

# PLANNING COMMISSION AGENDA

## REGULAR MEETING

**Date: June 10, 2010**

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

### COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Joline Bell Hahn, Commissioner

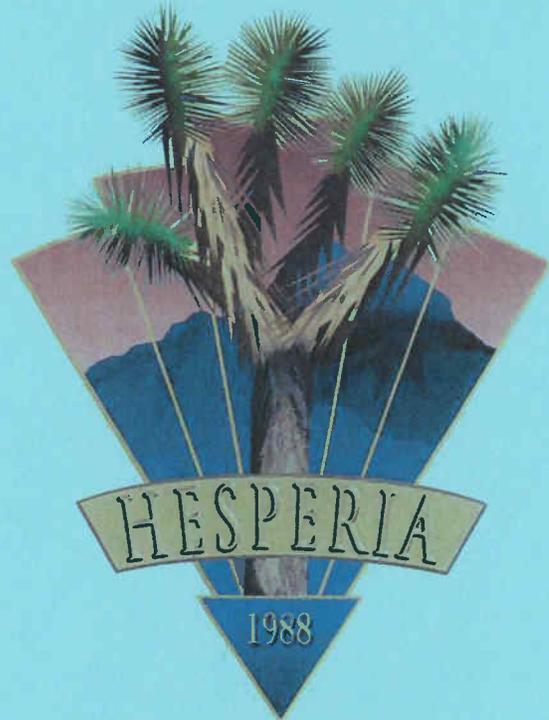
Stephen James, Commissioner

Julie Jensen, Commissioner

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

Dave Reno, Principal Planner

Douglas P. Haubert, 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.

June 10, 2010

**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 Joline Bell Hahn
  - Commissioner Stephen James
  - Commissioner Julie Jensen

**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: May 13, 2010 Planning Commission Meeting Draft Minutes.

-1-

**PUBLIC HEARINGS**

- 1. Consideration of Conditional Use Permit (CUP10-10125) and (CUP10-10126), to establish the sale of beer and wine, within existing Walgreens Drug Stores at 17383 and 15480 Main Street (Applicant: Walgreens; APNs: 0410-211-05 and 0405-181-01) (Staff Person: Lisette Sanchez-Mendoza). 1-1
- 2. Consideration of Development Code Amendment (DCA10-10150) amending the nonconforming uses and structures regulations (Applicant: City of Hesperia; Area affected: Citywide) (Staff Person: Daniel Alcayaga). 2-1
- 3. Consideration of Development Code Amendment (DCA10-10151) amending the parking regulations (Applicant: City of Hesperia; Area affected: Citywide) (Staff Person: Stan Liudahl). 3-1

**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

4-1

**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, Eva Heter, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, June, 3, 2010 at 5:30 p.m. pursuant to California Government Code §54954.2.



Eva Heter  
Planning Commission Secretary

HESPERIA PLANNING COMMISSION  
REGULAR MEETING  
May 13, 2010  
DRAFT MINUTES

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Elvert 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: Chair Elvert  
Vice Chair Muller  
Commissioner Hahn  
Commissioner James  
Commissioner Jensen  
  
Absent None

**JOINT PUBLIC COMMENTS**

No Comments to Consider.

**CONSENT CALENDAR**

- D. [Approval of Minutes: April 8, 2010 Planning Commission Meeting Draft Minutes](#)  
**Motion by Stephen James to approve minutes for the April 8, 2010 Planning Commission Meeting. Seconded by Joline Bell Hahn, passed with the following roll call vote:**

**AYES: Chris Elvert, Joline Bell Hahn, Stephen James, Julie Jensen, and William Muller**  
**NOES: None**

**PUBLIC HEARING**

1. [Consideration of Development Code Amendment \(DCA10-10133\) amending landscape regulations \(Applicant: City of Hesperia; Area Affected: Citywide\) \(Staff Member: Lisette Sanchez-Mendoza\).](#)  
**Chair Elvert Opened Public Hearing: 6:54 PM**

**No comments to consider.**

**Chair Elvert Closed Public Hearing: 6:54 PM**

**Motion by Stephen James to approve Resolution No. PC-2010-09, as presented, recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment (DCA10-10133), Seconded by Julie Jensen, passed with the following roll call vote:**

**AYES: Chris Elvert, Joline Bell Hahn, Stephen James, Julie Jensen, and William Muller**  
**NOES: None**

**PRINCIPAL PLANNER’S REPORT**

- E. DRC Comments  
No Comments to Consider.
  
- F. Major Project Update  
No Comments to Consider.

**PLANNING COMMISSION BUSINESS OR REPORTS**

No Comments to Consider.

**ADJOURNMENT**

Meeting Adjourned: 7:10 PM

Chris Elvert  
Chair

By: Eva Heter,  
Commission Secretary

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**DATE:** June 10, 2010  
**TO:** Planning Commission  
**FROM:** Dave Reno, Principal Planner *DR*  
**BY:** *LSM* Lisette Sánchez-Mendoza, Assistant Planner  
**SUBJECT:** Consideration of Conditional Use permit to establish the sale of beer and wine at two existing drug stores located at 17383 and 15480 Main Street (Applicant Walgreens; APN: 0410-211-05 and 0408-181-01).

**RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt Resolution Nos. PC-2010-10 and PC-2010-11 approving Conditional Use Permits CUP10-10125 and CUP10-10126.

**BACKGROUND**

**Proposal:** Conditional Use Permits to establish the sale of beer and wine within two existing drug stores (Attachment 1).

**Location:** 17383 and 15480 Main Street (Attachment 1).

**Current General, Plan, Zoning and Land Uses:** The sites are within the Planned Mixed Use (PMU) General Plan Land Use Designation and Neighborhood Commercial and Office Commercial District of the Main Street and Freeway Corridor Specific Plan. The sites are currently developed with commercial buildings. Both sites are surrounded by commercial uses.

**ISSUES/ANALYSIS:**

**Land Use:** A Type 20 license is proposed for both sites, which would allow the sale of beer and wine for off-site consumption.

As part of the Main Street and Freeway Corridor Specific Plan, both Neighborhood Commercial and Office Commercial zoning require all alcohol uses to apply for a conditional use permit. The Department of Alcoholic Beverage Control (ABC) requires cities to make a finding of public convenience or necessity if an over-concentration of licenses within a census tract occurs. The subject properties are located in Census Tracts 100.20 and 100.15 (Attachment 2). ABC has determined that both sites are located in over concentrated census tracts, as both census tracts currently exceed ABC license limitations by one license each. Census Tract 100.20 currently has five licenses and Census Tract 100.15 has four (Table 1 and Table 2).

**Table 1 Existing Off-Sale Licenses in Census Tract 100.20 (17383 Main Street)**

Location	Business Name	ABC License Type
17255 Main Street	Stater Bros	21 – beer, wine, and liquor
17223 Main Street	Hesperia Fast Trip 2	21 – beer, wine, and liquor
16987 Main Street	Porgies Liquor	21 – beer, wine, and liquor
16815 Main Street	DHR Verma Oil	21 – beer, wine, and liquor
16767 Main Street	7 Eleven	20 – beer and wine

Rite Aid is located at the northeast corner of Eleventh Avenue and Main Street directly east of 15480 Main Street and is within the adjacent census tract.

**Table 2 Existing Off-Sale Licenses in Census Tract 100.15 (15480 Main Street)**

Location	Business Name	ABC License Type
15188 Main Street	Best Food & Gas	20 – beer and wine
15510 Main Street	Rite Aid	21 – beer, wine, and liquor
15661 Mauna Loa St.	M & M Liquor Market	21 – beer, wine, and liquor
16233 Main Street	Hesperia Liquor	21 – beer, wine, and liquor

In addition, the Planning Commission has previously expressed concerns over the proliferation of establishments selling alcohol along Main Street. For this reason, staff researched all active ABC licenses for the off-site sale of alcohol along the commercial portion of Main Street, from Interstate 15 to I Avenue, and found a total of 35 establishments, of which 16 are gas stations, 11 are large retail stores, 7 liquor stores, and one is a small market. Of these 35 establishments, approximately half of them are located between I Avenue and Seventh Avenue. Also, the commercial portion of Main Street currently holds 24 onsite licenses, which consist primarily of restaurants. The area between I Avenue and Seventh Avenue has approximately half of the total on-site licenses. The closest establishments similar in nature to the proposed sites and holding active ABC licenses are located directly to the east of both project sites (Rite Aid). The proposed projects are consistent with uses located in the nearby vicinity. Both sites are surrounded by commercial development, with the exception of the site located at 15480 Main, specifically the property to the north of the site which contains a single family residence.

ABC's over-concentration criteria is based on the population with the boundary of the census tract in which the site is located. Each type of license (Type 21 and 20) has to meet certain population requirements set forth by ABC. For example, for every 2,500 people, one Type 21 license is allowed and for every 1, 500 people, one Type 20 license is allowed. Therefore in a census tract with 10,000 people, ABC would allow four (4) Type 21 and six (6) Type 20, within that tract.

In as much as ABC's criteria consider population and the need of services based on population, staff's recommendation derives from our City's unique land use characteristics. Unlike other cities, the City of Hesperia offers commercial services primarily along two major thoroughfares approximately three miles apart, in contrast to other cities which may offer commercial services every mile. This results in a concentration of commercial uses within designated areas of our city, as these services can only be located along Main Street, Bear Valley Road and portions of Hesperia Road. Taking the entire City's population into consideration, the City actually has fewer Type 20 licenses for beer and wine and fewer restaurants selling alcohol than permitted under ABC criteria.

**Schools and Parks:** The project site at 17383 Main Street is located approximately 1/4 mile of Juniper Elementary, and 15480 Main Street is just 1/3 of mile from Civic Center Park.

**Environmental:** This project is exempt from the California Environmental Quality Act (CEQA), per Section 15301, Existing Facilities.

**Conclusion:** The over-concentration of alcohol outlets along Main Street is based on ABC's criteria, however when determining over-concentration within this city, staff's recommendation is based on the fact that a large portion of the City's commercial land uses are concentrated primarily along Main Street, Bear Valley Road, and Hesperia Road.

**ALTERNATIVE**

1. Provide alternative direction to staff.

**ATTACHMENTS**

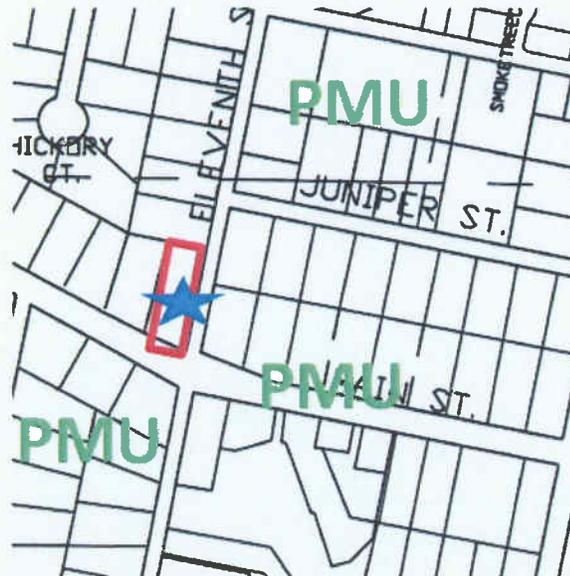
1. General Plan Map
2. Zoning Map
3. Aerial photo
4. Census Tract 100.20 & 100.15
5. Resolution Nos. PC-2010-10 & PC-2010-11

# ATTACHMENT 1

CUP10-10125 (17376 MAIN STREET)



CUP10-10126 (15480 MAIN STREET)

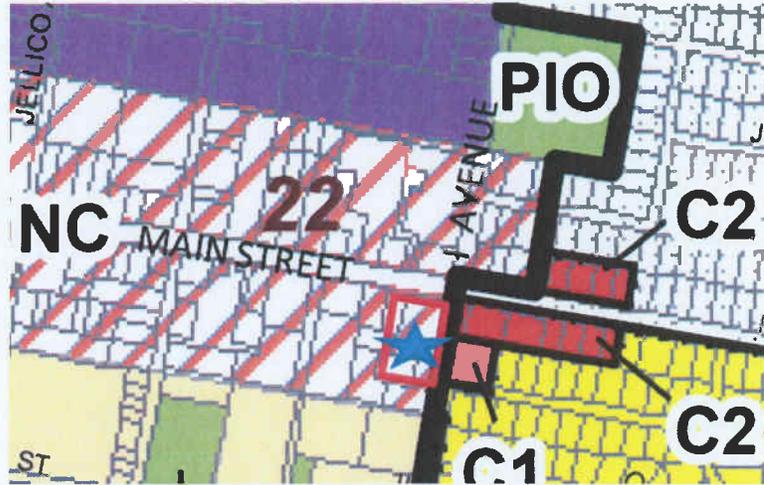


<b>APPLICANT(S):</b> WALGREENS		<b>FILE NO(S):</b> CUP10-10125 & CUP10-10126	
<b>LOCATION:</b> 17383 AND 15480 MAIN STREET			<b>APN(S):</b> 0410-211-05 & 0405-181-01
<b>PROPOSAL:</b> CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN TWO EXISTNG WALGREENS DRUG STORES			<b>N</b> ↑

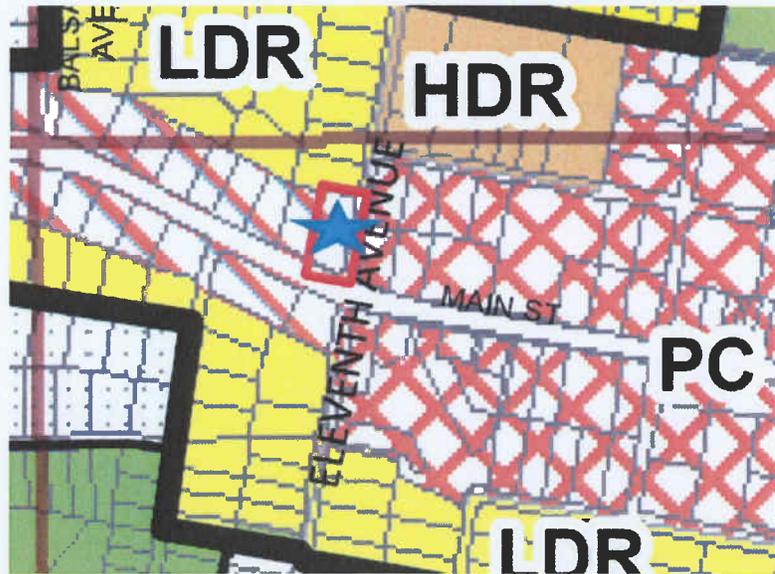
## ZONING MAP

# ATTACHMENT 2

CUP10-10125 (17376 MAIN STREET)



CUP10-10126 (15480 MAIN STREET)



**APPLICANT(S):**  
WALGREENS

**FILE NO(S):**  
CUP10-10125 & CUP10-10126

**LOCATION:**  
17383 AND 15480 MAIN STREET

**APN(S):**  
0410-211-05 &  
0405-181-01

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN TWO EXISTING WALGREENS DRUG STORES



## ZONING MAP

# ATTACHMENT 4



- Liquor Stores
- Gas Station/Convenience Stores
- General Retail Stores
- Other
- ★ Site

**APPLICANT(S):**  
WALGREENS

**FILE NO(S):**  
CUP10-10125 & CUP10-10126

**LOCATION:**  
17383 AND 15480 MAIN STREET

**APN(S):**  
0410-211-05 &  
0405-181-01

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN TWO EXISTING WALGREENS DRUG STORES

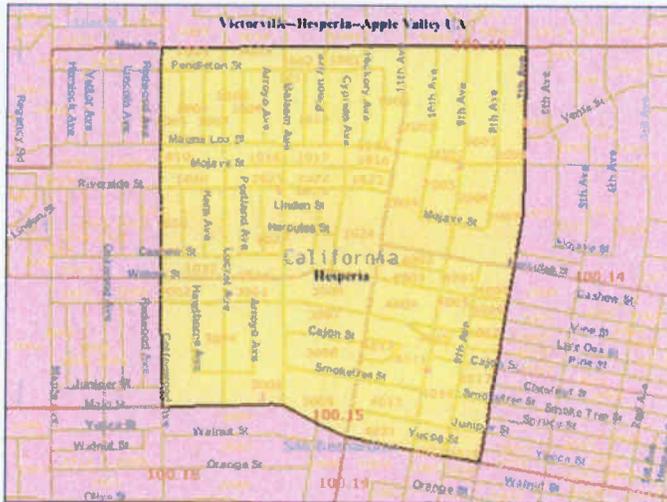


## AERIAL PHOTO

# ATTACHMENT 4

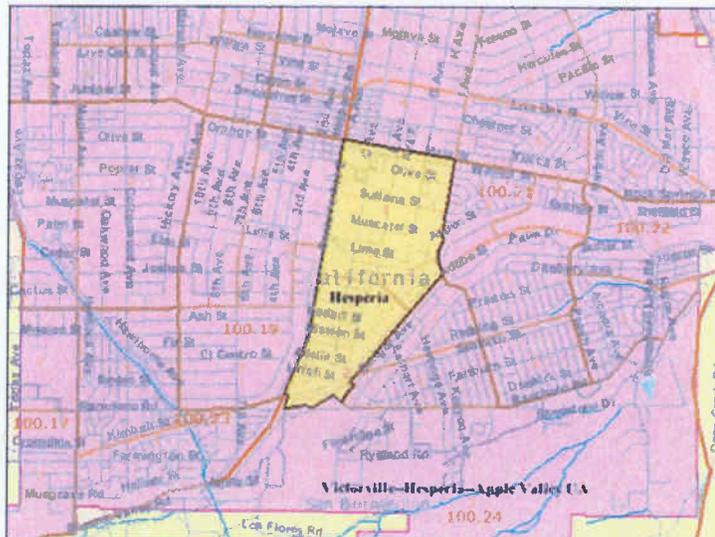
## CUP10-10125 (17376 MAIN STREET)

CENSUS TRACT  
100.15



## CUP10-10126 (15480 MAIN STREET)

CENSUS TRACT  
100.20



**APPLICANT(S):**  
WALGREENS

**FILE NO(S):**  
CUP10-10125 & CUP10-10126

**LOCATION:**  
17383 AND 15480 MAIN STREET

**APN(S):**  
0410-211-05 &  
0405-181-01

**PROPOSAL:**  
CONSIDERATION OF CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN TWO EXISTING WALGREENS DRUG STORES



**CENSUS TRACT**

**RESOLUTION NO. PC-2010-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN AN EXISTING DRUG STORE AT 17383 MAIN STREET (CUP10-10125)**

**WHEREAS**, Walgreens, Inc., has filed an application requesting approval of Conditional Use Permit CUP10-10125 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a drug store within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan at 17383 Main Street and consists of Assessor's Parcel Number 0410-211-05; and

**WHEREAS**, the Application, as contemplated, proposes to allow the sale beer and wine at an existing drug store; and

**WHEREAS**, the subject site is currently developed. The surrounding properties are also commercially developed; and

**WHEREAS**, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU) on the City's General Plan Map; and

**WHEREAS**, the subject property and surrounding properties are within the Neighborhood Commercial District of the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

**WHEREAS**, on June 10, 2010, 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 June 10, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within, and would not impair the integrity and character of the Neighborhood Commercial District and complies with all applicable provisions of the development code, specifically Section 16.12.120. The site is suitable for the type and intensity of use that is proposed. The proposed use is located in an existing drug store. There will be no expansion of the project, and the only addition is the sale of beer and wine.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare. The proposal to allow the sale of alcoholic beverages will not have a detrimental impact on adjacent properties. The addition of alcohol sales at a drug store is not likely to create any noise, traffic or any other impacts.
- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the general plan, specific plan and development code. The proposed use will take place in a permitted convenience store. The sale of alcohol is consistent with the design guidelines and criteria of the Neighborhood Commercial District. The sale of alcohol is also consistent with other commercial uses in the area.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure public convenience, health, safety and general welfare. The proposed use will occur in an existing convenience store with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use. The addition of alcohol at an existing convenience store is not likely to have any impacts on traffic or parking on- and off-site.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP10-10125.

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

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of June 2010.

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP10-10125

Approval Date: June 10, 2010

Effective Date: June 22, 2010

Expiration Date: June 22, 2013

This list of conditions apply to Conditional Use CUP10-125, to allow the sale of beer and wine within an existing drug store at 17383 Main Street (Applicant: WALGREENS; APN: 0410-211-05).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fees prior to the expiration date.

THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:

(Note: The "Init" and "Date" spaces are for internal city use only).

