:30 p.m. pursuant to California Government Code §54954.2.


Andrea Ngalo
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
July 9, 2015
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Murphy in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER 6:30 p.m.

Pledge of Allegiance to the Flag

Invocation

Roll Call:

**Present: Tom Murphy
William Muller
James Heywood
Joline Bell-Hahn
Bob Rogers**

JOINT PUBLIC COMMENTS

Chair Murphy opened Public Comments at 6:33 p.m.

Chair Murphy closed Public Comments at 6:33 p.m.

CONSENT CALENDAR

Approval of Minutes: June 11, 2015 Planning Commission Meeting Draft Minutes.

Motion by Joline Bell Hahn to approve June 11, 2015 Planning Commission Meeting Draft Minutes, Seconded by Bob Rogers, passed with the following roll call vote:

AYES: Bob Rogers, James Heywood, Tom Murphy, William Muller, and Joline Bell Hahn
NOES: None

PUBLIC HEARING

Consideration of Specific Plan Amendment SPL14-00005 from Regional Commercial (RC) to Low Density Residential (LDR) on 6 acres, and Site Plan Review SPR14-00006 to construct a 200-unit residential development on 50 acres within the Low Density Residential designation of the Main Street and Freeway Corridor Specific Plan located 430 feet west of Mesa Linda Avenue on the north side of Main Street (APNs: 3064-441-01, 02, and 03; Applicant: Joseph Chirco and Bruno Mancinelli)

Senior Planner Daniel Alcayaga gave a presentation.

Chair Murphy opened Public Comments at 6:50 p.m.

Jerry Pike spoke in opposition.

Chair Murphy closed Public Comments at 6:59 p.m.

Motion by William Muller to approve SPL14-00005 and SPR14-00006, Seconded by Bob Rogers, passed with the following roll call vote:

AYES: Bob Rogers, James Heywood, Tom Murphy, William Muller, and Joline Bell Hahn
NOES: None

Consideration of General Plan Amendment GPA15-00001 from Single-Family Residence with a minimum lot size of 18,000 square feet (R1-18000) to Rural Residential with a minimum lot size of one acre (RR-1) and from RR-2 1/2 to RR-1 on approximately 38.6 gross acres generally located north of Mesquite Street, south of the California Aqueduct, east of Topaz Avenue, and west of the Southern California Edison transmission line in conjunction with Tentative Parcel Map TPM15-00001 (PM-19608), to create 4 lots and a remainder on 5.0 gross acres located on the southeast corner of Sage Street and Topaz Avenue (James Vandenburg Construction, Inc.; APN: 3046-131-27; GPA15-00001 expanded to include APNs: 3046-101-25, 3046-131-29 thru 32, 46 thru 49, and 54 thru 61)

Senior Planner Stan Luidahl gave a presentation

Chair Murphy opened Public Comments at 7:10 p.m.

Dale Kindred and Josh Webber spoke in opposition.

Chair Murphy closed Public Comments at 7:13 p.m.

Chair Murphy opened Public Comments at 7:23 p.m.

Chair Murphy closed Public Comments at 7:23 p.m.

Motion by James Heywood to approve GPA15-00001 and TPM15-00001, Seconded by Bob Rogers, passed with the following roll call vote:

AYES: Bob Rogers, James Heywood, Tom Murphy, William Muller, and Joline Bell Hahn
NOES: None

Public comments relating to the Tapestry Specific Plan and Draft Environmental Impact Report

Chair Murphy opened Public Comments at 7:25 p.m.

Chair Murphy closed Public Comments at 7:25 p.m.

DRC Comments

Major Project Update

ADJOURNMENT

Chair Murphy adjourned meeting at 7:28 p.m. until Thursday, August 13, 2015.

Tom Murphy
Chair

By: Andrea Ngalo
Commission Secretary



DATE: August 13, 2015
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Specific Plan Amendment SPLA15-00002; Applicant: City of Hesperia; 0410-112-21

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2015-22 recommending that the City Council approve SPLA15-00002.