Init    Date

- \_\_\_    \_\_\_\_\_ 1. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)
  
- \_\_\_    \_\_\_\_\_ 2. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)
  
- \_\_\_    \_\_\_\_\_ 3. **Employee Age.** All employees selling alcohol must be at least 21 years of age. (P)
  
- \_\_\_    \_\_\_\_\_ 4. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
  
- \_\_\_    \_\_\_\_\_ 5. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
  
- \_\_\_    \_\_\_\_\_ 6. **Sale of Alcohol.** The sale of alcoholic beverages shall be permitted only between the hours of 6:00 AM to 2:00 AM. (P)
  
- \_\_\_    \_\_\_\_\_ 7. **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. (P)

- \_\_\_\_\_ 8. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

**IF YOU NEED INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS,  
PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:**

(P)	Planning Division	947-1200
(B)	Building Division	947-1300
(E)	Engineering Division	947-1474
(F)	Fire Prevention Division	947-1603
(RPD)	Hesperia Recreation and Park District	244-5488

**RESOLUTION NO. PC-2010-11**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH THE SALE OF BEER AND WINE WITHIN AN EXISTING DRUG STORE AT 15480 MAIN STREET (CUP10-10126)**

**WHEREAS**, Walgreens, Inc., has filed an application requesting approval of Conditional Use Permit CUP10-10126 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a convenience store within the Office Commercial District of the Main Street and Freeway Corridor Specific Plan at 15480 Main Street and consists of Assessor's Parcel Number 0408-181-01; and

**WHEREAS**, the Application, as contemplated, proposes to allow the sale beer and wine at an existing drug store; and

**WHEREAS**, the subject site is currently developed. The surrounding properties are also commercially developed; and

**WHEREAS**, the subject property and surrounding properties are currently designated Planned Mixed Use (PMU) on the City's General Plan Map; and

**WHEREAS**, the subject property and surrounding properties are within the Office Commercial District of the Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; and

**WHEREAS**, on June 10, 2010, 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 June 10, 2010 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within, and would not impair the integrity and character of the Office Commercial District and complies with all applicable provisions of the development code, specifically Section 16.12.120. The site is suitable for the type and intensity of use that is proposed. The proposed use is located in an existing drug store. There will be no expansion of the project, and the only addition is the sale of beer and wine.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare. The proposal to allow the sale of alcoholic beverages will not have a detrimental impact on adjacent properties. The addition of alcohol sales at a drug store is not likely to create any noise, traffic or any other impacts.
- (c) The proposed use is consistent with the objectives, policies, general land uses and programs of the general plan, specific plan and development code. The proposed use will take place in a permitted convenience store. The sale of alcohol is consistent with the design guidelines and criteria of the Office Commercial District. The sale of alcohol is also consistent with other commercial uses in the area.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure public convenience, health, safety and general welfare. The proposed use will occur in an existing convenience store with adequate infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use. The addition of alcohol at an existing convenience store is not likely to have any impacts on traffic or parking on- and off-site.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP10-10126.

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

**ADOPTED AND APPROVED** this 10<sup>th</sup> day of June 2010.

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Eva Heter, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP10-10126

Approval Date: June 10, 2010  
Effective Date: June 22, 2010  
Expiration Date: June 22, 2013

This list of conditions apply to Conditional Use CUP10-126, to allow the sale of beer and wine within an existing drug store at 15480 Main Street (Applicant: WALGREENS; APN: 0408-181-01).

The use shall not be established until all conditions of this Conditional Use Permit application have been met. This approved Conditional Use Permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fees prior to the expiration date.

THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:

(Note: The "Init" and "Date" spaces are for internal city use only).

Init    Date

- \_\_\_    \_\_\_\_\_ 1. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)
  
- \_\_\_    \_\_\_\_\_ 2. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)
  
- \_\_\_    \_\_\_\_\_ 3. **Employee Age.** All employees selling alcohol must be at least 21 years of age. (P)
  
- \_\_\_    \_\_\_\_\_ 4. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
  
- \_\_\_    \_\_\_\_\_ 5. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
  
- \_\_\_    \_\_\_\_\_ 6. **Sale of Alcohol.** The sale of alcoholic beverages shall be permitted only between the hours of 6:00 AM to 2:00 AM. (P)
  
- \_\_\_    \_\_\_\_\_ 7. **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. (P)

- \_\_\_\_\_ 8. **Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

**IF YOU NEED INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS,  
PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:**

(P)	Planning Division	947-1200
(B)	Building Division	947-1300
(E)	Engineering Division	947-1474
(F)	Fire Prevention Division	947-1603
(RPD)	Hesperia Recreation and Park District	244-5488

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**DATE:** June 10, 2010  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner *[Signature]*  
**BY:** Daniel S. Alcayaga, AICP, Senior Planner *[Signature]*  
**SUBJECT:** Development Code Amendment DCA10-10150 pertaining to Nonconforming Uses and Structures; Applicant: City of Hesperia; Area affected: Citywide

**RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt Resolution No. PC-2010-13, recommending that the City Council introduce and place on first reading an ordinance approving changes to the nonconforming uses and structures provisions (DCA10-10150).

**BACKGROUND**

Article IX of the Hesperia Development Code pertaining to Nonconforming Uses and Structures originated from the County's Development Code. The last update occurred in 2002, when the state required an exemption for existing residences. The proposed amendments are part of an overall goal for staff to update the Permits and Procedures (16.12) Chapter of the Development Code, which outlines the process for permitting development projects and land uses in the City. Additional amendments to the Permits and Procedures section as well as the General Regulations (16.20) Chapter are forthcoming.

The nonconforming use regulations provide guidance on when and how to develop land with nonconforming uses, buildings, or structures, and for their continued maintenance and occupation. Table 1 shows the requirements of surrounding cities pertaining to nonconforming uses and structures. This information affirms that the City's current nonconforming provisions are in line with other cities. Nevertheless, the proposed amendments provide for even more flexibility, giving property and business owners the opportunity to continue to use and expand on their nonconforming uses and buildings.

**Table 1 - Regulations for Nonconforming Uses and Structures for other Cities**

	Hesperia	Temecula	Chino Hills	Rancho Cucamonga	Victorville	Apple Valley	S.B. County
<b>Expansions &amp; Additions</b>	Not Allowed	Not Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed
<b>Regular Maintenance &amp; Alterations</b>	Allowed	Allowed	Allowed <sup>1</sup>	Allowed	Allowed <sup>1</sup>	Allowed	Allowed <sup>1</sup>
<b>Abandonment Period Allowed</b>	6/12 <sup>2</sup> months	6 months	6 months	6 months	None	6 months	6 months
<b>Damage that can occur</b>	50%	50%	75%	50%	50%	75%	75%

<sup>1</sup> No structural alterations are allowed.

<sup>2</sup> The City's development code states 6 months. The specific plan states 12 months.

The survey shows that expansions and additions on nonconforming uses and buildings are not permitted by other cities, except for Chino Hills. Expansions and additions are only permitted when the nonconformities are brought into compliance. The proposed code amendment will generally permit expansions and additions as discussed in this report.

The cities surveyed allow for routine maintenance, repairs, and alternations. Three cities do not allow for structural alterations. Hesperia's code currently allows structural alterations and will continue to allow them, provided that alterations do not increase the degree of nonconformity.

In other cities, the period of time allowed for a nonconforming use or building to sit vacant is six months. After this period, the nonconformity must be brought into compliance. The only exception is within the Main Street and Freeway Corridor Specific Plan area, which provides up to 12 months. The proposed amendments change this period from 6 months to 12 months for the remainder of the City.

A provision common in nonconforming use regulations is the amount of damage that can occur from fires, earthquakes, and other natural calamities, before a nonconforming use or building must be brought into compliance. In Hesperia, if the cost to repair a damaged structure is below 50% of the value of the building, the building can be rebuilt as originally constructed. If the cost exceeds 50%, the reconstructed building must conform to the Development Code. The value is based on the assessed value of the building, according to the County Assessor's Office. According to the survey, the percentage of damage that can occur is either 50% or 75%. The proposed amendment increases this percentage from 50% to 75%.

## **ISSUES/ANALYSIS**

Below is a summary of major changes in the proposed Ordinance. This report is summarized in the order the ordinance is written. In the draft ordinance, additions are shown as underlined and deletions are shown as strikeouts (Attachment 1).

### **Definitions & Purpose**

Three new definitions are provided. They include: nonconforming uses, nonconforming buildings and nonconforming structures. A new purpose statement is also provided to emphasize that the provisions are intended to promote the public health, safety, and welfare and to bring nonconforming uses, buildings, and structures in conformity with the Specific Plan and General Plan.

### **Maintenance and Alterations**

#### **Nonconforming Buildings/Structures:**

Nonconforming buildings are allowed to continue to be utilized and regularly maintained. Alterations, including structural alterations, are allowed as long as they do not increase the degree of the nonconformity. The new text in the draft ordinance says that exterior alternations are to be reviewed by the reviewing authority to ensure they are consistent with City's architectural requirements and in keeping with the original approval.

#### **Nonconforming Uses:**

Currently, a nonconforming use is allowed to continue provided it does not increase the level or intensity of the use. This text is being amended to say that the use may continue, provided it does not substantially increase the level of traffic or parking demand. Traffic and parking are the primary factors in determining whether a use is being expanded beyond its original approved parameters and therefore, may not be permitted.

## **Expansions and Additions**

### **Nonconforming Buildings/Structures:**

Currently, the code does not allow expansions or additions to nonconforming buildings. The new ordinance will allow them, except that they are subject to the site plan review or conditional use permit regulations. Consequently, the reviewing authority (DRC or Planning Commission) is assigned with determining if an existing building should be brought into compliance with current regulations. This decision shall be based on the findings in Section 16.12.320. A brief description of these findings is discussed below.

### **Nonconforming Uses:**

This section is the strictest portion of the proposed Ordinance. It does not allow expansions and additions when a nonconforming use has insufficient parking, or when the use is in the wrong zone. This is because a use with insufficient parking creates problems with traffic and circulation, and uses in the wrong zone maybe incompatible with surrounding uses in the area. Although there are exceptions to the latter, it is not easy to make the required findings in Section 16.12.320, as a use in the wrong zone will most likely not be consistent with the General Plan.

### **Repair of Damaged or Partially Destroyed Buildings**

Rebuilding provisions for nonconforming buildings, destroyed by a natural catastrophe (earthquake or fire), are briefly discussed in the background section of this report. The proposed ordinance will increase time periods for reconstructing damaged buildings. The time that reconstruction must commence is increased from three months to 1 year. The time the restoration must be completed is increased from 12 to 24 months.

### **Completion of Nonconforming Development Projects**

Development projects are sometimes approved prior to a new regulation becoming effective. Projects not conforming to the new regulations are considered nonconforming, and the time period to start construction is 60 days. The proposed ordinance increases this period to 180 days after the issuance of the building permit. Projects with land use permits are subject to the expiration date of their approval, which is three years from the effective date.

### **Exemptions to Nonconforming Provisions**

The proposed ordinance provides for three exemptions. The first exemption, as mentioned previously, allows the reviewing authority to permit expansions and additions to nonconforming buildings if the findings in Section 16.12.320 can be made. This exemption also applies to nonconforming uses, which are allowed to be reestablished, by the reviewing authority, pursuant to the findings.

### **Findings in Section 16.12.320**

The criteria in the findings include:

- Must be consistent with the General Plan;
- Cannot be detrimental to the public health, safety, and welfare;
- Cannot pose a negative impact on traffic, circulation, and parking;
- Must comply with all other codes.

The second exemption is an existing state exemption for existing residences. The final exemption allows property with substandard lot size, depth, and width to be developed.

**Environmental:** Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities, of the CEQA Guidelines, as the proposed amendments regulate existing nonconforming facilities.

## **CONCLUSION**

Staff supports the Development Code Amendment, as it will provide greater flexibility for the continuation of, and development of land with nonconforming uses, buildings and structures.

## **FISCAL IMPACT**

None.

## **ALTERNATIVE**

1. Provide alternative direction to staff.

## **ATTACHMENT**

1. Clean Copy of Exhibit "A"
2. Resolution No. PC-2010-13, with Exhibit "A"

# ATTACHMENT 1

## Exhibit "A"

**Additions are shown underlined**

**Deletions are shown as strikeouts**

16.08.555 Nonconforming building.

"Nonconforming building" means any building or portion thereof, which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.

16.08.556 Nonconforming structure.

"Nonconforming structure" means any structure or portion thereof, which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective. In Article IX, a nonconforming structure shall also refer to walls and fences that no longer comply with regulations.

16.08.557 Nonconforming use.

"Nonconforming use" means any use of building or land which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.

## ARTICLE IX. NONCONFORMING USES, BUILDINGS AND STRUCTURES

### 16.12.310 Purpose

It is the intent of this Development Code to discourage the long-term continuance of non-conforming uses, buildings, and structures in order to promote the public health, safety, and general welfare and to bring them into conformity with the goals and policies of the General Plan and any applicable Specific Plan. These provisions are not intended to legalize any use, building, or structure that were illegally established.

### 16.12.315 Provisions

- A. The definitions for a nonconforming use, building, and structure are located in Sections 16.08.555 thru 16.080.557.
- B. Continuation, Maintenance, and Alterations.
  1. Nonconforming Building and Structure:
    - a. A nonconforming building or structure may continue to be utilized, except as otherwise provided for in this article.

- b. A nonconforming building or structure may be altered, structurally altered, or repaired provided that no alterations or repairs increase the degree of the nonconforming building or structure. Any exterior alteration changing the architecture or the look of the nonconforming building or structure shall be reviewed and approved by the reviewing authority.
  - c. Routine maintenance may be performed on a nonconforming building or structure.
  - d. No nonconforming building or structure shall be altered or restored so as to displace any conforming use, building or structure.
2. Nonconforming Use. Nonconforming uses may be allowed to continue, provided that the use does not substantially increase the levels of vehicular traffic and parking demand, except as otherwise provided in this section.

C. Expansions and Additions.

1. Nonconforming Buildings and Structures:

- a. Expansions and additions to a nonconforming building or structure are not permitted, except as otherwise provided for in this article.
- b. Any expansion or addition shall be subject to the process and requirements outlined in Article II (Site Plans and Revised Site Plans) and Article III (Conditional Use Permits) of this Municipal Code; and
  - i. The reviewing authority shall determine the extent the nonconforming buildings or structures must conform. The reviewing authority may permit an expansion and addition to the nonconforming building or structure, if all the findings in Section 16.12.320 can be made; and
  - ii. If circumstances in Section 16.12.085(5) do not exist, the expansion and addition shall be forwarded to the Planning Commission; and
  - iii. Expansions and additions not requiring a site plan review or conditional use permit shall comply with parking, landscaping, and trash enclosure requirements. Architectural improvements shall be required on existing buildings or structures. The extent of architectural improvements shall be proportional to what is being proposed; and
  - iv. The proposed expansion and addition shall conform to the provisions of this Development Code.
- c. Additional development of any property on which a nonconforming building or structure exist shall require that all new buildings or structures conform to the provisions of this Development Code.
- d. No nonconforming building or structure shall be expanded or added so as to displace any conforming use, building or structure.

2. Nonconforming Uses:

- a. No expansions or additions shall be permitted for buildings or structures containing nonconforming uses otherwise not permitted in the zone, except as otherwise provided for in this article, and for uses with insufficient parking.
- b. Additional development of any property on which a nonconforming use exist shall require that all new uses conform to the provisions of this Development Code.
- c. In a multiple unit building containing conforming and nonconforming uses, the limitations in this article shall solely apply to the nonconforming uses and their unit when they are within an otherwise conforming building.

D. Abandonment of Use or Building.

- a. If documented activity and continuous operations of a nonconforming use, building, or structure are not carried on, for a continuous period of twelve months, the use, building, or structure, shall be used or occupied for a conforming use, building or structure, except as otherwise provided for in this article. Intent to resume active use or occupancy shall not affect the foregoing.

E. Repair of Damaged or Partially Destroyed Structures.

1. A nonconforming use, building or structure which has been damaged or partially destroyed by fire, natural disaster or some other calamity may be restored to its original condition and nonconforming use, building, or structure resumed provided that following criteria are met:
  - i. Such restoration shall be started within one year (of such calamity and completed within 2 years from the time restoration commences; and
  - ii. Provided that the construction cost of restoration does not exceed seventy five (75) percent of the assessed value of the entire building or structure; and
  - iii. The reviewing authority may grant a written extension of time on restoration not to exceed one additional year, upon application by the affected party.
2. Unsafe Uses of Buildings. Any nonconforming building or structure, or portion thereof, declared unsafe by the City may be strengthened or restored to a safe condition, provided that the cost of the improvement does not exceed seventy five (75) percent of the replacement cost of the structure.

F. Completion. Any building or structure for which a building permit has been issued prior to the effective date of the ordinance codified herein may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within one hundred and eighty (180) days, or prior to the expiration date of the project's land use permit, whichever comes later, after the issuance of said permit and diligently prosecuted to completion.

G. Enforcement. Failure to comply with this section is subject to the penalty provisions as outlined in Chapter 1.12 of the Municipal Code.

H. Exceptions.

- b. The reviewing authority may permit an abandoned use to reestablish, or allow an expansion and addition to a building or structure containing a nonconforming use if all the findings in Section 16.12.320 can be made. If circumstances in Section 16.12.085(5) do not exist, the expansion and addition shall be forwarded to the Planning Commission; and
- c. All expansions and additions shall be subject to Section 16.12.315(C)(1)(b).
- d. All lawfully existing residential structures located in commercially designated or zoned property as of the effective date of this article shall be exempt from the restriction on reconstruction following the destruction of the structure. However, the reconstruction shall conform to Section 16.12.320(A) and (B).
- e. A use, building or structure shall not be considered nonconforming solely on the basis of the lot not meeting the minimum lot size, width, and depth. Development on the lot may occur provided it meets all development code standards as well as sewage and water requirements.

**16.12.320 Findings for approval**

- A. Before any modification to a nonconforming use, building, or structure may be granted, the reviewing authority shall find that all of the following conditions shall exist in reference to the alteration, expansion, addition, and reestablishment of uses being considered:
  1. The alteration, expansion, addition, and reestablishment of the nonconforming use, building, or structure shall not be detrimental to or prevent the attainment of objectives, policies, and programs specified in the general plan;
  2. The granting of permission to alter, expand, add to, and reestablishment, the nonconforming use, building, or structure shall not be substantially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located;
  3. The alteration, expansion, addition, and reestablishment of the nonconforming use, building, or structure shall not pose a substantially negative impact on traffic, circulation, and parking demand. The existing nonconforming use, building, or structure shall comply with all other applicable City regulations, ordinances and codes.
- B. Any alterations required by governmental or court action shall be exempt from these conditions.

**16.12.330 Change of nonconforming use.**

The Planning Commission may consider and approve, or conditionally approve, a request to change a nonconforming use to a different nonconforming use, provided that the following conditions are met:

- A. There is no new structure;
- B. The use is not of greater intensity with regard to traffic, noise, density, parking demand, odor, light, or other similar development or performance standard; and
- C. A conditional use permit has been reviewed and approved by the City, in accordance with Article III (Conditional Use Permits) of the Development Code.
- D. The decision may be appealed pursuant to Section 16.12.055.

# ATTACHMENT 2

## RESOLUTION NO. PC-2010-13

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE NONCONFORMING USES AND STRUCTURES REGULATIONS (DCA10-10150)**

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

**WHEREAS**, The City of Hesperia has filed DCA10-10150, to amend the Development Code regulations pertaining to nonconforming uses and structures; and

**WHEREAS**, The City of Hesperia Development Code shall be amended as per the attached Exhibit "A"; and

**WHEREAS**, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15301, Existing Facilities, of the CEQA Guidelines, as the proposed amendments regulate existing nonconforming facilities; and

**WHEREAS**, On June 10, 2010, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code 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 Development Code Amendment DCA10-10150, amending the regulations pertaining to nonconforming uses and structures as shown on Exhibit "A."

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

**ADOPTED AND APPROVED** on this 10<sup>th</sup> day of June 2010.

\_\_\_\_\_  
Chris Elvert, Chair, Planning Commission

ATTEST:

\_\_\_\_\_  
Eva Heter, Secretary, Planning Commission

Exhibit "A"

**Additions are shown underlined**

**Deletions are shown as strikeouts**

~~16.08.555 Nonconforming or nonconforming use.~~

~~"Nonconforming" means any building, structure or portion thereof, tree or use of building or land which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.~~

16.08.555 Nonconforming building.

"Nonconforming building" means any building or portion thereof, which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.

16.08.556 Nonconforming structure.

"Nonconforming structure" means any structure or portion thereof, which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective. In Article IX, a nonconforming structure shall also refer to walls and fences that no longer comply with regulations.

16.08.557 Nonconforming use.

"Nonconforming use" means any use of building or land which does not conform to the regulations of the Municipal Code, applicable community plan and/or specific plan and which lawfully existed at the time the regulations, or an amendment thereto, with which it does not conform became effective.

**ARTICLE IX. NONCONFORMING USES, BUILDINGS AND STRUCTURES**

**16.12.310 315 Purpose of provisions.**

It is the intent of this Development Code to discourage the long-term continuance of nonconforming uses, buildings, and structures in order to promote the public health, safety, and general welfare and to bring them into conformity with the goals and policies of the General Plan and any applicable Specific Plan. These provisions are not intended to legalize any use, building, or structure that were illegally established.

~~Regulation of nonconforming uses is intended to limit their number and extent by regulating their enlargement, their reestablishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. In addition, this article is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the disparity between existing conditions and applicable city regulations, ordinances or codes.~~

## 16.12.315 Provisions

A. The definitions for a nonconforming use, building, and structure are located in Sections 16.08.555 thru 16.080.557.

B. A. Continuation, Maintenance, and Alterations.

1. Nonconforming Building and Structure: of Use, Building, or Structure. A nonconforming use may be allowed to continue without increasing the levels of the use, and except as otherwise provided in this section.

a. A nonconforming building or structure may continue to be utilized, but not expanded, except as otherwise provided for in this article.

b. A nonconforming building or structure may be altered, structurally altered, or repaired provided that no alterations or repairs increase the degree of the nonconforming building or structure. Any exterior alteration changing the architecture or the look of the nonconforming building or structure shall be reviewed and approved by the reviewing authority.

c. Routine maintenance may be performed on a nonconforming building or structure.

d. No nonconforming building or structure shall be altered or restored so as to displace any conforming use, building or structure.

2. Nonconforming Use. Nonconforming uses may be allowed to continue, provided that the use does not substantially increase the levels of vehicular traffic and parking demand, except as otherwise provided in this section.

~~Improvements to an existing, nonconforming use or building exceeding fifty (50) percent of the current use or building size shall warrant the entire use or building being made to conform to appropriate city codes and regulations. A nonconforming use or building may be changed to a conforming use or building at any time.~~

C. Expansions and Additions.

1. Nonconforming Buildings and Structures:

a. Expansions and additions to a nonconforming building or structure are not permitted, except as otherwise provided for in this article.

b. Any expansion or addition shall be subject to the process and requirements outlined in Article II (Site Plans and Revised Site Plans) and Article III (Conditional Use Permits) of this Municipal Code; and

i. The reviewing authority shall determine the extent the nonconforming buildings or structures must conform. The reviewing authority may permit an expansion and addition to the nonconforming building or structure, if all the findings in Section 16.12.320 can be made; and

- ii. If circumstances in Section 16.12.085(5) do not exist, the expansion and addition shall be forwarded to the Planning Commission; and
- iii. Expansions and additions not requiring a site plan review or conditional use permit shall comply with parking, landscaping, and trash enclosure requirements. Architectural improvements shall be required on existing buildings or structures. The extent of architectural improvements shall be proportional to what is being proposed; and
- iv. The proposed expansion and addition shall conform to the provisions of this Development Code.
- c. Additional development of any property on which a nonconforming building or structure exist shall require that all new buildings or structures conform to the provisions of this Development Code.
- d. No nonconforming building or structure shall be expanded or added so as to displace any conforming use, building or structure.

2. Nonconforming Uses:

- a. No expansions or additions shall be permitted for buildings or structures containing nonconforming uses otherwise not permitted in the zone, except as otherwise provided for in this article, and for uses with insufficient parking.
- b. Additional development of any property on which a nonconforming use exist shall require that all new uses conform to the provisions of this Development Code.
- c. In a multiple unit building containing conforming and nonconforming uses, the limitations in this article shall solely apply to the nonconforming uses and their unit when they are within an otherwise conforming building.

D. ~~B.~~ Abandonment of Use or Building.

- a. If documented activity and continuous operations ~~on~~ of a nonconforming use, ~~or~~ ~~residency~~ building, or structure in a nonconforming building are not carried on, ~~on~~ for a continuous period of six ~~twelve~~ months, the use, ~~or~~ building, or structure, ~~other structure or tract of land where such nonconforming use or building previously existed~~ shall be used or occupied for a conforming use, ~~or~~ by a conforming building or structure, except as otherwise provided for in this article. Intent to resume active use or occupancy shall not affect the foregoing.

E. ~~C.~~ Restoration/Repair of Damaged or Partially Destroyed Structures.

- 1. A nonconforming use, ~~or~~ building or structure which has been damaged or partially destroyed by fire, natural disaster or some other natural ~~cause~~ calamity

may be restored to its original condition and nonconforming use, building, or structure resumed provided that following criteria are met:

- ~~i. , provided that s~~Such work restoration shall be started within one year (three months of such calamity and completed within one year~~2 years~~ from the time restoration commences; and
- ~~ii. provided~~Provided that the construction cost of restoration does not exceed fifty-seventy five (5075) percent of the replacement cost assessed value of the entire use or building or structure; and -
- ~~iii. The town reviewing authority council~~ may grant a written extension of time on restoration not to exceed one additional year, upon application by the affected party.

~~4.2. D. Unsafe Uses of Buildings.~~ Any nonconforming building or structure, or portion thereof, declared unsafe by the ~~city~~City may be strengthened or restored to a safe condition, provided that the cost of the improvement does not exceed ~~fifty-seventy five (5075)~~ percent of the replacement cost of the structure.

~~E. Enlargement of a Nonconforming Use or Building.~~ A nonconforming use shall not be enlarged or extended, but normal maintenance of a building, or other structure containing a nonconforming use, is permitted.

~~F. Alteration of a Nonconforming Building.~~ A nonconforming building may be structurally altered or repaired in any way permitted by these regulations; however, no alterations or repairs shall be made in a nonconforming building that would increase the degree of nonconformity with the location and land use regulations of the development code.

~~G. Displacement.~~ No nonconforming use shall be altered, extended or restored so as to displace any conforming use.

~~F.~~ H. Completion. Any building or structure for which a building permit has been issued prior to the effective date of the ordinance codified herein may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within one hundred and eighty (sixty-180) days, (60) days or prior to the expiration date of the project's land use permit, whichever comes later, after the issuance of said permit and diligently prosecuted to completion.

~~G.~~ I. Enforcement. Failure to comply with this section is subject to the penalty provisions as outlined in Chapter 1.12 of the ~~municipal~~Municipal code~~Code~~.

H. Exceptions.

- b. The reviewing authority may permit an abandoned use to reestablish, or allow an expansion and addition to a building or structure containing a nonconforming use if all the findings in Section 16.12.320 can be made. If circumstances in Section

16.12.085(5) do not exist, the expansion and addition shall be forwarded to the Planning Commission; and

- c. All expansions and additions shall be subject to Section 16.12.315(C)(1)(b).
- d. All lawfully existing residential structures located in commercially designated or zoned property as of the effective date of this article shall be exempt from the restriction on reconstruction following the destruction of the structure. However, the reconstruction shall conform to Section 16.12.320(A) and (B).
- e. A use, building or structure shall not be considered nonconforming solely on the basis of the lot not meeting the minimum lot size, width, and depth. Development on the lot may occur provided it meets all development code standards as well as sewage and water requirements.

**16.12.320 Findings for approval  
~~of alteration of a nonconforming use.~~**

- A. Before any modification ~~in~~ to a nonconforming use, building, or structure may be granted, the reviewing authority shall find that all of the following conditions shall exist in reference to the ~~alteration~~ alteration, expansion, addition, and reestablishment of uses being considered:
  - ~~1. The proposed alteration shall not prolong the normal remaining life of the nonconforming use;~~
  - 1. The alteration, expansion, addition, and reestablishment of the nonconforming use, building, or structure shall not be detrimental to or prevent the attainment of objectives, policies, and programs specified in the general plan;
  - 2. The granting of permission to alter, expand, add to, and reestablishment, the nonconforming use, building, or structure shall not be substantially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and district in which the use is located;
  - 3. ~~The alteration shall not change the primary use of the land or increase the intensity of that use;~~ The alteration, expansion, addition, and reestablishment of the nonconforming use, building, or structure shall not pose a substantially negative impact on traffic, circulation, and parking demand.
  - 4.3. The existing nonconforming use, building, or structure shall comply with all other applicable ~~city~~ City regulations, ordinances and codes.
- B. Any alterations required by governmental or court action shall be exempt from these conditions.

**16.12.330 Change of nonconforming use.**

The ~~planning~~ Planning Commission may consider and approve, or conditionally approve, a request to change a nonconforming use to a different nonconforming use, provided that the following conditions are met:

- A. There is no new structure;
- B. The use is not of greater intensity with regard to traffic, noise, density, parking demand, odor, light, or other similar development or performance standard; and
- C. A conditional use permit has been reviewed and approved by the ~~city~~ City, in accordance with ~~Section 16.12.105~~ Article III (Conditional Use Permits) of the Development Code.
- ~~D. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire structure, as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the city and shall be based on the minimum cost of construction in compliance with the Uniform Building Code.~~
- ~~E.D. \_\_\_\_\_ The decision may be appealed by any aggrieved party within ten calendar days of the decision pursuant to Section 16.12.055.~~

**~~16.12.340 Exception for existing residential structures in commercial areas.~~**

~~All lawfully existing residential structures located in commercially designated or zoned property as of the effective date of this article shall be exempt from the restriction on reconstruction following the destruction of the structure. However, the reconstruction shall conform to Section 16.12.320(A) and (B).~~

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**DATE:** June 10, 2010

**TO:** Planning Commission

**FROM:** Dave Reno, AICP, Principal Planner 

**BY:**  Stan Liudahl, AICP, Senior Planner

**SUBJECT:** Development Code Amendment DCA10-10151, amending the parking regulations; Applicant: City of Hesperia; Area affected: Citywide

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2010-12, recommending that the City Council introduce and place on first reading an ordinance approving DCA10-10151, amending the parking regulations.

### BACKGROUND

This Development Code Amendment is recommended to make adjustments to the number of parking spaces required for nurseries, commercial swimming pools and skating rinks, and government buildings. This ordinance would also establish a parking standard for mixed-use developments, allow for the creation of compact car parking spaces and installation of bicycle racks, eliminate the use of wheel stops, and amend other standards for landscaping, lighting, and sidewalks in parking lots. It is also part of staff's efforts to update the entire Development Code.

### ISSUES/ANALYSIS

Staff reviewed the entire parking chapter and has recommended changes which will provide greater flexibility in the design of parking lots while ensuring that parking lots contain an adequate number of spaces as well as enhance the quality of development within the City. The recommended amendments to the chapter are a result of analysis of the size and maneuverability of new vehicles, comparison of parking standards from other jurisdictions, and changes to state handicapped parking regulations.

#### Required parking spaces

The City's parking standards were last revised in October of 2007. Since then, staff has determined that the minimum number of parking spaces required for a number of uses is excessive, particularly for government uses not frequently visited by the public. This became apparent when the City processed two fire stations, a police station, and the High Desert Government Center. The number of spaces required for nurseries and skating rinks were also determined to be excessive. Consequently, staff has researched the number of parking spaces required for these uses for the five High Desert cities and San Bernardino County. The results of these surveys are shown in the tables which follow. The recommended parking standard is provided at the bottom of each table.

Use	Jurisdiction	Parking Standard
Plant nurseries	Adelanto	1 space/1,000 sf <sup>1</sup> gross building area + 1 space/2,000 sf <sup>1</sup> gross outdoor retail area.
Retail nursery, garden shop	Apple Valley	4 spaces + 1 space/500 sf <sup>1</sup> indoor display area + 1 space/2,500 sf <sup>1</sup> outdoor display area.
Nursery sales, display yards, building material and lumber sale yards and similar yards and uses	Barstow	1 space/200 sf <sup>1</sup> gross building area + 1 space/1,000 sf <sup>1</sup> outdoor sales, display and yard storage + 1 space/employee on the maximum shift.
Open air commercial uses such as nurseries, used car lots, equipment rental & storage yard, machinery & boats	Victorville	1 space/1,000 sf <sup>1</sup> lot area devoted to sales and display.
Automobile sales, boat sales, mobile home sales, retail nurseries & other open uses not in a structure	San Bernardino County	1 space/2,000 sf <sup>1</sup> open area devoted to sales or display up to 10,000 sf <sup>1</sup> + 1 space/5,000 sf <sup>1</sup> sales or display over 10,000 sf <sup>1</sup> + 1 space/facility vehicle.
<b>Open air retail sales nurseries/equipment</b>	<b>Hesperia</b>	<b>5.00 spaces/1,000 sf<sup>1</sup> sales and display area.</b>
<b>Recommended standard: 1.00 space/5,000 sf<sup>1</sup> sales and display area, with a minimum of 6 spaces required.</b> This parking standard would require about 28 parking spaces for the largest nursery in the City and would become the lowest of the parking standards surveyed, but it is consistent with the needs of the use.		
Use	Jurisdiction	Parking Standard
Skating rink, ice or roller	Adelanto	1 space/100 sf <sup>1</sup> rink area + spaces for additional uses.
Theme amusement/recreational parks, video arcades, skating rinks, go carts	Apple Valley	1 space/200 sf <sup>1</sup> within structures + 1 space/3 persons at maximum capacity.
Skating rinks/ice or roller	Barstow	1 space/100 sf <sup>1</sup> gross building area + spaces for additional uses.
Roller skating rinks	Victorville	1 space/200 sf <sup>1</sup> rink area + spaces for additional uses.
Skating rinks, ice or roller	San Bernardino County	1 space/3 fixed seats or 1 space/20 sf <sup>1</sup> seating area + 1 space/250 sf <sup>1</sup> skating area.
<b>Commercial swimming pool/skating rink</b>	<b>Hesperia</b>	<b>10.00 spaces/1,000 sf<sup>1</sup> pool or rink area.</b>
<b>Recommended standard: 4.00 spaces/1,000 sf<sup>1</sup> gross building area.</b> This standard is consistent with the number of parking spaces required for a proposed ice skating rink, which contains 33,226 sf of gross building area served by 133 parking spaces.		

<sup>1</sup> sf – square feet

Use	Jurisdiction	Parking Standard
Business and professional offices	Adelanto	1 space/250 sf gross building area.
General office and places of public assembly	Apple Valley	1 space/300 sf gross office floor area + 1 space/4 seats (18 linear inches of bench equals 1 seat) or 1 space/35 sf gross floor area.
General offices	Barstow	1 space/200 sf gross building area.
Governmental buildings frequently visited by the public, such as administrative offices	Victorville	1 space/200 sf gross building area.
Offices, general, financial, business and professional uses	San Bernardino County	1 space/250 sf gross building area.
<b>Government administrative offices</b>	<b>Hesperia</b>	<b>5.00 spaces/1,000 sf + 1 space/government vehicle.</b>
<p>Staff recommends that the additional parking spaces for government vehicles required as part of the parking standard for government buildings frequently visited by the public be eliminated.</p> <p><b>Recommended standard: 5.00 spaces/1,000 sf.</b> This will make the number of parking spaces required for government office buildings consistent with that of the 66,778 sf High Desert Government Center, which contains 334 parking spaces.</p>		
Use	Jurisdiction	Parking Standard
Business and professional offices	Adelanto	1 space/250 sf gross building area.
General office	Apple Valley	1 space/300 sf gross office floor area.
Public building or public facility, fire, police, ambulance, electrical distribution substation	Barstow	1 space/employee on the maximum shift + an additional 10% of the parking spaces required shall be set aside for visitors. An additional space shall be provided for each vehicle in the company's fleet. When the fleet expands, so shall the parking.
Public buildings not frequently visited by the public, such as fire stations and police facilities	Victorville	1 space/400 sf gross building area.
Offices, general, financial, business and professional uses	San Bernardino County	1 space/250 sf gross building area.
<b>Public uses not frequented by the public (fire/police stations)</b>	<b>Hesperia</b>	<b>2.50 spaces/1,000 sf gross building area</b>
<p><b>Recommended standard: 2.00 spaces/1,000 sf gross building area, with 0.5 spaces/1,000 sf gross building area provided for the public.</b> This is consistent with the number of parking spaces required for Fire Station 305 on Caliente Road. This 18,478 sf fire station is served by 48 parking spaces, including 11 spaces for the general public. Similarly, the 12,307 sf Fire Station 301 on Eleventh Avenue contains 24 parking spaces, including six spaces for the public. The Police station on Smoketree Street is 42,887 sf of gross floor area and contains 288 parking spaces, including 55 spaces for the public.</p>		

Use	Jurisdiction	Parking Standard
Two or more uses	Adelanto	Where two or more uses are located in the same development or structure, the parking requirements shall be the sum of the separate requirements per use.
Joint uses	Apple Valley	When two or more uses are located in the same development or structure, the parking requirements shall be the sum of the separate requirements per use.
Multiple uses	Barstow	When two or more uses are located in the same development or structure, the parking requirements shall be the sum of the separate requirements per use.
Two or more uses	San Bernardino County	Where two or more uses are located in a single structure or on a single parcel, required parking shall be provided for each specific use.
Two or more uses	Hesperia	Where two or more uses are located in a single building or single premises, required parking shall be provided for each specific use.

Staff has also researched the parking requirements for Rancho Cucamonga, Santa Monica, and Temecula for input regarding mixed-use parking standards. None of these cities have a specific standard for mixed-use development. Based upon the data, it is apparent that the parking standard for shopping centers within the current Development Code affords a small proportion of surplus spaces. As such, staff recommends a conservative reduction in the number of spaces required to account for nearby residents walking to the center.

**Recommended standard: Apply the applicable residential parking standard + three-fourths of the applicable non-residential parking standard for all mixed-use developments. Pedestrian connections will be required within the project and the parking spaces for the residential development reserved for the residents.** This will encourage development of more mixed-use projects, encouraging sustainable land use practices.

**Compact car spaces**

As part of the ordinance adopted in 2007, the City Council allowed up to 25 percent of the total number of parking spaces to be 8'-6" wide instead of the standard 9'-0." This is to provide flexibility in parking lot design. There was some interest in establishing a standard for compact parking spaces, but the issue was not analyzed at the time. Staff has created a database of all new cars and light trucks sold in the state (Attachment 1). This database contains 339 models based upon 12 standardized vehicle classifications. The following table summarizes the average and maximum vehicle size and maneuverability information for compact vehicles from Attachment 1.

<b>Compact vehicles</b>								
Vehicle classification	Vehicle size (all dimensions in feet)				Average drive aisle width needed (feet)			
	Ave. width	Ave. length	Max. width	Max. length	90°	60°	45°	0°
Subcompact car	5.6	13.0	5.9	14.1	16.6	11.1	8.3	9.7
Compact car	5.8	14.7	6.0	15.5	17.7	11.8	8.8	10.2
Sports car	6.0	14.6	6.8	16.5	18.3	12.2	9.1	10.6
Compact pickup	6.0	17.1	6.5	18.3	20.9	13.9	10.4	11.2
Compact SUV	6.0	14.7	6.4	15.3	18.2	12.2	9.1	10.5
Minivan	6.4	16.4	6.5	16.9	19.1	12.7	9.5	11.1
<b>Overall</b>	<b>5.9</b>	<b>15.1</b>	<b>6.8</b>	<b>18.3</b>	<b>18.5</b>	<b>12.3</b>	<b>9.2</b>	<b>10.6</b>

The following table compares the compact car parking space standards of other jurisdictions.

<b>Jurisdiction</b>	<b>Compact Car Parking Standard</b>
Adelanto	Compact car spaces are not permitted.
Apple Valley	Where 20 or more parking spaces are provided, a maximum of 15 percent of the required parking may be provided as compact. Compact spaces are a minimum of 8 feet wide and 17 feet long.
Barstow	All compact/motorcycle parking spaces shall be grouped in clusters of no more than 5 spaces and shall be evenly distributed throughout the parking area.
Victorville	Compact car parking spaces shall not be included when calculating required off-street parking and are only allowed when in excess of the required number of parking spaces. Compact car spaces shall be located at the periphery of the site and a minimum of 8 feet wide and 17 feet long. A compact space next to a standard space shall be 9 feet wide.
San Bernardino County	Compact car spaces are not permitted.
<b>Hesperia</b>	<b>Compact car spaces are not permitted but up to 25% of the spaces may be 8'-6" wide.</b>

The information in the table on page 4 suggests that a compact car parking space 8'-6" wide and 15 feet long would accommodate most vehicles in the class. The existing Development Code drive aisle width requirements (26 feet for 90 degree, 17 feet for 60 degree, 14 feet for 45 degree and 13 feet for 0 degree) provide sufficient maneuvering width for all compact vehicles.