BACKGROUND

Proposal: A Specific Plan Amendment from General Industrial (GI) to Commercial/Industrial Business Park (CIBP).

Location: 17014 Smoke Tree Street

Current General Plan, Zoning and Land Uses: The property is currently is developed with a 1,550 square foot building and within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan. City records indicate that a bar previously occupied this building. The site was developed under development regulations effective prior to City incorporation. Many improvements on the property are considered legal non-conforming. There are currently no street improvements including curb, gutter, and sidewalks along 'E' Avenue or Smoke Tree Street. Both streets are paved. The surrounding land is designated as noted on Attachment 1. The properties to the north and south are vacant. Victor Valley Transit Authority's (VFTA) facility is located to the east. A single-family residence exists to the west (Attachment 2).

In 2007, a produce store obtained permits to operate at this location. The zoning for the property was Service Commercial (C3), and the General Plan designation was Industrial/Commercial. In 2008, adoption of the Main Street and Freeway Corridor Specific Plan rezoned the property to General Industrial (GI) making the produce store a legal non-conforming use.

In 2013, the building was converted into a take-out only restaurant and the approved floor plan indicated that no customer seating was intended for the operation. Under Nonconforming Uses and Buildings regulations, the business was allowed to be established because the transfer was replacing a like-for-like use, and the intensity of a take-out only restaurant was considered similar to a produce store.

After 2013, the building was converted into a restaurant with a dining area without City approval. The current business owners purchased the business and were unaware that such a restaurant was not permitted, as the conversion occurred prior to the purchase of the business. After purchasing the business, the business made an inquiry to the City to expand their dining services to include alcohol sales. After reviewing City records, staff advised the owners that a restaurant was not permitted, and the GI zone does not permit a restaurant. Only a take-out restaurant is permitted at this time.

The Planning Department makes a distinction between full restaurants and take-out food establishments. A full restaurant has either indoor or outdoor dining areas, and take-out food establishments do not. Relative to retail uses, the parking requirement for restaurants is significant (i.e. a minimum of 10 parking spaces are required for each 1,000 square feet of restaurant floor area). However, if a retail establishment (i.e. a grocery or produce store) wishes to sell food, but does not have a dining area, the general parking requirement for a retail use can be used (i.e. four parking spaces per 1,000 square feet of floor area). This policy has been used to establish many sandwich shops and specialty food stores selling take-out food, but without dining areas.

The San Bernardino County Environmental Health Department (EHS) licensed the business as a restaurant. This is because EHS makes no distinction between take-out restaurants and full restaurants. City records also refer to the business as a restaurant. The take-out only limitation becomes apparent only after reviewing the approved floor plan. The only option for the business to continue to operate as the current owner intends is to obtain a Specific Plan Amendment.

ISSUES/ANALYSIS

Land Use: The 1,550 square foot restaurant requires a total of 15 parking spaces, including one accessible (handicap) parking space. If the Specific Plan Amendment is approved, the existing on-site parking satisfies the City's parking regulations. Staff supports this Specific Plan Amendment because the existing restaurant will continue to serve the local area. A restaurant or other uses allowed in the CIBP zone will not be detrimental to surrounding properties. The site is on a corner lot along 'E' Avenue making the restaurant a convenient destination and beneficial to the area. It offers convenient food services to nearby workers and customers of local warehouse/industrial businesses, as well as travelers commuting along 'E' Avenue. The properties south of Smoke Tree Street are already zoned CIBP; therefore, the rezoning would not create a spot zone.

Records show that a commercial use has always operated in the building on the property as either a bar, a produce store, or a take-out restaurant. The property's prior zoning classification, which was Service Commercial (C3), would have permitted a restaurant. The zone change would allow the restaurant to continue to operate at this location. The zone change will not affect existing traffic patterns or significantly change the physical environment. If the Specific Plan Amendment is approved, the restaurant will be required to obtain permits for interior improvements that were constructed without permits, as well as obtain health permits from EHS.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses.