**Recommended standard: A maximum of 25 percent of the total number of parking spaces may be developed as 8'-6" wide and 15-foot long compact car parking spaces. These spaces shall not be alternated with full-sized spaces and should not be located in close proximity to a primary building entrance(s). Compact car spaces shall be identified within 24 inches of the end of the space with "compact" stenciled on the pavement in eight-inch high letters. Staff also recommends that the optional 8'-6" wide standard space provision be eliminated as part of this revision.**

### **Wheel stops, sidewalks, and landscaping**

The Development Code currently provides for either wheel stops or a raised sidewalk to control vehicular encroachment over landscaped areas and other areas. Staff has observed many parking lots where wheel stops are not maintained, displaying partially damaged concrete wheel blocks and rebar protruding above pavement in parking spaces. These pose not only a potential to damage vehicles, but are also a tripping hazard. Their elimination will also facilitate sweeping and reduce trash buildup. Consequently, staff proposes that wheel stops be eliminated. It is recommended that two-foot wide sidewalks, bollards, or decorative guard rails are provided where a vehicular barrier is needed (Attachment 2). Staff is unaware of any other jurisdiction which has eliminated wheel stops from their development code. However, the National Parking Association agrees that wheel stops pose a tripping hazard in its Americans with Disabilities Act (ADA) Guidelines. The guidelines do not prohibit use of wheel stops despite this statement.

Staff recommends that vehicles be allowed to encroach up to two feet into landscaped areas unless trees or large shrubs prevent the encroachment. The Development Code currently allows a two-foot parking space encroachment into landscaped areas five feet wide. This amendment would merely allow the encroachment within a four-foot wide landscaped area. It is also recommended that all parking space rows be separated from drive aisles by landscaped areas at least four feet in width (Attachment 3). This will protect parked vehicles from other vehicles maneuvering within drive aisles. A one-foot wide sidewalk is also recommended at the ends of parking space rows to allow motorists to exit vehicles without stepping into landscaped areas (Attachment 3). Attachment 2 also includes the existing parking space striping and concrete curb alternative to wheel stop detailing.

**Recommended standard: Wheel stops shall not be allowed. Vehicles may encroach over landscaped areas up to two feet unless trees or large shrubs prevent the encroachment. Where a vehicular barrier is required, it shall be in the form of a raised sidewalk a minimum of two feet wide. The sidewalk shall be at least six feet wide if the sidewalk includes a handicapped accessible route of travel. Bollards or decorative guard rails may also be used. All parking space rows shall be separated from drive aisles by a landscaped area at least four feet wide. In addition, a minimum one-foot wide concrete sidewalk shall be provided adjacent to the parking space to allow drivers and passengers to exit the vehicle without stepping into landscaped areas. The proposed modified parking space striping and alternative to wheel stop detailing is consistent with current detailing. The minimum 20-foot parking space setback from the street and minimum drive aisle widths are retained as part of this amendment.**

### Bicycle racks

Although the Development Code currently promotes use of bicycles, staff has included a development standard within this ordinance requiring installation of at least one bicycle rack for a minimum of four bicycles within parking lots containing 25 or more parking spaces. The following table compares the bicycle parking standards of other jurisdictions.

Jurisdiction	Bicycle Parking Standard
Adelanto	1 bicycle space/4 units in multi-family residential developments. 5 and 20 percent of the number of required car spaces for non-residential uses. One bicycle space is a rack for at least 4 bicycles.
Apple Valley	1 bicycle space/20 spaces in non-residential developments as determined by the Director. A rack shall be installed to secure bikes.
Barstow	None.
Victorville	None.
San Bernardino County	None.
<b>Hesperia</b>	<b>Bicycle parking is recommended at commercial and office sites.</b>
Where a development provides suitable cover as part of its design, it is preferred that the bicycle rack be installed beneath the covered area, shielding the bikes from the weather. If a project does not have a suitable outdoor covered area, the bicycle rack can be installed in the open.	
<b>Recommended standard: All retail, commercial, recreational, public and office developments with 25 or more parking spaces shall provide a rack for parking at least four bicycles in a location convenient to the facility as approved by the Planning Division. When available, bicycle racks shall be placed under cover.</b>	

### Accessibility regulations

Accessibility regulations have changed markedly since the parking ordinance was originally adopted. There are new standards for accessible parking spaces, including the relocation of ramps beyond loading zones, incorporation of truncated domes for the visually impaired, accessibility signage, and route of travel requirements. The accessibility requirements are amended by the state regularly. Consequently, staff recommends that the text and detailing regarding accessibility be eliminated so that the Development Code need not be revised due to changes made by the state.

**Recommended standard: Reference state law instead of incorporating accessibility standards in the Ordinance.**

### Minor revisions

These changes mostly reflect current standard practices. The most noteworthy revision would provide a minimum parking lot illumination standard of 0.1 foot-candles. The Development Code currently has a maximum illumination of 0.5 foot-candles at the property lines abutting a street or residentially designated property. Additions are shown on the resolution Exhibit "A" using red underlined text and deletions are represented by strikethroughs.

**Environmental:** Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act by Section 15061(b)(3) of the CEQA Guidelines. The proposed ordinance does not expand the allowable uses or entitlements already permitted by the Development Code.

## **CONCLUSION**

Staff supports the Development Code Amendment, as it will allow optimization of the size of buildings by providing greater flexibility in the design of parking lots.

## **FISCAL IMPACT**

None.

## **ALTERNATIVES**

1. The Planning Commission may decide not to recommend an allowance for compact car parking spaces. This would leave the allowance for 8'-6" wide car spaces as an alternative to the standard nine-foot wide parking space, which does not provide the same flexibility in parking lot design afforded by use of compact car spaces, which has been adequately analyzed. As such, staff does not support this alternative.
2. The Planning Commission may decide not to recommend elimination of wheel stops. Staff has included three alternatives to wheel stops, including the current two-foot wide concrete alternative, bollards, and decorative guard rails. These alternatives form a suitable vehicular barrier without creating the tripping hazard and maintenance problems of wheel stops. As such, staff does not support this alternative.
3. The Planning Commission may not recommend installation of bicycle racks within developments containing 25 or more parking spaces, as recommended under this Ordinance. Currently, the Parking Ordinance promotes alternative transportation, but does not make it a requirement. Alternative transportation is supported by the General Plan Update as well. Therefore, staff does not support this alternative.
4. Provide alternative direction to staff.

## **ATTACHMENTS**

1. Excel spreadsheet analyzing the size and maneuverability of new vehicles
2. Parking space striping and vehicular barrier detailing
3. One-foot wide sidewalk and parking separation requirement detailing
4. Resolution No. PC-2010-12, with Exhibit "A"

# ATTACHMENT 1

## VEHICLE SIZE ANALYSIS

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Subcompact Car	2010	Chevrolet	Aveo	67.3	169.7	33	16.5	11.0	8.3	9.7
Subcompact Car	2010	Chevrolet	Aveo 5	66.1	154.3	32	16.0	10.7	8.0	9.5
Subcompact Car	2010	Honda	Fit	66.7	161.6	34.4	17.2	11.5	8.6	9.9
Subcompact Car	2010	Hyundai	Accent	66.7	168.5	33.1	16.6	11.0	8.3	9.7
Subcompact Car	2010	Kia	Rio	66.7	167.3	32.7	16.4	10.9	8.2	9.6
Subcompact Car	2010	Kia	Rio 5	66.7	158.5	33.1	16.6	11.0	8.3	9.7
Subcompact Car	2010	Kia	Rio Soul	70.3	161.6	34.4	17.2	11.5	8.6	10.2
Subcompact Car	2010	Nissan	Cube	66.7	156.7	33.4	16.7	11.1	8.4	9.7
Subcompact Car	2010	Pontiac	G3	66.1	155	33	16.5	11.0	8.3	9.6
Subcompact Car	2010	Scion	xD	67.9	154.9	37.1	18.6	12.4	9.3	10.3
Subcompact Car	2010	Smart	Car for two	61.4	106.1	28.7	14.4	9.6	7.2	8.7
Subcompact Car	2010	Suzuki	SX4	69.1	162.8	35.4	17.7	11.8	8.9	10.2
Subcompact Car	2010	Toyota	Yaris	66.7	150.6	30.8	15.4	10.3	7.7	9.4
Average (Inches)				66.8	156.0	33.2				
Average (Feet)				5.6	13.0	33.2	16.6	11.1	8.3	9.7
Largest (Inches)				70.3	169.7	37.1				
Largest (Feet)				5.9	14.1	37.1	18.6	12.4	9.3	10.3

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Compact Car	2010	Acura	TSX	72.4	185.6	36.7	18.4	12.2	9.2	10.6
Compact Car	2010	Audi	A3	69.4	169	35.1	17.6	11.7	8.8	10.2
Compact Car	2010	Audi	A4	71.9	185.2	37.4	18.7	12.5	9.4	10.7
Compact Car	2011	BMW	3 series	70.2	180.6	36.1	18.1	12.0	9.0	10.4
Compact Car	2010	Chevrolet	Cobalt	67.9	180.3	33.5	16.8	11.2	8.4	9.8
Compact Car	2010	Chevrolet	HHR	69.1	176.2	36	18.0	12.0	9.0	10.3
Compact Car	2010	Chrysler	PT Cruiser	67.1	168.9	40.2	20.1	13.4	10.1	10.6
Compact Car	2010	Dodge	Caliber	68.8	173.8	35.5	17.8	11.8	8.9	10.2
Compact Car	2011	Ford	Fiesta	66.8	173.6	34.4	17.2	11.5	8.6	9.9
Compact Car	2010	Ford	Focus	67.8	175	34.2	17.1	11.4	8.6	9.9
Compact Car	2010	Honda	Civic	69	177.3	34.8	17.4	11.6	8.7	10.1
Compact Car	2010	Honda	Insight	66.7	172.3	36.1	18.1	12.0	9.0	10.1
Compact Car	2010	Hyundai	Elantra	69.9	177.4	33.9	17.0	11.3	8.5	10.1
Compact Car	2010	Hyundai	Elantra Touring	69.5	176.2	34.2	17.1	11.4	8.6	10.1
Compact Car	2010	Kia	Forte Coup	69.5	176.4	35.4	17.7	11.8	8.9	10.2
Compact Car	2010	Kia	Forte	69.9	178.3	33.9	17.0	11.3	8.5	10.1
Compact Car	2010	Lexus	IS series	70.9	180.3	33.5	16.8	11.2	8.4	10.1
Compact Car	2010	Lexus	IS-F	71.5	183.5	33.5	16.8	11.2	8.4	10.1
Compact Car	2010	Lexus	HS250H	70.3	184.8	37.4	18.7	12.5	9.4	10.5
Compact Car	2010	Mazda	3	69.1	180.7	37.1	18.6	12.4	9.3	10.4
Compact Car	2010	Mazda	Speed 3	69.5	176.8	36.1	18.1	12.0	9.0	10.3
Compact Car	2010	Mercedes Benz	C class	69.7	182.3	35.5	17.8	11.8	8.9	10.2
Compact Car	2010	Mitsubishi	Lancer	69.4	180.4	32.8	16.4	10.9	8.2	9.9
Compact Car	2010	Mitsubishi	Lancer Evolution	71.3	177	38.7	19.4	12.9	9.7	10.8
Compact Car	2010	Nissan	Sentra	70.5	179.8	35.4	17.7	11.8	8.9	10.3
Compact Car	2010	Nissan	Versa	66.7	176	34.2	17.1	11.4	8.6	9.8
Compact Car	2010	Pontiac	Vibe	69.5	171.7	35.3	17.7	11.8	8.8	10.2
Compact Car	2010	Scion	xB	69.3	167.3	34.8	17.4	11.6	8.7	10.1
Compact Car	2010	Subaru	Impreza	68.5	173.8	34.8	17.4	11.6	8.7	10.1
Compact Car	2010	Suzuki	SX4 Sport	68.1	177.6	34.8	17.4	11.6	8.7	10.0
Compact Car	2010	Toyota	Corolla	69.3	178.7	35.6	17.8	11.9	8.9	10.2
Compact Car	2010	Toyota	Matrix	69.5	171.9	36	18.0	12.0	9.0	10.3
Compact Car	2010	Volkswagen	Jetta	70.1	179.3	35.8	17.9	11.9	9.0	10.3
Compact Car	2010	Volkswagen	Golf	70.3	165.4	35.8	17.9	11.9	9.0	10.3
Compact Car	2011	Volvo	C30	70.2	167.9	34.9	17.5	11.6	8.7	10.2
Compact Car	2010	Volvo	S40	69.7	176.2	34.9	17.5	11.6	8.7	10.2
Compact Car	2010	Volvo	V50	69.7	178	34.9	17.5	11.6	8.7	10.2
Average (Inches)				69.4	176.6	35.4				
Average (Feet)				5.8	14.7	35.4	17.7	11.8	8.8	10.2
Largest (Inches)				72.4	185.6	40.2				
Largest (Feet)				6.0	15.5	40.2	20.1	13.4	10.1	10.8

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Sports Car	2010	Aston Martin	DBS	75	185.9	39.4	19.7	13.1	9.9	11.2
Sports Car	2010	Aston Martin	DB9	74	185.5	39.4	19.7	13.1	9.9	11.1
Sports Car	2010	Aston Martin	V8 Vantage	73.5	172.5	36.5	18.3	12.2	9.1	10.7
Sports Car	2010	Audi	A5	73	182.1	37.4	18.7	12.5	9.4	10.8
Sports Car	2010	Audi	R8	76	174.6	38.7	19.4	12.9	9.7	11.2
Sports Car	2010	Audi	TT	72.5	164.5	36	18.0	12.0	9.0	10.5
Sports Car	2010	Audi	TTS	72.5	165.3	36	18.0	12.0	9.0	10.5
Sports Car	2010	BMW	6 series	73	190.2	37.4	18.7	12.5	9.4	10.8
Sports Car	2011	BMW	1 series	68.8	171.1	35.1	17.6	11.7	8.8	10.1
Sports Car	2011	BMW	Z4	70.5	166.9	35.1	17.6	11.7	8.8	10.3
Sports Car	2010	Chevrolet	Camaro	75.5	190.4	37.7	18.9	12.6	9.4	11.0
Sports Car	2010	Chevrolet	Corvette	75.9	175.6	39	19.5	13.0	9.8	11.2
Sports Car	2010	Dodge	Challenger	75.7	197.7	38.9	19.5	13.0	9.7	11.2

Sports Car	2010	Ferrari	California	74.9	179.6	37.7	18.9	12.6	9.4	11.0
Sports Car	2011	Ford	Mustang	73.9	188.2	37.7	18.9	12.6	9.4	10.9
Sports Car	2010	Jaguar	XX series	74.5	188.7	35.8	17.9	11.9	9.0	10.7
Sports Car	2010	Lamborghini	Murcielago	81	181.5	41.2	20.6	13.7	10.3	11.9
Sports Car	2010	Lamborghini	Gallardo	74.8	169.3	37.7	18.9	12.6	9.4	10.9
Sports Car	2010	Lexus	SC430	72	178.5	35.4	17.7	11.8	8.9	10.4
Sports Car	2010	Lotus	Evora	72.8	170.9	33.3	16.7	11.1	8.3	10.2
Sports Car	2010	Maserati	Gran Turismo	75.4	192.2	35.1	17.6	11.7	8.8	10.7
Sports Car	2010	Mazda	RX-8	69.7	175.6	34.8	17.4	11.6	8.7	10.2
Sports Car	2010	Mazda	MX-5 Miata	67.7	157.3	30.8	15.4	10.3	7.7	9.5
Sports Car	2011	Mercedes Benz	SL class	71.5	180.8	36.2	18.1	12.1	9.1	10.5
Sports Car	2010	Mercedes Benz	SLK class	70.6	161.5	34.5	17.3	11.5	8.6	10.2
Sports Car	2010	Mini	Cooper	66.3	145.6	35.1	17.6	11.7	8.8	9.9
Sports Car	2011	Mitsubishi	Eclipse	72.2	180.4	40	20.0	13.3	10.0	11.0
Sports Car	2010	Nissan	GT-R	74.9	183.1	36.6	18.3	12.2	9.2	10.8
Sports Car	2010	Nissan	370Z	72.8	167.2	32.8	16.4	10.9	8.2	10.2
Sports Car	2010	Porsche	911	71.2	175.6	34.8	17.4	11.6	8.7	10.3
Sports Car	2010	Porsche	Cayman	70.9	172.3	36.4	18.2	12.1	9.1	10.5
Sports Car	2010	Porsche	Boxster	70.9	172.1	36.4	18.2	12.1	9.1	10.5
Sports Car	2010	Scion	tC	69.1	174	36.1	18.1	12.0	9.0	10.3
Sports Car	2010	Volkswagen	Eos	70.5	173.6	35.8	17.9	11.9	9.0	10.4
Sports Car	2010	Volkswagen	Beetle	67.9	161.1	35.8	17.9	11.9	9.0	10.1
Sports Car	2010	Volkswagen	GTI	70	165.8	35.8	17.9	11.9	9.0	10.3
Sports Car	2011	Volvo	C70	72.3	181.7	38.7	19.4	12.9	9.7	10.9
Average (Inches)				72.5	175.6	36.5				
Average (Feet)				6.0	14.6	36.5	18.3	12.2	9.1	10.6
Largest (Inches)				81.0	197.7	41.2				
Largest (Feet)				6.8	16.5	41.2	20.6	13.7	10.3	11.9

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Compact Pickup	2010	Chevrolet	Colorado reg cab	67.6	192.4	40.7	20.4	13.6	10.2	10.7
Compact Pickup	2010	Chevrolet	Colorado ext cab	67.6	207.1	44.3	22.2	14.8	11.1	11.2
Compact Pickup	2010	Chevrolet	Colorado crew cab	67.6	207.1	44.3	22.2	14.8	11.1	11.2
Compact Pickup	2010	Dodge	Dakota ext cab	71.7	218.5	43.3	21.7	14.4	10.8	11.4
Compact Pickup	2010	Dodge	Dakota crew cab	76	218.5	43.3	21.7	14.4	10.8	11.7
Compact Pickup	2010	Ford	Explorer Sport Trac	73.7	210.2	36.8	18.4	12.3	9.2	10.7
Compact Pickup	2010	Ford	Ranger reg cab	69.3	189.4	37.7	18.9	12.6	9.4	10.5
Compact Pickup	2010	Ford	Ranger ext cab	69.3	203.6	42.7	21.4	14.2	10.7	11.1
Compact Pickup	2010	GMC	Canyon reg cab	67.6	192.4	40.7	20.4	13.6	10.2	10.7
Compact Pickup	2010	GMC	Canyon ext cab	67.6	207.1	44.3	22.2	14.8	11.1	11.2
Compact Pickup	2010	GMC	Canyon crew cab	67.6	207.1	44.3	22.2	14.8	11.1	11.2
Compact Pickup	2010	Honda	Ridgeline	77.8	207	42.6	21.3	14.2	10.7	11.8
Compact Pickup	2010	Nissan	Frontier king cab std bed	72.8	205.5	43.4	21.7	14.5	10.9	11.5
Compact Pickup	2010	Nissan	Frontier crew cab std bed	72.8	205.5	43.4	21.7	14.5	10.9	11.5
Compact Pickup	2010	Nissan	Frontier crew cab long bed	72.8	219.4	43.6	21.8	14.5	10.9	11.5
Compact Pickup	2010	Suzuki	Equator	72.8	206.6	43.4	21.7	14.5	10.9	11.5
Compact Pickup	2010	Toyota	Tacoma reg cab std bed	72.2	190.4	36.7	18.4	12.2	9.2	10.6
Compact Pickup	2010	Toyota	Tacoma reg cab std bed	72.2	190.4	36.7	18.4	12.2	9.2	10.6
Compact Pickup	2010	Toyota	Tacoma ext cab std bed	72.2	208.1	42.3	21.2	14.1	10.6	11.3
Compact Pickup	2010	Toyota	Tacoma crew cab short bed	74.6	208.1	40.7	20.4	13.6	10.2	11.3
Compact Pickup	2010	Toyota	Tacoma X-Runner	74	208.1	42	21.0	14.0	10.5	11.4
Average (Inches)				71.4	204.9	41.8				
Average (Feet)				6.0	17.1	41.8	20.9	13.9	10.4	11.2
Largest (Inches)				77.8	219.4	44.3				
Largest (Feet)				6.5	18.3	44.3	22.2	14.8	11.1	11.8

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Compact SUV	2010	Acura	RDX	73.6	182.5	39.2	19.6	13.1	9.8	11.0
Compact SUV	2010	Audi	Q5	74	182.2	38.1	19.1	12.7	9.5	10.9
Compact SUV	2010	BMW	X3	73	179.9	38.4	19.2	12.8	9.6	10.9
Compact SUV	2010	Ford	Escape	71.1	174.7	36.7	18.4	12.2	9.2	10.5
Compact SUV	2010	Honda	CR-V	71.6	179.3	37.8	18.9	12.6	9.5	10.7
Compact SUV	2010	Honda	Element	71.6	169.9	34.9	17.5	11.6	8.7	10.3
Compact SUV	2010	Hyundai	Tucson	71.7	173.2	34.7	17.4	11.6	8.7	10.3
Compact SUV	2010	Infiniti	EX35	71	182.3	34.8	17.4	11.6	8.7	10.3
Compact SUV	2010	Jeep	Liberty	72.4	176.9	35.5	17.8	11.8	8.9	10.5
Compact SUV	2010	Jeep	Wrangler	76.6	164.2	34.9	17.5	11.6	8.7	10.7
Compact SUV	2010	Jeep	Compass	69.3	173.4	37.2	18.6	12.4	9.3	10.4
Compact SUV	2010	Jeep	Patriot	69.1	173.6	35.6	17.8	11.9	8.9	10.2
Compact SUV	2010	Kia	Sportage	70.9	171.3	35.4	17.7	11.8	8.9	10.3
Compact SUV	2010	Land Rover	LR2	75.1	177.1	37.1	18.6	12.4	9.3	10.9
Compact SUV	2010	Mazda	Tribute	71.1	174.9	36.7	18.4	12.2	9.2	10.5
Compact SUV	2010	Mercedes Benz	GLK class	72.4	178.2	37.7	18.9	12.6	9.4	10.7
Compact SUV	2010	Mercury	Mariner	71.1	175.2	36.7	18.4	12.2	9.2	10.5
Compact SUV	2010	Mitsubishi	Outlander	70.9	183.7	34.8	17.4	11.6	8.7	10.3
Compact SUV	2010	Nissan	Rogue	70.9	182.9	37.4	18.7	12.5	9.4	10.6
Compact SUV	2010	Subaru	Forester	70.1	179.5	34.4	17.2	11.5	8.6	10.1
Compact SUV	2010	Suzuki	Grand Vitara	71.3	177.2	36	18.0	12.0	9.0	10.4
Compact SUV	2010	Suzuki	SX4 Sportback	69.1	162.8	35.4	17.7	11.8	8.9	10.2

Compact SUV	2010	Toyota	Rav4	71.5	181.9	34.8	17.4	11.6	8.7	10.3
Compact SUV	2010	Volkswagen	Tiuan	71.2	174.3	39.4	19.7	13.1	9.9	10.9
Compact SUV	2010	Volvo	XC60	74.4	182.2	38.4	19.2	12.8	9.6	11.0
Average (Inches)				71.8	176.5	36.5				
Average (Feet)				6.0	14.7	36.5	18.2	12.2	9.1	10.5
Largest (Inches)				76.6	183.7	39.4				
Largest (Feet)				6.4	15.3	39.4	19.7	13.1	9.9	11.0

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Minivan	2010	Chrysler	Town & Country	76.9	202.5	39.1	19.6	13.0	9.8	11.3
Minivan	2010	Dodge	Grand Caravan	76.9	202.5	39.1	19.6	13.0	9.8	11.3
Minivan	2010	Ford	Transit Connect	70.7	180.6	39	19.5	13.0	9.8	10.8
Minivan	2010	Honda	Odyssey	77.1	202.1	36.7	18.4	12.2	9.2	11.0
Minivan	2010	Kia	Sedona	78.1	189.4	38.2	19.1	12.7	9.6	11.3
Minivan	2011	Toyota	Sienna	78.2	200.2	36.9	18.5	12.3	9.2	11.1
Minivan	2010	Volkswagen	Routan	76.9	202.5	38	19.0	12.7	9.5	11.2
Average (Inches)				76.4	197.1	38.1				
Average (Feet)				6.4	16.4	38.1	19.1	12.7	9.5	11.1
Largest (Inches)				78.2	202.5	39.1				
Largest (Feet)				6.5	16.9	39.1	19.6	13.0	9.8	11.3

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Midsize Car	2010	Acura	RL	72.7	195.7	36.1	18.1	12.0	9.0	10.6
Midsize Car	2010	Acura	TL	74	195.5	38.4	19.2	12.8	9.6	11.0
Midsize Car	2010	Audi	A6	73	193.5	39	19.5	13.0	9.8	11.0
Midsize Car	2010	Audi	S4	71.9	185.2	37.7	18.9	12.6	9.4	10.7
Midsize Car	2010	Audi	S5	73	182.1	37.4	18.7	12.5	9.4	10.8
Midsize Car	2010	Audi	S6	73.4	193.5	39	19.5	13.0	9.8	11.0
Midsize Car	2010	Bentley	Continental	75.5	189.1	37.4	18.7	12.5	9.4	11.0
Midsize Car	2010	BMW	5 series	72.7	191.1	37.5	18.8	12.5	9.4	10.7
Midsize Car	2011	BMW	M3	71.5	180.4	38.4	19.2	12.8	9.6	10.8
Midsize Car	2010	BMW	M6	73	191.8	41	20.5	13.7	10.3	11.2
Midsize Car	2011	Buick	Regal	73.1	190.2	37.4	18.7	12.5	9.4	10.8
Midsize Car	2010	Cadillac	CTS	72.5	191.6	35	17.5	11.7	8.8	10.4
Midsize Car	2010	Cadillac	CTS-V	72.5	191.6	37.9	19.0	12.6	9.5	10.8
Midsize Car	2010	Cadillac	STS	72.6	196.7	38.8	19.4	12.9	9.7	10.9
Midsize Car	2010	Chevrolet	Impala	72.9	200.4	40	20.0	13.3	10.0	11.1
Midsize Car	2010	Chevrolet	Malibu	70.3	191.8	40.4	20.2	13.5	10.1	10.9
Midsize Car	2010	Chrysler	Sebring	71.5	193.8	36.5	18.3	12.2	9.1	10.5
Midsize Car	2010	Dodge	Avenger	71.8	190.9	36.5	18.3	12.2	9.1	10.5
Midsize Car	2010	Ford	Fusion	72.2	190.6	37.7	18.9	12.6	9.4	10.7
Midsize Car	2010	Honda	Accord	72.7	194.3	37.7	18.9	12.6	9.4	10.8
Midsize Car	2010	Honda	Accord Crosstour	74.7	196.8	40.2	20.1	13.4	10.1	11.3
Midsize Car	2011	Hyundai	Sonata	72.2	189.8	35.8	17.9	11.9	9.0	10.5
Midsize Car	2010	Hyundai	Genesis	73.4	182.3	37.4	18.7	12.5	9.4	10.8
Midsize Car	2011	Infiniti	M37	71.1	194.7	36.7	18.4	12.2	9.2	10.5
Midsize Car	2011	Infiniti	M56	71.1	194.7	36.7	18.4	12.2	9.2	10.5
Midsize Car	2010	Infiniti	G37	69.8	187	35.4	17.7	11.8	8.9	10.2
Midsize Car	2010	Infiniti	M45	71.1	194.1	36.7	18.4	12.2	9.2	10.5
Midsize Car	2010	Infiniti	M35	71.1	194.1	36.7	18.4	12.2	9.2	10.5
Midsize Car	2010	Jaguar	XF series	73.9	195.3	37.7	18.9	12.6	9.4	10.9
Midsize Car	2010	Kia	Optima	71.1	189	35.5	17.8	11.8	8.9	10.4
Midsize Car	2010	Kia	Rondo	71.7	179	35.4	17.7	11.8	8.9	10.4
Midsize Car	2010	Lexus	ES350	71.7	191.1	36.7	18.4	12.2	9.2	10.6
Midsize Car	2010	Lexus	GS450H	71.7	190	36.7	18.4	12.2	9.2	10.6
Midsize Car	2010	Lexus	GS350	71.7	190	34.1	17.1	11.4	8.5	10.2
Midsize Car	2010	Lexus	GS460	71.7	190	34.1	17.1	11.4	8.5	10.2
Midsize Car	2010	Lincoln	MKZ	72.2	189.8	37.7	18.9	12.6	9.4	10.7
Midsize Car	2010	Mazda	5	69	181.5	34.8	17.4	11.6	8.7	10.1
Midsize Car	2010	Mazda	6	72.4	193.7	35.4	17.7	11.8	8.9	10.5
Midsize Car	2010	Mercedes Benz	E class	70.3	185	35.9	18.0	12.0	9.0	10.3
Midsize Car	2010	Mercedes Benz	CLS class	73.7	193.6	36.7	18.4	12.2	9.2	10.7
Midsize Car	2010	Mercury	Milan	72.2	189	37.5	18.8	12.5	9.4	10.7
Midsize Car	2010	Mitsubishi	Galant	72.4	191.1	38.1	19.1	12.7	9.5	10.8
Midsize Car	2010	Nissan	Altima	70.7	190.7	36.1	18.1	12.0	9.0	10.4
Midsize Car	2010	Nissan	Maxima	73.2	190.6	37.4	18.7	12.5	9.4	10.8
Midsize Car	2010	Pontiac	G6	70.6	189	36	18.0	12.0	9.0	10.4
Midsize Car	2010	Subaru	Legacy	71.7	186.4	36.8	18.4	12.3	9.2	10.6
Midsize Car	2010	Subaru	Outback	71.7	188.2	36.8	18.4	12.3	9.2	10.6
Midsize Car	2010	Suzuki	Kizashi	71.7	183.1	36	18.0	12.0	9.0	10.5
Midsize Car	2011	Toyota	Camry	71.7	189.2	36.1	18.1	12.0	9.0	10.5
Midsize Car	2010	Toyota	Prius	68.7	175.6	34.2	17.1	11.4	8.6	10.0
Midsize Car	2010	Volkswagen	CC	73.1	188.9	35.8	17.9	11.9	9.0	10.6
Midsize Car	2010	Volkswagen	Passat	71.7	188	35.8	17.9	11.9	9.0	10.5
Midsize Car	2010	Volvo	V70	73.3	189.9	36.7	18.4	12.2	9.2	10.7
Midsize Car	2010	Volvo	XC70	73.3	190.5	37.7	18.9	12.6	9.4	10.8
Average (Inches)				72.1	190.0	37.0				
Average (Feet)				6.0	15.8	37.0	18.5	12.3	9.2	10.6
Largest (Inches)				75.5	200.4	41.0				

Largest (Feet)	6.3	16.7	41.0	20.5	13.7	10.3	11.3
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Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Midsize SUV	2010	Acura	MDX	78.5	191.6	37.6	18.8	12.5	9.4	11.2
Midsize SUV	2010	Acura	ZDX	78.5	192.4	38.4	19.2	12.8	9.6	11.3
Midsize SUV	2011	BMW	X5	76.1	191.1	42	21.0	14.0	10.5	11.6
Midsize SUV	2011	BMW	X6	78.1	192.1	42	21.0	14.0	10.5	11.8
Midsize SUV	2010	Buick	Enclave	79	201.5	40.4	20.2	13.5	10.1	11.6
Midsize SUV	2010	Cadillac	SRX	75.2	190.3	40.3	20.2	13.4	10.1	11.3
Midsize SUV	2010	Chevrolet	Equinox	72.5	187.8	40	20.0	13.3	10.0	11.0
Midsize SUV	2010	Chevrolet	Traverse	78.4	205	40.4	20.2	13.5	10.1	11.6
Midsize SUV	2010	Dodge	Nitro	73.1	178.9	36.3	18.2	12.1	9.1	10.6
Midsize SUV	2010	Dodge	Journey	72.2	192.4	38.5	19.3	12.8	9.6	10.8
Midsize SUV	2010	Ford	Explorer	73.7	193.4	36.8	18.4	12.3	9.2	10.7
Midsize SUV	2010	Ford	Edge	75.8	185.7	38.6	19.3	12.9	9.7	11.1
Midsize SUV	2010	Ford	Flex	75.9	201.8	40.7	20.4	13.6	10.2	11.4
Midsize SUV	2010	GMC	Acadia	78.2	200.7	40.4	20.2	13.5	10.1	11.6
Midsize SUV	2010	GMC	Terrain	72.8	185.3	40	20.0	13.3	10.0	11.1
Midsize SUV	2010	Honda	Pilot	78.5	190.9	38.6	19.3	12.9	9.7	11.4
Midsize SUV	2010	Hummer	H3	85	187.5	37	18.5	12.3	9.3	11.7
Midsize SUV	2010	Hyundai	Santa Fe	74.4	184.1	35.4	17.7	11.8	8.9	10.6
Midsize SUV	2010	Hyundai	Veracruz	76.6	190.6	36.7	18.4	12.2	9.2	11.0
Midsize SUV	2010	Infiniti	FX35	75.9	191.3	36.7	18.4	12.2	9.2	10.9
Midsize SUV	2010	Infiniti	FX50	75.9	191.3	36.7	18.4	12.2	9.2	10.9
Midsize SUV	2010	Jeep	Commander	74.8	188.5	38.7	19.4	12.9	9.7	11.1
Midsize SUV	2010	Jeep	Grand Cherokee	72.6	188	37.1	18.6	12.4	9.3	10.7
Midsize SUV	2010	Jeep	Wrangler Unlimited	82.8	183.7	41.3	20.7	13.8	10.3	12.1
Midsize SUV	2010	Kia	Borrego	75.4	192.3	36.5	18.3	12.2	9.1	10.8
Midsize SUV	2011	Kia	Sorento	74.2	183.9	35.4	17.7	11.8	8.9	10.6
Midsize SUV	2010	Land Rover	Range Rover Sport	76.1	188.3	37.8	18.9	12.6	9.5	11.1
Midsize SUV	2010	Land Rover	LR4	75.4	190.5	37.6	18.8	12.5	9.4	11.0
Midsize SUV	2010	Lexus	RX series	74.2	187.8	40	20.0	13.3	10.0	11.2
Midsize SUV	2010	Lexus	GX460	74.2	189.2	38	19.0	12.7	9.5	10.9
Midsize SUV	2010	Lincoln	MKX	75.8	186.5	38.6	19.3	12.9	9.7	11.1
Midsize SUV	2010	Lincoln	MKT	76	207.6	41.5	20.8	13.8	10.4	11.5
Midsize SUV	2010	Mazda	CX-7	73.7	184.3	37.4	18.7	12.5	9.4	10.8
Midsize SUV	2010	Mazda	CX-9	76.2	200.2	37.4	18.7	12.5	9.4	11.0
Midsize SUV	2010	Mercedes Benz	G class	73.1	184.5	43.5	21.8	14.5	10.9	11.5
Midsize SUV	2010	Mercedes Benz	M class	77.8	188.2	37.9	19.0	12.6	9.5	11.2
Midsize SUV	2010	Mercedes Benz	R class	75.7	203	40.7	20.4	13.6	10.2	11.4
Midsize SUV	2010	Mercury	Mountaineer	73.5	193.5	36.8	18.4	12.3	9.2	10.7
Midsize SUV	2010	Mitsubishi	Endeavor	74.2	190.8	40.6	20.3	13.5	10.2	11.3
Midsize SUV	2010	Nissan	Murano	74.1	188.5	38.1	19.1	12.7	9.5	10.9
Midsize SUV	2010	Nissan	Pathfinder	72.8	192.3	39.5	19.8	13.2	9.9	11.0
Midsize SUV	2010	Nissan	Xterra	72.8	178.7	37.3	18.7	12.4	9.3	10.7
Midsize SUV	2010	Porsche	Cayenne	75.9	188.8	39	19.5	13.0	9.8	11.2
Midsize SUV	2010	Subaru	Tribeca	73.9	191.5	37.4	18.7	12.5	9.4	10.8
Midsize SUV	2010	Toyota	4Runner	75.8	189.9	37.4	18.7	12.5	9.4	11.0
Midsize SUV	2010	Toyota	Highlander	75.2	188.4	38.7	19.4	12.9	9.7	11.1
Midsize SUV	2010	Toyota	FJ Cruiser	75	183.9	40.7	20.4	13.6	10.2	11.3
Midsize SUV	2010	Toyota	Venza	75	189	39.1	19.6	13.0	9.8	11.1
Midsize SUV	2010	Volkswagen	Touareg 2	75.9	187.2	38.1	19.1	12.7	9.5	11.1
Midsize SUV	2010	Volvo	XC90	74.7	189.3	40	20.0	13.3	10.0	11.2
Average (Inches)				75.6	190.5	38.7				
Average (Feet)				6.3	15.9	38.7	19.4	12.9	9.7	11.1
Largest (Inches)				85.0	207.6	43.5				
Largest (Feet)				7.1	17.3	43.5	21.8	14.5	10.9	12.1

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Large Car	2010	Aston Martin	Rapide	74.3	197.6	36	18.0	12.0	9.0	10.7
Large Car	2010	Audi	A8	74.6	204.4	41.7	20.9	13.9	10.4	11.4
Large Car	2011	BMW	7 series	74.9	199.8	40	20.0	13.3	10.0	11.2
Large Car	2010	Buick	LaCrosse	73.1	196.9	38.8	19.4	12.9	9.7	10.9
Large Car	2010	Buick	Lucerne	73.8	203.2	42.2	21.1	14.1	10.6	11.4
Large Car	2010	Cadillac	DTS	74.8	207.6	42	21.0	14.0	10.5	11.5
Large Car	2010	Chrysler	300	74.1	196.8	38.9	19.5	13.0	9.7	11.0
Large Car	2010	Dodge	Charger	74.5	200.1	38.9	19.5	13.0	9.7	11.1
Large Car	2010	Ford	Taurus	76.2	202.9	39.7	19.9	13.2	9.9	11.3
Large Car	2010	Hyundai	Azera	72.8	192.7	37.4	18.7	12.5	9.4	10.7
Large Car	2010	Jaguar	XJ series	74.6	201.7	40.4	20.2	13.5	10.1	11.3
Large Car	2010	Lexus	LS460	73.8	199.2	35.4	17.7	11.8	8.9	10.6
Large Car	2010	Lincoln	Town Car	78.5	215.4	40.3	20.2	13.4	10.1	11.6
Large Car	2010	Lincoln	MKS	75.9	204.1	39.7	19.9	13.2	9.9	11.3
Large Car	2010	Maserati	Quattroporte	74.6	200.7	40.4	20.2	13.5	10.1	11.3
Large Car	2010	Mercedes Benz	CL class	73.7	193.6	38.2	19.1	12.7	9.6	10.9
Large Car	2010	Mercedes Benz	S class	73.7	206.5	40	20.0	13.3	10.0	11.1
Large Car	2010	Mercury	Grand Marquis	78.3	211.1	40.3	20.2	13.4	10.1	11.6
Large Car	2010	Porsche	Panamera	76	195.7	39.3	19.7	13.1	9.8	11.2
Large Car	2010	Rolls Royce	Phantom	78.3	229.7	45.3	22.7	15.1	11.3	12.2

Large Car	2010	Rolls Royce	Ghost	76.7	212.6	44	22.0	14.7	11.0	11.9
Large Car	2011	Toyota	Avalon	72.8	197.6	36.9	18.5	12.3	9.2	10.7
Large Car	2010	Volvo	S80	73.3	191	40	20.0	13.3	10.0	11.1
Average (Inches)				74.9	202.6	39.8				
Average (Feet)				6.2	16.9	39.8	19.9	13.3	10.0	11.2
Largest (Inches)				78.5	229.7	45.3				
Largest (Feet)				6.5	19.1	45.3	22.7	15.1	11.3	12.2