Conclusion: Upon approval of the Specific Plan Amendment, the project conforms to the policies of the City's General Plan.

FISCAL IMPACT

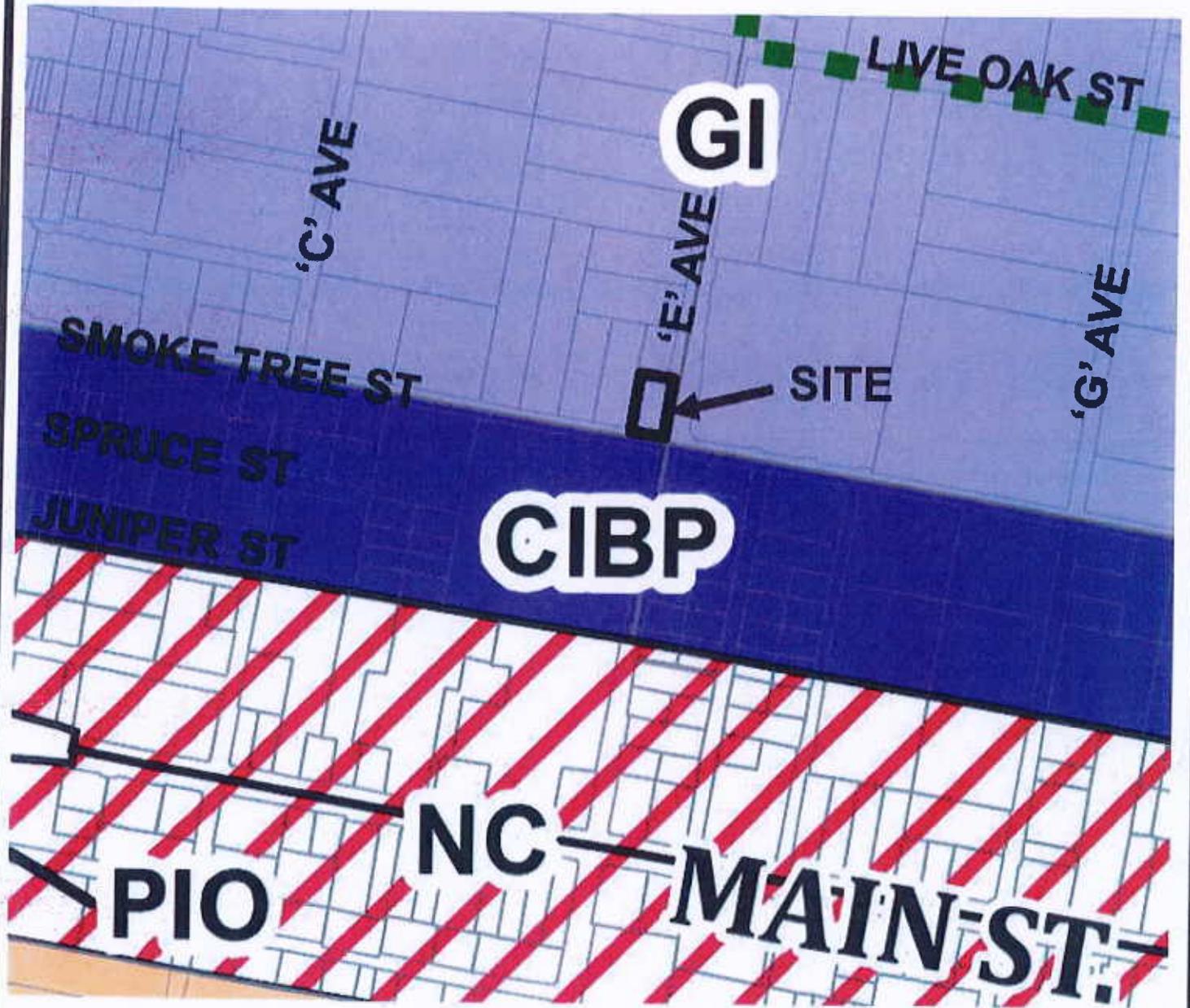
None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Main Street and Freeway Corridor Specific Plan land use map
2. Aerial photo
3. Resolution No. PC-2015-22, with Exhibit "A"