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Large Pickup	2010	Cadillac	Escalade EXT	79.1	222	39	19.5	13.0	9.8	11.5
Large Pickup	2010	Chevrolet	Avalanche	79.1	221.3	43	21.5	14.3	10.8	12.0
Large Pickup	2010	Chevrolet	Silverado 1500 reg cab std bed	79.9	205.6	39.7	19.9	13.2	9.9	11.6
Large Pickup	2010	Chevrolet	Silverado 1500 reg cab long bed	79.9	224.5	44.3	22.2	14.8	11.1	12.2
Large Pickup	2010	Chevrolet	Silverado 3500 reg cab long bed dually	95.9	225	44.7	22.4	14.9	11.2	13.6
Large Pickup	2010	Chevrolet	Silverado 1500 ext cab std bed	79.9	229.9	46.9	23.5	15.6	11.7	12.5
Large Pickup	2010	Chevrolet	Silverado 1500 crew cab short bed	79.9	229.9	47.2	23.6	15.7	11.8	12.6
Large Pickup	2010	Chevrolet	Silverado 1500 ext cab long bed	79.9	249.2	51.2	25.6	17.1	12.8	13.1
Large Pickup	2010	Chevrolet	Silverado 3500 ext cab long bed dually	95.9	249.2	52	26.0	17.3	13.0	14.5
Large Pickup	2010	Chevrolet	Silverado 2500 crew cab long bed	79.9	258.7	55.1	27.6	18.4	13.8	13.5
Large Pickup	2010	Chevrolet	Silverado 3500 crew cab long bed dually	95.9	258.7	54.6	27.3	18.2	13.7	14.8
Large Pickup	2010	Dodge	Ram 1500 reg cab std bed	79.4	209	39.5	19.8	13.2	9.9	11.6
Large Pickup	2010	Dodge	Ram 1500 reg cab long bed	79.4	226.9	45	22.5	15.0	11.3	12.2
Large Pickup	2010	Dodge	Ram 2500 reg cab long bed	79.4	230.4	45.1	22.6	15.0	11.3	12.3
Large Pickup	2010	Dodge	Ram 3500 reg cab long bed dually	96.2	230.4	45.1	22.6	15.0	11.3	13.7
Large Pickup	2010	Dodge	Ram 1500 quad cab std bed	79.4	227.5	45	22.5	15.0	11.3	12.2
Large Pickup	2010	Dodge	Ram 1500 crew cab short bed	79.4	227	45.1	22.6	15.0	11.3	12.3
Large Pickup	2010	Dodge	Ram 2500 crew cab reg bed	79.5	237.4	47.6	23.8	15.9	11.9	12.6
Large Pickup	2010	Dodge	Ram 2500 crew cab long bed	79.5	259.4	53.2	26.6	17.7	13.3	13.3
Large Pickup	2010	Dodge	Ram 2500 mega cab std bed	76.3	248.4	50.7	25.4	16.9	12.7	12.7
Large Pickup	2010	Dodge	Ram 3500 mega cab std bed dually	96.2	248.4	50.7	25.4	16.9	12.7	14.4
Large Pickup	2010	Dodge	Ram 3500 crew cab long bed dually	96.4	259.4	53.2	26.6	17.7	13.3	14.7
Large Pickup	2010	Ford	F-150 reg cab std bed	78.9	213.1	41.7	20.9	13.9	10.4	11.8
Large Pickup	2010	Ford	F-150 reg cab long bed	78.9	231.7	47	23.5	15.7	11.8	12.5
Large Pickup	2011	Ford	F-350 std cab long bed dually	95.5	226.5	42.8	21.4	14.3	10.7	13.3
Large Pickup	2010	Ford	F-150 SVT Raptor crew cab short bed	86.3	220.9	44.6	22.3	14.9	11.2	12.8
Large Pickup	2010	Ford	F-150 ext cab std bed	78.9	231.7	47	23.5	15.7	11.8	12.5
Large Pickup	2010	Ford	F-150 ext cab long bed	78.9	250.3	52.3	26.2	17.4	13.1	13.1
Large Pickup	2011	Ford	F-350 ext cab std bed dually	95.5	247.5	47.8	23.9	15.9	12.0	13.9
Large Pickup	2011	Ford	F-350 ext cab long bed dually	95.5	271.5	52.4	26.2	17.5	13.1	14.5
Large Pickup	2010	Ford	F-150 crew cab short bed	78.9	231.7	47	23.5	15.7	11.8	12.5
Large Pickup	2010	Ford	F-150 crew cab std bed	78.9	243.7	50.4	25.2	16.8	12.6	12.9
Large Pickup	2011	Ford	F-250 crew cab long bed	79.9	262.4	56.6	28.3	18.9	14.2	13.7
Large Pickup	2011	Ford	F-350 crew cab std cab dually	95.5	261.9	58.5	29.3	19.5	14.6	15.3
Large Pickup	2011	Ford	F-350 crew cab long bed dually	95.5	285.9	57.8	28.9	19.3	14.5	15.2
Large Pickup	2010	GMC	Sierra 1500 reg cab std bed	79.9	205.6	39.7	19.9	13.2	9.9	11.6
Large Pickup	2010	GMC	Sierra 1500 reg cab long bed	79.9	224.5	44.3	22.2	14.8	11.1	12.2
Large Pickup	2010	GMC	Sierra 3500 reg cab long bed dually	95.9	225	44.7	22.4	14.9	11.2	13.6
Large Pickup	2010	GMC	Sierra 1500 ext cab std bed	79.9	229.9	46.9	23.5	15.6	11.7	12.5
Large Pickup	2010	GMC	Sierra 1500 crew cab short bed	79.9	229.9	47.2	23.6	15.7	11.8	12.6
Large Pickup	2010	GMC	Sierra 1500 ext cab long bed	79.9	249.2	51.2	25.6	17.1	12.8	13.1
Large Pickup	2010	GMC	Sierra 3500 ext cab long bed dually	95.9	249.2	52	26.0	17.3	13.0	14.5
Large Pickup	2010	GMC	Sierra 2500 crew cab long bed	79.9	258.7	55.1	27.6	18.4	13.8	13.5
Large Pickup	2010	GMC	Sierra 3500 crew cab long bed dually	95.9	258.7	54.6	27.3	18.2	13.7	14.8
Large Pickup	2010	Hummer	H3T	75	212.7	43.8	21.9	14.6	11.0	11.7
Large Pickup	2010	Nissan	Titan King cab std bed	79.5	224.6	45.6	22.8	15.2	11.4	12.3
Large Pickup	2010	Nissan	Titan crew cab std bed	79.5	224.6	45.6	22.8	15.2	11.4	12.3
Large Pickup	2010	Nissan	Titan crew cab long bed	79.5	244.2	51.2	25.6	17.1	12.8	13.0
Large Pickup	2010	Toyota	Tundra reg cab std bed	79.9	209.8	44	22.0	14.7	11.0	12.2
Large Pickup	2010	Toyota	Tundra ext cab std bed	79.9	228.7	49	24.5	16.3	12.3	12.8
Large Pickup	2010	Toyota	Tundra crew cab short bed	79.9	228.7	49	24.5	16.3	12.3	12.8
Average (Inches)				84.0	236.5	48.0				
Average (Feet)				7.0	19.7	48.0	24.0	16.0	12.0	13.0
Largest (Inches)				96.4	285.9	58.5				
Largest (Feet)				8.0	23.8	58.5	29.3	19.5	14.6	15.3

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Large SUV	2010	Audi	Q7	78.1	200.3	39.4	19.7	13.1	9.9	11.4
Large SUV	2010	Cadillac	Escalade	79	202.5	39	19.5	13.0	9.8	11.5
Large SUV	2010	Chevrolet	Suburban	79.1	222.4	43	21.5	14.3	10.8	12.0
Large SUV	2010	Chevrolet	Tahoe	79	202	39	19.5	13.0	9.8	11.5
Large SUV	2010	Ford	Expedition	78.8	206.5	40.8	20.4	13.6	10.2	11.7
Large SUV	2010	GMC	Yukon	79	202	39	19.5	13.0	9.8	11.5
Large SUV	2010	GMC	Yukon XL	79.1	222.4	43	21.5	14.3	10.8	12.0
Large SUV	2010	Infiniti	QX56	78.8	206.9	40.8	20.4	13.6	10.2	11.7
Large SUV	2010	Land Rover	Range Rover	76.1	195.6	39.4	19.7	13.1	9.9	11.3
Large SUV	2010	Lexus	LX570	77.6	196.5	38.7	19.4	12.9	9.7	11.3
Large SUV	2010	Lincoln	Navigator	78.8	208.4	40.8	20.4	13.6	10.2	11.7
Large SUV	2010	Mercedes Benz	GL class	76	200.6	39.7	19.9	13.2	9.9	11.3
Large SUV	2010	Nissan	Armada	79.3	207.7	41	20.5	13.7	10.3	11.7

Large SUV	2010	Toyota	Land Cruiser	77.6	194.9	38.7	19.4	12.9	9.7	11.3
Large SUV	2010	Toyota	Sequoia	79.9	205.1	39.2	19.6	13.1	9.8	11.6
Average (Inches)				78.4	204.9	40.1				
Average (Feet)				6.5	17.1	40.1	20.1	13.4	10.0	11.5
Largest (Inches)				79.9	222.4	43.0				
Largest (Feet)				6.7	18.5	43.0	21.5	14.3	10.8	12.0

Type	Year	Make	Model	Width (in.)	Length (in.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)			
							90 Deg	60 Deg	45 Deg	0 Deg
Large Van	2010	Chevrolet	Express	79.4	224.1	43.4	21.7	14.5	10.9	12.0
Large Van	2010	Dodge	Sprinter	79.7	232.5	45.2	22.6	15.1	11.3	12.3
Large Van	2010	Ford	E-series 12-passenger	79.4	216.7	48.6	24.3	16.2	12.2	12.7
Large Van	2010	Ford	E-series 15-passenger	79.4	236.7	48.6	24.3	16.2	12.2	12.7
Large Van	2010	GMC	Savanna	79.4	224.1	43.4	21.7	14.5	10.9	12.0
Large Van	2010	Mercedes	Sprinter	79.7	232.5	45.2	22.6	15.1	11.3	12.3
Average (Inches)				79.5	227.8	45.7				
Average (Feet)				6.6	19.0	45.7	22.9	15.2	11.4	12.3
Largest (Inches)				79.7	236.7	48.6				
Largest (Feet)				6.6	19.7	48.6	24.3	16.2	12.2	12.7

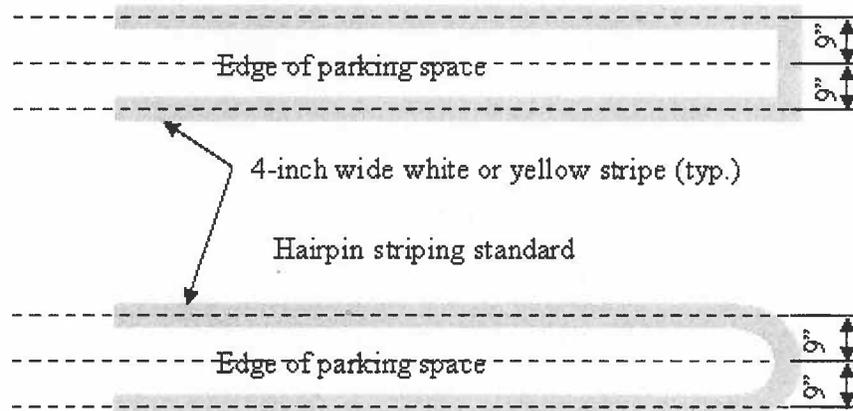
Overall Evaluation	Width (ft.)	Length (ft.)	Turning Circle (ft.)	Drive Aisle Width Necessary (ft.)						
				90 Deg	60 Deg	45 Deg	0 Deg			
Compact Vehicles										
Average (Feet)	5.9	15.1	36.9	18.5	12.3	9.2	10.6			
Largest (Feet)	6.8	18.3	44.3	22.2	14.8	11.1	11.9			
All Vehicles										
Average (Feet)	6.2	16.2	39.2	19.6	13.1	9.8	11.1			
Largest (Feet)	8.0	23.8	58.5	29.3	19.5	14.6	15.3			

Vehicles exceeding the parking space length and drive aisle width requirements are in red text.

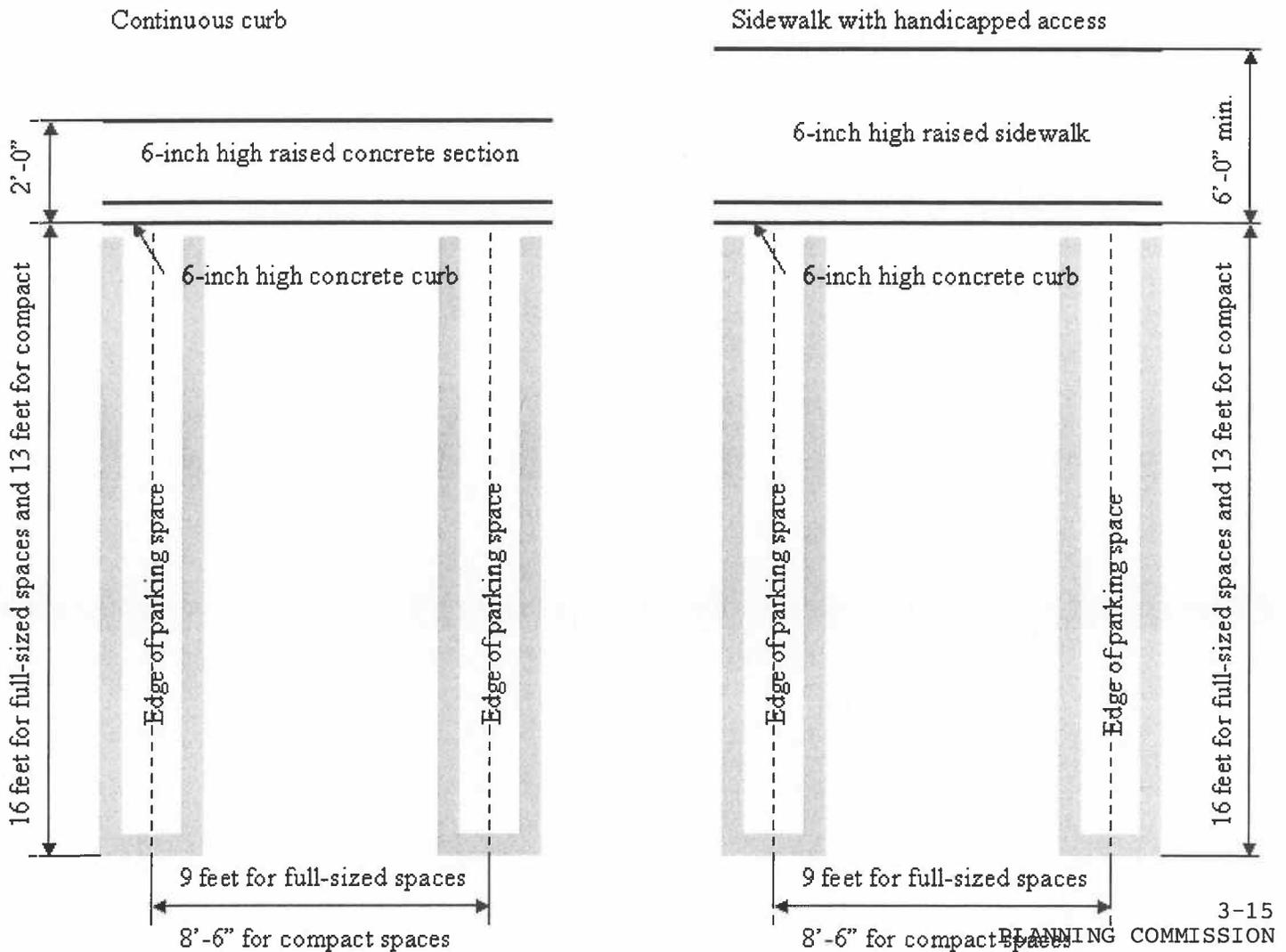
# ATTACHMENT 2

## Parking space striping and barrier requirements

Double-lined striping standard

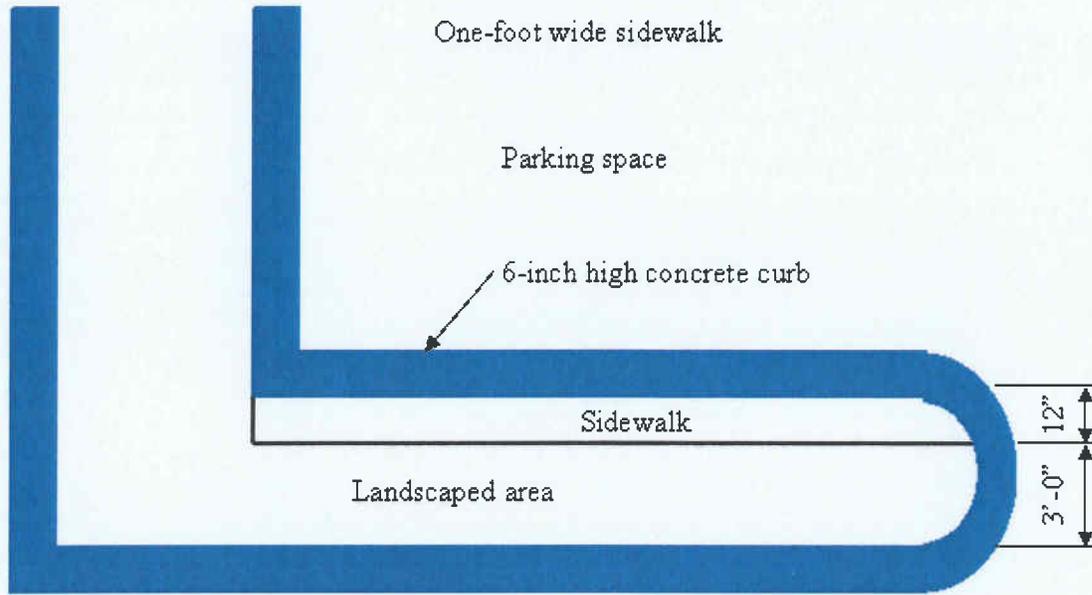


Allowed vehicular barrier design

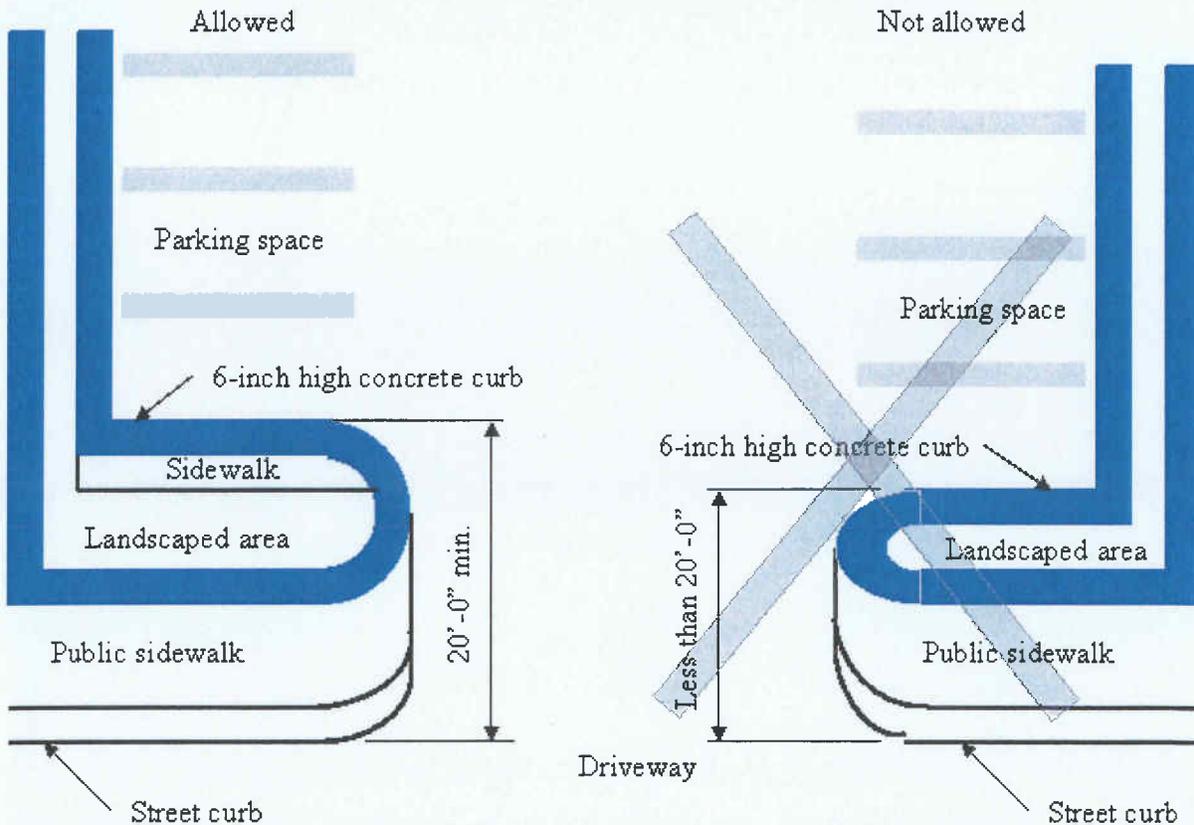


# ATTACHMENT 3

## One-foot wide sidewalk and Parking separation requirements



### Parking space separation from street



# ATTACHMENT 4

## RESOLUTION NO. PC-2010-12

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE PARKING REGULATIONS (DCA10-10151)**

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

**WHEREAS**, The City of Hesperia has filed DCA10-10151, amending the parking regulations within the Development Code; and

**WHEREAS**, The City of Hesperia Development Code shall be amended as per the attached Exhibit A; and

**WHEREAS**, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Development Code revisions regarding parking standards can have a significant adverse effect on the environment; and

**WHEREAS**, On June 10, 2010, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code 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 Development Code Amendment DCA10-10151, amending the parking regulations as shown on Exhibit "A."

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

**ADOPTED AND APPROVED** on this 10<sup>th</sup> day of June 2010.

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Chris Elvert, Chair, Planning Commission

ATTEST:

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Eva Heter, Secretary, Planning Commission

# EXHIBIT "A"

## ARTICLE IV. PARKING AND LOADING STANDARDS

### 16.20.077 Parking standards of calculation.

A. When the minimum number of parking spaces required is based upon building area, the parking formula within this chapter shall be calculated using the gross building floor area in square feet. The gross building floor area is defined as the entire area of the building(s) within the exterior building walls, inclusive of the wall thickness. The area within a mezzanine, as defined by the building code, used solely for storage shall not be included in parking calculations.

B. If the calculation of required parking spaces results in a fractional number, that number shall be rounded to the nearest whole number with 0.5 rounded up to the next whole number.