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA15-00002

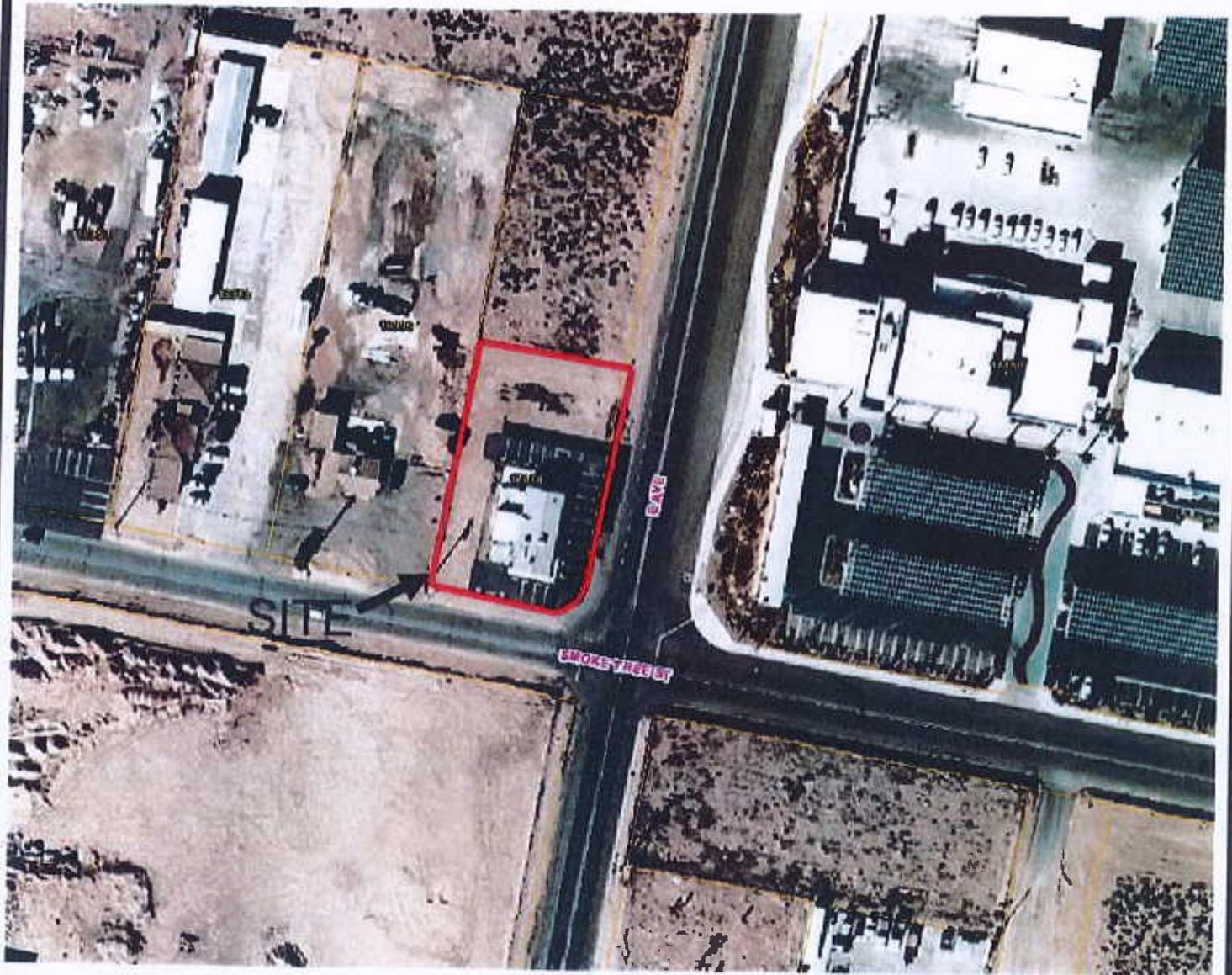
LOCATION:
17014 SMOKE TREE STREET

APN(S):
0410-112-21

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT FROM GENERAL INDUSTRIAL (GI) TO COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP)



MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA15-00002

LOCATION:
17014 SMOKE TREE STREET

APN(S):
0410-112-21

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT FROM GENERAL INDUSTRIAL (GI) TO COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP)



AERIAL PHOTO

ATTACHMENT 3

RESOLUTION NO. PC-2015-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM GENERAL INDUSTRIAL (GI) TO COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP) ON 0.8 GROSS ACRES AT 17014 SMOKE TREE STREET (SPLA15-00002)

WHEREAS, City of Hesperia has filed an application requesting approval of Specific Plan Amendment SPLA15-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a developed property within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan at 17014 Smoke Tree Street and consists of Assessor's Parcel Number 0410-112-21; and

WHEREAS, the subject site is developed with a 1,550 square foot building. The properties to the north and south are vacant. Victor Valley Transit Authority's (VVTA) facility is located to the east. A single-family residence exists to the west; and

WHEREAS, the subject property is zoned General Industrial (GI). The properties are within the GI zone to the north, east, and west. The properties to the south are within the CIBP zone; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This applies to developments on sites no larger than five acres, which are consistent with the General Plan and the applicable zoning district and are substantially surrounded by urban uses; and

WHEREAS, on August 13, 2015 the Planning Commission of the City of Hesperia conducted a hearing on the Application 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 this Commission during the above-referenced August 13, 2015 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed Zone District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.
- (b) The proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and

development of this area that is needed to support the well-planned growth of Hesperia.

- (c) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the property is already developed and the building will be subject to the City's policies governing design and interior improvements.
- (d) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends approval of Specific Plan Amendment SPLA15-00002, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A".

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

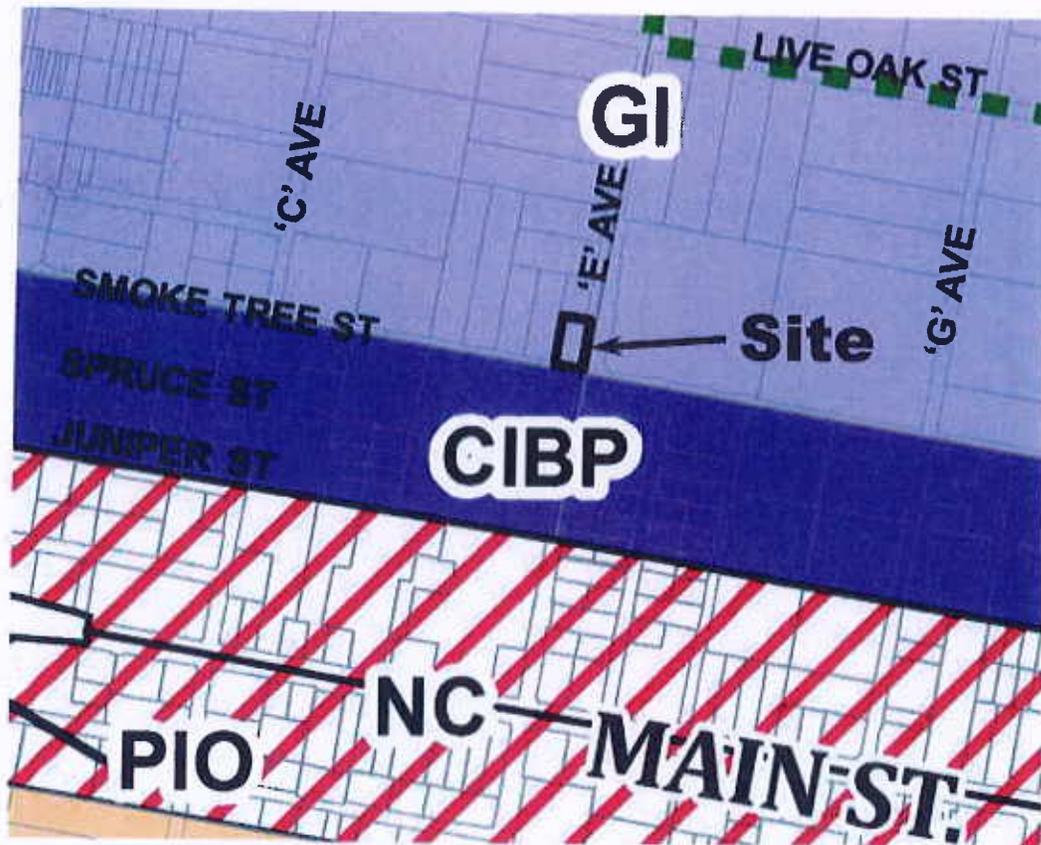
ADOPTED AND APPROVED this 13th day of August 2015.

Tom Murphy, Chair, Planning Commission

ATTEST:

Andrea Ngalo, Secretary, Planning Commission

Exhibit "A"



**SPLA15-00002
FROM GENERAL INDUSTRIAL (GI) TO
COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP)
ON 0.8 GROSS ACRES**



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, July 29, 2015**

A. PROPOSALS:

1. TMS CONSORTIUM (SPR14-00008) (Continued from July 15, 2015)

Proposal: To construct a 23-unit affordable multi-family residential development.

Location: West side of H Avenue 90 feet north of Sultana Street (APN: 0410-192-56 & 61)

Planner: Stan Liudahl

2. MICHAEL GALLAGHER (TPM15-00003)

Proposal: To create 5 lots and a remainder on 50 acres within the Neighborhood Commercial (NC) zone, TPM-19574.

Location: South side of Rancho Road, approximately 400 feet east of Interstate 15 (APN: 0357-561-65 & 66)

Planner: Stan Liudahl

3. B.E.S.T. OPPORTUNITIES INC (CUPR15-00002)

Proposal: To establish a 12,446 square foot adult development center within an existing 18,846 square foot industrial park.

Location: 12269 Scarborough Court (APN: 0415-132-03)

Planner: Stan Liudahl

4. **SAFAMMAN INC (TPM15-00004)**

Proposal: Tentative Parcel Map to create four single-family residential parcels on 3.7 gross acres.

Location: Southeast corner of Willow Street and Eighth Avenue (APN: 0407-104-01)

Planner: Daniel Alcayaga

5. **MELVILLE CAMPBELL (ME15-00007)**

Proposal: To construct a 3,000 square foot metal garage exceeding the 5 percent accessory building area limitation.

Location: 8273 Cottonwood Avenue (APN: 0409-142-12)

Planner: Stan Liudahl



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, August 12, 2015**

A. PROPOSALS:

1. R&R DEVELOPMENT CO. (CUP15-00004)

Proposal: To allow a 37,716 square foot health and fitness club (In-Shape) with an outdoor aquatic facility.

Location: Northwest corner of Juniper Street and Ninth Avenue (APN: 0407-261-03, 04, & 20)

Planner: Stan Liudahl

2. CHARLIE'S AUTOMOTIVE REPAIR (CUPR15-00003)

Proposal: To establish a vehicle repair and U-Haul rental business.

Location: 16717 Spruce Street (APN: 0410-151-14)

Planner: Daniel Alcayaga

3. QUICKFIX INVESTMENTS LLC (TTE15-00001)

Proposal: A first extension of time for TT-17352, to create 64 single-family residential lots.

Location: Willow Street, west of 9th Avenue (APN: 0407-111-01 through 03 and 0407-121-02 & 05)

Planner: Daniel Alcayaga