C. A project site for purposes of the parking ordinance is defined as the gross site acreage. Gross site acreage is defined as the net property site acreage in addition to the area from the property line to the centerline of all public rights-of-way and alleys across the site frontage. The project site shall be defined as the net developed site acreage if less than seventy-five (75) percent of the site area is to be developed. The net developed site acreage shall also be used in phased projects, requiring that a larger proportion of the required parking spaces be provided earlier during the project's development. A project adjacent to an existing project shall not be considered part of the adjacent project unless irrevocable reciprocal access and parking easements between the two sites are executed and coordination of site design is accomplished to city standards. This includes but is not limited to use of shared driveways and drive aisles and compliance with the standards within Sections 16.16.490, 16.16.495, 16.16.500, and 16.16.505. (Ord. 2007-15 § 5 (Exh. A) (part), 2007)

### 16.20.080 Parking requirements.

Adequate parking shall be provided on-site for each use, with minimum parking requirements established per Tables 16.20.080 (A) and 16.20.080 (B). Where deemed appropriate by the reviewing authority, additional parking may be required.

Table 16.20.080 (A)  
Residential Parking Requirements

TABLE INSET:

Use	Parking Required	Special Considerations
Single-family detached		A bonus room, den, library, recreation room, study, or similar habitable room which functionally can be used as a bedroom or may be converted to a bedroom shall be considered to be a bedroom for purposes of this section.
1-4 bedrooms	2-car garage	
5 or more bedrooms	3-car garage	
Model home complex	3 spaces/model	
Condominiums and townhomes		Guest parking spaces shall be designated and dispersed throughout the development. Guest parking shall be handled in the same manner for multiple-family units and mobile home parks.
At unit	2-car garage	
Guest parking	0.25 spaces/unit	

Multiple-family		A minimum of one space per unit is to be covered. Each space shall contain a minimum of 100 cubic feet of lockable storage space per unit. As an alternative, the required storage may be provided at the dwelling unit, accessible from the outside on a private patio or balcony for the unit. Storage area is not required if each unit is served by an enclosed garage in lieu of a carport.
All-age units		
Studio	1.25 spaces/unit	
1 bedroom	1.75 spaces/unit	
2 or more bedrooms	2.25 spaces/unit	
Senior units		
Studio	1.25 spaces/unit	
1 bedroom	1.50 spaces/unit	
2 or more bedrooms	1.75 spaces/unit	
<u>Mixed-Use developments</u>		
<u>Residential use (s)</u>	<u>Use the applicable residential parking standard above</u>	
<u>Non-Residential use(s)</u>	<u>Use three-fourths of the applicable parking standard for all non-residential uses in accordance with Table 16.20.080 (B)</u>	<u>Pedestrian connections will be required within the project and the parking spaces for the residential development reserved for the residents.</u>
Mobile home park		A minimum of two spaces, which may be in tandem are required. One of the spaces shall be within a garage or carport.
At unit	2.00 spaces/unit	
Guest parking	1.00 space/5 units	
RV parking	1.00 space/5 units	
Group homes, boarding homes, and large residential care facilities	3 spaces + 1 space/sleeping room	

Table 16.20.080 (B)  
Commercial and Industrial Parking Requirements

TABLE INSET:

Use	Parking Required	Special Considerations
Retail and office (general) single-use or multi-tenant developments		Consult Section 16.20.077(C) for defining site acreage. The number of parking spaces required is per 1,000 square feet of gross building floor area. Consult Section 16.20.077(A) for defining gross building floor area. The number of parking spaces for a restaurant or other use listed within this table which requires a higher parking ratio than the retail and office (general) standard shall be calculated at the parking standard for that use if it is not part of a multi-tenant retail building or on a pad within a center. Likewise, a single-use medical/dental building on a single parcel or multi-tenant center exclusively for medical/dental is required 5.00 spaces/1,000 square feet gross floor area. A restaurant, single-tenant medical or other use which requires a higher parking ratio occupying over one-fourth of the total gross building floor area of the development shall be subject to the higher parking ratio.
Less than 1.0-acre sites	5.00 spaces/1,000	
1.0 to 9.9-acre sites	4.00 spaces/1,000	
10.0-acre and larger sites	3.33 spaces/1,000	
Furniture, major appliance	2.00 spaces/1,000	
Medical/dental offices	5.00 spaces/1,000	An 8-foot wide by 36-foot long vehicle drop-off lane shall be provided in front of the building(s) on properties 150 feet or wider.
Restaurants, bars, eateries	10.00 spaces/1,000	A restaurant or use which sells food for takeout or delivery only shall be subject to the retail and office (general) parking requirements.

Sales/service uses		
Car and light truck sales/rental	1.00 space/1,000 vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office and shop area	
Diesel truck (excluding light truck) sales/rental	0.10 space/vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office area	
Recreational vehicle (RV) sales/rental	0.20 space/1,000 vehicle display area + 2.50 spaces/1,000 showroom area + 4.00 spaces/1,000 office area	
Automobile, RV, and diesel truck repair, plumbing and other service-oriented uses	3 spaces/service bay + 4.00 spaces/1,000 non-service bay area	
Car and truck wash		
Automated/hand	10 spaces	
Self-service carwash	2 spaces/wash stall	
Open air retail sales Nurseries/equipment	51.00 spaces/45,000 sales and display area (min. 6 spaces)–	
Hotels, motels		
Less than 50 rooms	1.1 spaces/room	
50 rooms and over	1.1 spaces/room + RV parking (5% of total)	
Entertainment uses		
Bowling alleys	5 spaces/lane	
Commercial stable	1 space/5 horses	
Commercial swimming pools/skating rinks	4.00 spaces/1,000	The number of parking spaces is based upon the surface area of the swimming pool or skating rink.—

Golf courses		
Regulation course	5 spaces/hole	Additional parking spaces shall not be required for a driving range within a regulation course.
Driving range	1 space/tee	
Miniature golf	4 spaces/hole	
Gyms, health clubs, dance studios, lodge halls, clubs	6.67 spaces/1,000	
Auditoriums, churches, chapels, mortuaries, theatres, rodeo and other similar uses	1 space/4 seats or 30.00 spaces/1,000 assembly area	A seat is defined as 18 lineal inches on a bench. The 30.00 spaces/assembly area parking ratio is to be used only when an assembly area does not contain fixed seating. Churches require 1 space for each classroom and secondary assembly area in addition to the parking required for the sanctuary.
Convalescent/group home	1 space/3 beds	
Hospital	1.75 spaces/bed	
Library, museum	2.00 spaces/1,000	
Parks		
Active recreation areas	20 spaces/acre	
Tennis or racquetball	3 spaces/court	
Passive recreation areas	10 spaces/acre	
Government administrative offices	5.00 spaces/1,000 <del>+1 space for each government vehicle—</del>	These are government facilities frequented by the public; not for fire <b>and police</b> stations and other <b>public</b> uses not frequented by the public.
<b>Public uses not frequented by the public (fire/police stations) Fire stations and related—</b>	<del>2.50</del> spaces/1,000	<b><u>0.5 spaces/1,000 of the 2.0 spaces/1,000 shall be provided for the public.</u></b>
Public utility facilities	2.00 spaces/1,000	A minimum of two parking spaces shall be provided.

Schools		
Schools (private) Pre-school/day care		The number of spaces is based upon the facility's maximum student capacity.
Grades K thru 8th	1 space/employee + 1 space/10 children	10 spaces + 2/classroom
Grades 9th and above		10 spaces + 6/classroom
Trade/business schools		1 space/employee + 1 space/3 students
Industrial uses		
Industrial (nonspecific)	2.00 spaces/1,000	The number of parking spaces required is per 1,000 square feet of gross building floor area. Consult Section 16.20.077(A) for defining gross building floor area.
Industrial storage/salvage	0.40 spaces/1,000	
Warehouse		
Less than 10,000 sq. ft.	2.00 spaces/1,000	
10,000 sq. ft. and over	20 spaces + 0.40 space/ 1,000 over 10,000 sq. ft.	
Mini-storage	6 spaces	

(Ord. 2007-15 § 5 (Exh. A) (part), 2007; Ord. 135 Exh. A (Art. 3 § 1), 1992)

#### 16.20.085 Parking standards.

A. The required parking spaces shall be located on the same site with the main use or building except as provided herein. Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading facilities.

B. On-site parking shall be restricted to those areas which are paved and designated for vehicle parking unless authorized through an approved temporary special event, site plan review or conditional use permit.

C. When the occupancy or use of any premises is changed to a different use, parking to meet the requirements of Section 16.20.080 shall be provided for the new use or occupancy unless the use is similar to a legally established use and the prior use did not abandon the site for more than six months. A period of one year applies for properties within the Main Street and Freeway Corridor Specific Plan.

D. When the occupancy or use of any premises is altered, enlarged, expanded or intensified, additional parking to meet the requirements of Section 16.20.080 shall be provided for the additional area and/or use.

E. No required parking space or loading area shall be discontinued, reduced or altered in any manner below the requirements established in this article unless alternative-replacement parking facilities ~~is~~ are provided in accordance with Chapter 16.20.

F. Where two or more uses are located in a single building or a single premises, required parking shall be provided for each specific use except as part of a mixed-use development as approved by a site plan review or conditional use permit.

G. Shared parking may be approved by the reviewing authority; provided, that times of operation of the involved businesses are not the same, as specified herein.

1. Up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by a use considered to be primarily a nighttime use; up to fifty (50) percent of the parking facilities required by this article for a use considered to be primarily a nighttime or Sunday use may be provided by a use considered to be primarily a daytime use; provided, that such reciprocal parking area shall be subject to conditions as set forth in subsection (G)(3) of this section.

2. The following uses are typical daytime uses: banks, business and professional offices, clothing or repair or service shops, and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums, fraternal lodges, churches and theaters. The ~~planning department~~ reviewing authority shall determine the parking requirements of the uses proposed for joint parking.

3. Conditions Required for Joint Use.

a. A building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use, shall be located within one hundred fifty (150) feet of such parking facilities and shall be authorized as part of a recorded irrevocable reciprocal access and parking agreement.

b. The applicant shall provide written documentation as approved by the ~~city engineer~~ reviewing authority that there will be no substantial conflict in the principal operating hours for the buildings or uses for which the joint use of off-street parking facilities is proposed.

c. Parties concerned in the joint use of off-street parking facilities shall provide evidence of agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content.

H. Parking spaces.

1. Full-sized spaces. Each full-sized off-street parking space shall have dimensions not less than nine feet in width and eighteen (18) feet in length, except parallel parking stalls which shall be a minimum of eight feet in width and twenty-four (24) feet in length. ~~A maximum of twenty-five (25) percent of the total number of parking spaces provided may be a minimum of eight feet, six inches in width and eighteen (18) feet in length. These reduced width spaces should not be located in close proximity to a primary building entrance(s). These reduced width spaces may be provided at the end(s) of a row(s) of nine foot wide spaces as needed due to site constraints. However, these spaces shall not be alternated with nine foot wide spaces within an individual row(s) of spaces.~~

2. Compact spaces. Up to twenty-five (25) percent of the total number of parking spaces may be designated as compact. These spaces shall not be alternated with full-sized spaces and should not be located in close proximity to a primary building entrance(s). Compact car spaces shall be identified within 24 inches of the end of the space with "compact" stenciled on the pavement in eight-inch high letters. Each compact car space shall be a minimum of eight feet six inches (8'-6") wide and fifteen (15) feet long.

I. Parking spaces may overhang sidewalks and landscaped areas by up to two (2) feet, provided the encroachment does not reduce a required handicapped accessible path of travel below four (4) feet in width and landscaping does not interfere with the allowed encroachment.

~~No part of the area of a required parking space shall be used for driveways, aisles, walkways, or other required improvements. Stall depths may be reduced up to one foot where the parking~~

space is adjacent to a six-foot or wider sidewalk, or adjacent to a landscaped planter with an interior diameter of five feet or more.

I. ~~Tandem parking shall not be used to meet the required number of parking spaces, unless specifically permitted in this article.~~

J. Those areas designated for use by motorcycles shall consist of a minimum usable area of fifty-six (56) square feet.

K. Parking spaces for recreational vehicles, when required, shall measure a minimum of ten feet by thirty (30) feet. Number and location shall be approved by the reviewing authority.

L. A portion of the required parking spaces for medical office uses and government facilities shall ~~may~~ be designated for employees. The number and location shall be approved by the reviewing authority.

M. Handicapped parking shall be provided in accordance with the requirements of state law.

~~1. Each parking space designated for use by the handicapped shall consist of a rectangular area not less than fourteen (14) feet wide by eighteen (18) feet long. When more than one space is provided, a nine-foot parking area on each side of a five-foot loading and unloading area may be permitted in lieu of providing a fourteen (14) foot wide area.~~

~~2. The first required handicapped space shall be van-accessible and shall have an eight-foot-wide loading and unloading area. (See note also on diagram/Figure 2.)~~

~~3. Additional spaces shall be provided where usage indicates a greater need, or where a higher than normal percentage of handicapped persons is anticipated to use the parking facility.~~

Figure 2

**GRAPHIC LINK: [Click here](#)**

\* Eight feet wide for van-accessible space

~~4. Handicapped spaces shall be located in an area not exceeding two percent slope. All spaces shall be located near or convenient, to a level or ramped entrance, not exceeding a five percent slope, to the facility served by the parking space.~~

~~5. All handicapped parking stalls shall be individually labeled and signed in accordance with the California Administrative Code, Title 24 requirements.~~

~~6. Handicapped spaces shall be located to provide for safety and optimum proximity to the entrances of the greatest incidence of use when more than one building is served by the parking lot. Such spaces shall be located so that a handicapped individual is not compelled to wheel or walk behind parked cars other than his own. Pedestrian ways which are accessible to the physically handicapped shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space.~~

N. Individual parking stalls shall be legibly marked off on the pavement by means of painting, texture, or contrasting materials as approved by the ~~planning department~~ reviewing authority.

Arrows painted on paving shall dictate direction of traffic flow. Parking stall striping, directional arrows and parking stall identification shall meet the following standards:

1. All parking stalls shall be clearly striped and permanently maintained with four-inch-wide double or hairpin lines on the surface of the parking facility, with the two lines located an equal distance of nine inches on either side of the stall sidelines as shown on Figure 3 ~~1~~;

2. All aisles, entrances and exits shall be clearly marked with directional arrows painted on the parking surface.

3. All parking space rows shall be separated from drive aisles by landscaped areas at least four (4) feet in width. In addition, a minimum one (1) foot wide concrete sidewalk shall be provided adjacent to the parking space to allow drivers and passengers to exit the vehicle without stepping into landscaped areas as shown on Figure 2.

O. Entryways to parking areas shall be well-defined and recognizable with adequate lighting and signage provided to facilitate the traffic flow. All portions of parking areas shall be illuminated at minimum 0.1 foot-candle intensity. A maximum illumination of 0.5 foot-candles at the property lines abutting a street or residentially designated property is allowed.

P. Parking and maneuvering areas shall be so arranged that any vehicle entering the public right-of-way must do so traveling in a forward direction. The parking area shall be designed so that a car entering the parking area shall not be required to ~~enter a street to move from one location to any other location within the parking area or premises~~ make an abrupt turn upon entering the site.

Q. Parking areas shall be designed so as to prevent vehicles from maneuvering within the first twenty (20) feet of a vehicular entrance as measured from the ~~property line~~ curb as shown on Figure 2.

R. Minimum aisle widths for two-way traffic shall be twenty-six (26) feet, ~~unless otherwise specified~~ as shown in Figure 3. In areas commonly used by oversized vehicles, such as delivery areas and loading zones, the minimum aisle width shall be thirty (30) feet.

S. Minimum aisle widths for one-way traffic shall be in accordance with Figure 3; unless adjacent to loading areas, in which case a sixteen (16) foot drive aisle width is required ~~otherwise specified;~~ or if wider access is required by the fire department.:

T. The required off-street parking and loading areas and access drives shall be surfaced per specifications of the reviewing authority. Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or other permanent, impervious surfacing material. Alternate surface material may be considered by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

U. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to preclude standing pools of water within the parking facility, unless otherwise approved by the ~~city engineer~~ reviewing authority.

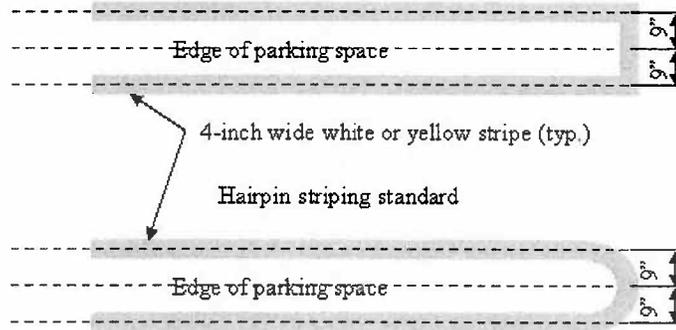
V. Head-in parking, which would necessitate full frontage access to the street or highway, shall not be permitted.

W. Parking areas shall be designed to facilitate sweeping and reduce trash buildup; ~~wheel stops~~ vehicular barrier shall be provided by means of a six-inch high continuous poured in place ~~concrete curb~~ sidewalk at least two feet wide, bollards, or a decorative guard rail, as approved by the reviewing authority, ~~or a freestanding four-foot concrete wheel stop as shown on Figure 6.~~

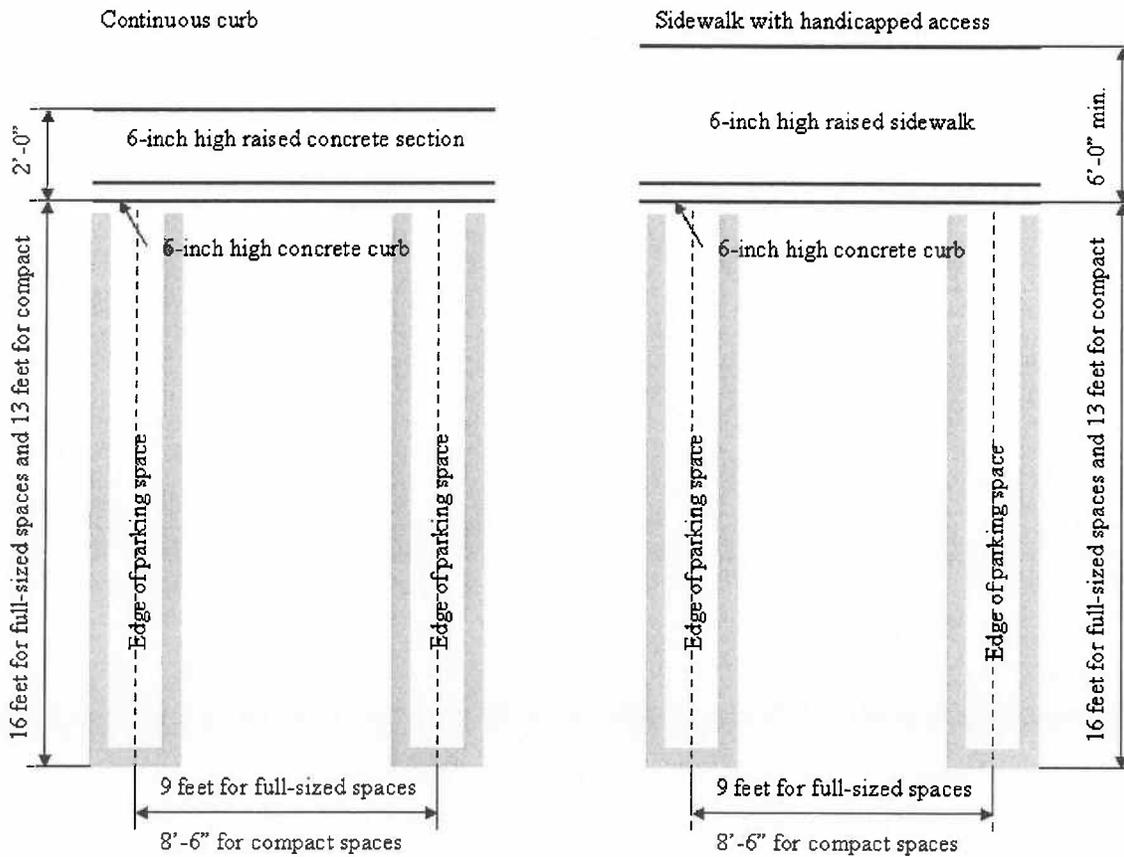
# Figure 1

## Parking space striping and barrier requirements

Double-lined striping standard

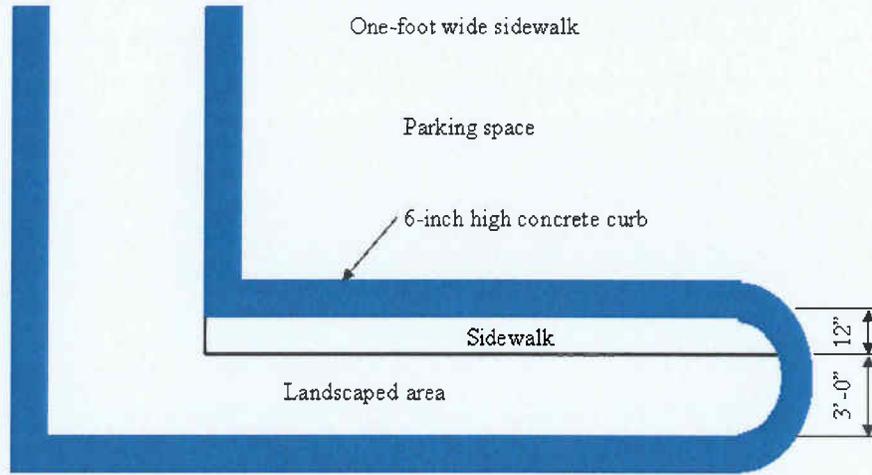


Allowed vehicular barrier design

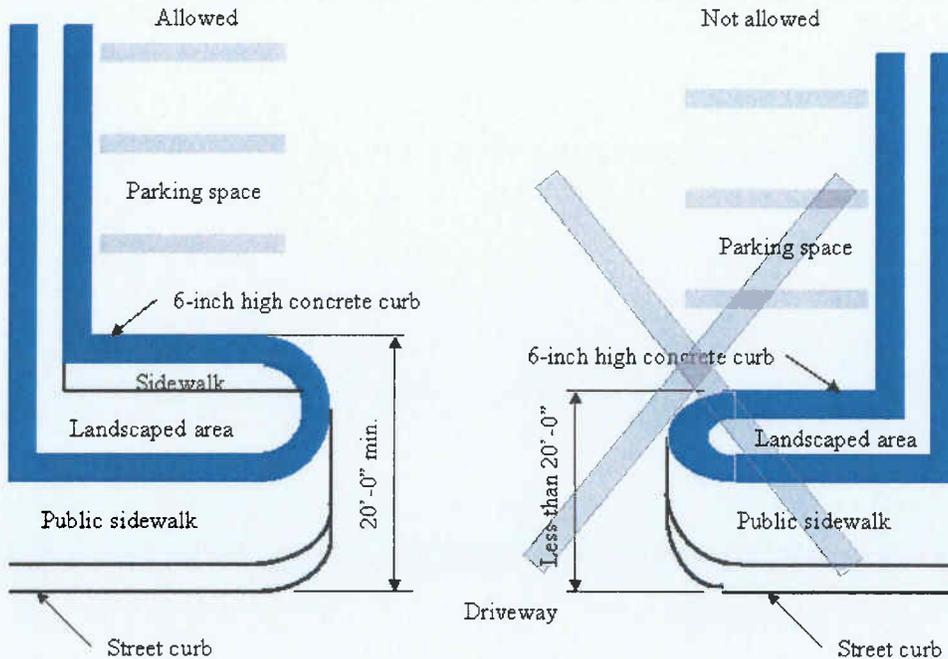


# Figure 2

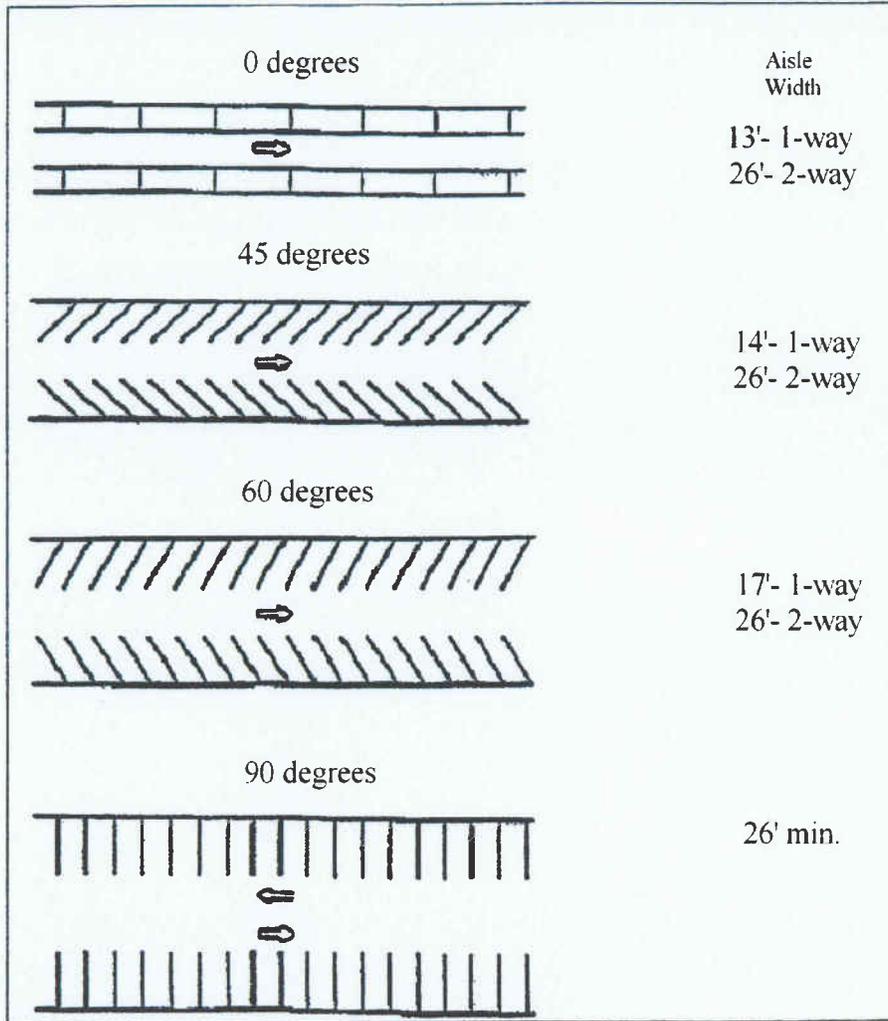
## One-foot wide sidewalk and Parking separation requirements



### Parking space separation from street



# Figure 3



GRAPHIC LINK: [Click here](#)

TABLE INSET:

Parking Angle	Aisle Width
0	13 feet
45	14 feet
60	17 feet
90	26 feet

Figure 5

GRAPHIC LINK: [Click here](#)

Figure 6

GRAPHIC LINK: [Click here](#)

X. Visitor parking areas shall be provided near visitor entrances. Where appropriate, visitor drop-off zones shall be provided near visitor entrances.

Y. Pedestrian walkways shall be provided to connect parking areas to destination points. Walkways shall be paved, lighted and have adequate signage to direct pedestrian traffic.

Z. Lights shall be provided to illuminate parking facilities pursuant to the provisions of this code.

AA. Areas used for primary circulation, or for frequent idling of vehicle engines, or for loading activities, shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling.

BB. Parking structures shall be permitted. Exterior design shall be architecturally compatible with the main building. The parking structure should merge with or extend from the main building, rather than be an isolated structure. Automobiles should be screened to a height of three feet, six inches to four feet on each level, and the space remaining above the screening element, up to the ceiling of the next floor, shall remain open and unobstructed. Facades should be multi-textured or have other architectural relief.

Where the height of the structure is limited by other sections of the development code, or other adopted city ordinance, resolution or code, one additional floor or story may be allowed subject to approval of the reviewing authority under the following conditions:

1. At least seventy-five (75) percent of the ground floor is used for off-street parking, access and maneuvering;
2. Use of the remaining ground floor area is limited to manager's offices, elevators, service facilities, and building access facilities including entrance foyer or lobby;
3. Ground floor parking shall be screened, insofar as practical, from surrounding uses and from public view.

CC. Vehicle Parking. No person shall park or permit the parking of a vehicle on private property for the purpose of selling or offering the vehicle for sale, unless this activity is the primary permitted use on the property and all licenses and permits have first been obtained and all regulatory requirements have first been satisfied.

Exception: Notwithstanding any provision to the contrary, a property owner or tenant in lawful possession thereof, may park a vehicle for sale on his or her property; provided that, at all times the vehicle is parked and offered for sale on the property, under the following conditions:

1. The owner or tenant is actually occupying said property;
2. The vehicle which is offered for sale is owned by and where applicable, registered to the property owner or tenant with the California Department of Motor Vehicles or other appropriate agency;
3. The activity of offering the vehicle for sale and/or its location on the property does not violate any other section of the Hesperia Municipal Code, including, without limitation, front and side yard setback requirements;
4. No more than one vehicle is offered for sale on the property at any one time.

DD. Definitions. The following words and phrases shall have the meanings as ascribed to them by this section:

"Person" as used in this section means and includes, but is not limited to, any individual, partnership, firm, association, corporations, joint venture, or legal entity or any combination thereof.

"Sale" is defined to include the activities of selling, leasing, renting or hiring out of any vehicle.

"Vehicle" as used in this section means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

This includes, without limitation, any automobile, truck, trailer, motorcycle, semi-trailer, moped, camper, commercial or recreational vehicles. "Vehicle" as used herein also means to include, without limitation, boats of any kind, camper shells, and any portable commercial or recreational equipment which is attached to, transported by or capable of being transported, upon a highway by another vehicle.

(Ord. 2007-15 § 5 (Exh. A) (part), 2007; Ord. 250 Exh. A (part), 1998; Ord. 182 § 2, 1993; Ord. 135 Exh. A (Art. 3 § 2), 1992)

#### 16.20.090 Residential parking standards.

In addition to those standards contained in Section 16.20.085 of this article, the following design standards shall apply to residential districts and developments:

A. Covered off-street parking spaces in a garage or carport shall be a minimum of nine feet in width and nineteen (19) feet in depth of unobstructed area provided for parking purposes. A fully enclosed two-car garage shall have a minimum interior size of nineteen (19) feet in width and nineteen (19) feet in depth. The required minimum measurements may not include the exterior walls or supports of the structure.

B. Driveways providing access to garages, carports and parking areas serving two or less dwelling units shall be a minimum of twelve (12) feet in width. When an accessory garage is proposed, which is required for either the principal residence or a second dwelling unit, the driveway requirements shall be as follows:

1. For developed residential lots less than two acres in size, the driveway providing access to an accessory garage shall be surfaced with asphalt paving a minimum of two inches in thickness or concrete with a minimum thickness of three and one-half inches or other permanent, impervious surfacing material per the specifications of the ~~city engineering department~~ reviewing authority. An alternate surface material may be considered by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

2. For developed residential lots greater than two acres in size which front upon an unpaved street, the driveway providing access to an accessory garage shall be dust-proofed with either slag, gravel, or similar surface material as approved by the reviewing authority, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

C. Driveways providing access to garages, carports, and open parking spaces serving three or more dwelling units shall be a minimum of thirteen (13) feet in width for one-way traffic, and twenty-six (26) feet for two-way traffic. Where garages or carports are located on both sides of the driveway, a thirty (30) foot wide accessway between garage or carport spaces for two-way traffic shall be provided.

D. Driveways which are separate from the right-of-way or common drive aisle and which provide access to garages shall be a minimum length of twenty (20) feet, excluding that portion within the public right-of-way or common drive aisle.

E. No property owner shall sublease, subrent or otherwise make available to residents of other properties, the off-street parking spaces required by this article, except for parking of commercial vehicles, as defined in Section 16.20.090(H).

F. All required covered off-street parking spaces shall be located so as to be conveniently accessible to the dwelling unit served by such parking space, not to exceed one hundred fifty (150) feet or as approved by the reviewing authority.

G. All recreational vehicle parking and/or storage areas located within the front yard as allowed by the development code, or other applicable adopted city ordinance, resolution, or code shall be surfaced with either concrete, asphalt, gravel, or crushed rock. Recreational vehicles shall not be

stored in the public right-of-way. "Stored" is defined as being parked in the public right-of-way for more than seventy-two (72) hours.

#### H. Commercial Vehicle Parking in Residential and Agricultural Areas.

##### 1. Definitions.

a. This subsection shall apply to commercial vehicles having a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand (26,000) pounds, or more, parked or left standing in residential or agricultural areas.

b. For purposes of this subsection, and unless otherwise stated, a truck shall be considered to be one truck or tractor and up to two trailers (Note: a set of double trailers is considered as one trailer).

##### 2. Parking Requirements in General.

a. No commercial vehicle shall be left to idle for longer than five minutes, nor blow air horns.

b. No commercial vehicle shall have cargo transferred from such commercial vehicle to another.

c. No refrigeration unit on any commercial vehicle shall be operated within three hundred (300) feet of any inhabited place, except with the consent of the person in charge of each such inhabited place.

d. Commercial vehicles used for the transportation of hazardous waste, materials, or garbage, or which harbor vermin or pestilence, or which emit noxious or noisome odors, shall not be parked or stored in residential or agricultural areas.

##### 3. Street Parking.

a. It shall be unlawful for any person to park or leave standing on any public street, including within the public right-of-way, any commercial vehicle.

Exceptions:

i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.

ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site.

b. No commercial vehicle shall be parked or left standing on any street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or twelve (12) feet per lane, if more than one lane, and under no circumstances parked in any travel lanes.

c. No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection.

d. The city manager or designee, is authorized to issue permits for exceptional circumstances based on criteria developed by the city council and adopted by resolution, to the public street parking requirements in this subsection under the terms and conditions set forth below:

i. Any bona fide resident of the city who is an operator of a commercial vehicle may apply to the city manager, or designee thereof, for a permit exempting such commercial vehicle from the provisions of this subsection. The permit shall be in such form as may be approved by the city manager. Application for such a permit shall be made on a form approved by, and subject to such verification as may be required by the city manager, and shall be accompanied by such fee as may be prescribed by resolution of the city council.

ii. Each permit issued shall be valid for a period of one year. Applications for renewal of a permit shall be submitted to the city manager at least ten days prior to the expiration date of the then current permit. Each application for a renewal of a permit hereunder shall be accompanied by such fee as fixed by resolution of the city council.

iii. Each permit issued shall be nontransferable and shall apply only to the particular vehicle or vehicles described in the application. Each person receiving a permit hereunder shall attach the

permit sticker to the inside of the driver's side window or wind wing. The permit sticker shall be in such form as is approved by the city manager and police chief.

iv. Vehicles for which permits have been issued, and upon which permit tags are properly affixed as required by this subsection may be parked within the public right-of-way in accordance with the provisions of this subsection.

v. A parking permit issued hereunder may be revoked for good cause following a hearing conducted by the city manager. In such instance, written notice of the city manager's intent to revoke the permit shall be provided to the affected permittee by first class mail, sent to the address set forth in the permittee's application, and a hearing before the city manager shall be scheduled to occur within fifteen (15) days. At the conclusion of such hearing, the city manager may take no action, revoke the permit, or attach conditions to the permit which, if not satisfied, will cause the permit to be deemed revoked; provided, no less than five days prior written notice of revocation is given to the permittee at the address specified above. The city manager's decision shall be final. For purposes of this subsection, "good cause" includes, but is not limited to, violation by the permittee of any provision of this article or any other provision of law pertaining to the parking of vehicles, occurring in connection with use of the permitted commercial vehicle.

#### 4. Parking on Private Property.

a. One commercial vehicle may be parked on the operator's lot if such lot is at least eighteen thousand (18,000) square feet in area.

b. One additional commercial vehicle, up to a maximum of three such vehicles, may be parked on the operator's lot for each additional one-half acre of land.

c. No commercial vehicle shall be parked or left standing unless all parts of such vehicle are at least fifteen (15) feet from houses on adjacent properties.

d. A commercial vehicle may be parked in the driveway of the operator's lot, provided that such vehicle is fully on private property so as not to obstruct the view on the public street.

e. Storage of trailers in front setback areas is prohibited.

f. Parking of commercial vehicles on property immediately adjacent to and with the same street frontage as an operator's residential property is permitted when the adjacent property is under the same ownership, or with the express written consent of the property owner.

l. A maximum of two of each type of accessory vehicle, up to a maximum of six accessory vehicles may be stored outside of a building on any residentially or agriculturally zoned property. No accessory vehicle shall be stored on a residentially or agriculturally zoned property unless a lawfully established and occupied residence exists on the property. Accessory vehicles shall not be stored between the front property line and the primary residential structure, except within the driveway. In addition, each accessory vehicle shall be at least fifteen (15) feet from the primary residential structure on adjacent properties and at least ten feet behind the street side yard property line. In no event shall an accessory vehicle be used as a dwelling unit.

(Ord. 2008-01 §§ 2 (Exh. A), 3 (Exh. B), 2008; Ord. 299 § 4 (Exh. A §§ 4, 6), 2000; Ord. 237 § 6 (part), 1996; Ord. 135 Exh. A (Art. 3 § 3), 1992)

#### 16.20.095 Commercial, office and institutional parking standards.

In addition to standards contained in Section 16.20.085 of this article, the following parking requirements are applicable to all commercial, office and institutional land uses:

A. Motorcycles. Facilities with twenty-five (25) or more parking spaces shall provide at least one designated parking area for use by motorcycles. Developments with over one hundred (100) spaces shall provide motorcycle parking at the rate of one percent. Areas delineated for use by motorcycles shall meet standards set forth in Section 16.20.085(10) of this article.

B. Bicycles. All retail, commercial, recreational, public and office areas developments with twenty-five (25) or more parking spaces shall provide adequate locking facilities a rack for parking at least four bicycles ~~parking at any location~~ in a location convenient to the facility for which they are designated as approved by the reviewing authority. ~~Whenever possible~~ When available, weatherproofing or facility covering should be used bicycle racks shall be placed under cover.

C. Transportation Plans. Facilities may decrease their required number of parking spaces, subject to the adoption by the reviewing authority of an approved transportation management plan supplied by the applicant which may include, but is not limited to, provisions for mass transit, car pooling, staggered work hours, etc.

D. Where nonresidential parking areas abut residential land use districts, they shall be screened pursuant to this code.

(Ord. 135 Exh. A (Art. 3 § 4), 1992)

16.20.100 Loading areas.

A. All hospitals, institutions, hotels, commercial and industrial uses shall provide loading spaces not less than ten feet in width, twenty (20) feet in length, and fourteen (14) feet in height, except for those spaces intended for use by tractor trailers which shall be a minimum of twelve (12) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, as follows:

TABLE INSET:

Square Feet of Building Area (Gross Floor Area)	Loading Spaces Required
<b>Commercial Buildings</b>	
6,000 - 15,000	1
15,001 - 45,000	2
45,001 - 75,000	3
75,001 - 105,000	4
105,001 and over	5
<b>Industrial Buildings</b>	
3,500 - 40,000	1
40,001 - 80,000	2
80,001 - 120,000	3
120,001 - 160,000	4
160,001 and over	5
<b>Hospitals and Institutions</b>	
20,000 and under	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 110,000	4

Hotels and Offices Buildings	
3,500 - 50,000	1
50,001 - 100,000	2
100,001 and over	3

B. All loading and delivery facilities shall be situated to ensure that all loading and unloading takes place on-site and in no case within adjacent public rights-of-way, or other traffic areas on-site.

C. Wherever possible, sites shall be designed so that parking areas are separate from loading areas.

D. Backing of trucks from the public right-of-way onto a site for loading shall be allowed only at the ends of cul-de-sac streets, except in cases where it is determined by the reviewing authority that site constraints exist and where a safe alternative is provided.

E. Loading facilities shall be located in the rear and interior side yard areas wherever possible.

F. Any door in a building where such door abuts a vehicular area and provides an opening of eight feet by eight feet or larger, shall be considered to be a loading door. No loading door or loading bay shall face a public right-of-way, unless such loading facilities are adequately screened from public view by use of walling, landscaping or other means approved by the reviewing authority.

~~G. Minimum aisle width adjacent to loading areas shall be sixteen (16) feet for one way aisles, and thirty (30) feet for two way aisles.~~

~~HG.~~ For sites within view of freeways or major arterials, loading areas should be oriented away from public view from the freeway or major arterials.

~~HI.~~ Loading areas shall be designed as an integral part of the building's architecture.

~~IJ.~~ Concrete pads shall be required at all loading bays.

~~KJ.~~ Truck terminals or yards and motor vehicle storage/impound facilities or other uses which do not require paving, shall be provided at the minimum with an approved dust-binding agent, slag, crushed rock or the equivalent thereof, as approved by the ~~city engineer~~ reviewing authority. (Ord. 135 Exh. A (Art. 3 § 5), 1992)

#### 16.20.120 Civil remedies.

The violation of any of the provisions of this article shall constitute a nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

(Ord. 238 § 4(D), 1996)

# CITY OF HESPERIA



## CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room  
9700 Seventh Avenue  
Hesperia, CA 92345  
BEGINNING AT 10:00 A.M.  
WEDNESDAY, May 26, 2010

### A. PROPOSALS:

#### 1. Jose Alfredo Magana (CUP10-10142)

**Proposal:** Consideration of Conditional Use Permit (CUP10-10142), to establish the sale of beer and wine and allow live entertainment within an existing 7,900 square foot restaurant zoned Neighborhood Commercial (NC).

**Location:** 17376 Main Street.

**Planner:** Lisette Sanchez-Mendoza

**Action:** Forwarded to Planning Commission