PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: January 13, 2011

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Commissioner

Bill Jensen, Commissioner

Julie Jensen, Commissioner

William A. Muller, Commissioner

Paul Russ, Commissioner

* - * - * - * - * - * - * - *

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney

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

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

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

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

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

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

JANUARY 13, 2011

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. Presentation of Plaques to Outgoing Commissioners
B. Installation of Newly Appointed Planning Commissioners and Administration of Oath of Office
C. Pledge of Allegiance to the Flag
D. Invocation
E. Roll Call:

Commissioner Chris Elvert
Commissioner Bill Jensen
Commissioner Julie Jensen
Commissioner William Muller
Commissioner Paul Russ

F. Reorganization of the Planning Commission

1. Election of Chair

2. Election of Vice Chair

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

G. Approval of Minutes: December 9, 2010 Planning Commission Meeting Draft Minutes. -1-

PUBLIC HEARINGS

1. Consideration of Development Code Amendment DCA10-10258 amending the City's density bonus program. (Applicant: City of Hesperia; Area affected: Citywide) (Staff Member: Lisette Sanchez-Mendoza). 1-1

PRINCIPAL PLANNER'S REPORT

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

H. DRC Comments

I. Major Project Update

2-1

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, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, January 6, 2011 at 5:30 p.m. pursuant to California Government Code §54954.2.

Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
December 9, 2010
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.

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

Present: Chris Elvert
William Muller
Joline Bell Hahn
Julie Jensen
Stephen James

JOINT PUBLIC COMMENTS

Chair Elvert opened Public Comments at 6:32 p.m.

Council member, Thurston "Smitty" Smith wished the Planning Commission a Merry Christmas and thanked the Commissioners for their service since the newly elected Council may cause a change in the Commission.

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

CONSENT CALENDAR

D. Approval of Minutes: October 14, 2010 Planning Commission Meeting Draft Minutes.

E. Approval of Minutes: November 9, 2010 Planning Commission Meeting Draft Minutes.

Motion by Stephen James to approve the Draft Minutes of October 14, 2010 and November 9, 2010. Seconded by William Muller, passed with the following roll call vote:

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

PUBLIC HEARING

1. Consideration of Conditional Use Permit CUP10-10199, to construct a two-story, 6,255 square foot semi-truck and trailer repair facility on 3.3 gross acres zoned General Manufacturing (I-2) located on the east side of Santa Fe Avenue, approximately 470 feet north of Mesa Street (Applicant: Jasvir Singh, Inc.; APN: 0415-211-24). Staff Person: Lisette Sanchez-Mendoza.

Assistant Planner, Lisette Sanchez-Mendoza presented a PowerPoint presentation.

Lisette Sanchez-Mendoza concluded report and asked for any questions from the Commissioners.

Commissioner James questioned the possibility of storage on the premises. Lisette Sanchez-Mendoza responded that no storage will be allowed.

Chris Elvert asked about the length of the curbs and gutters. Senior Engineer, Tom Thornton responded that the project will have curbs and gutters the entire length of the property with full improvements and discussion ensued.

Assistant City Attorney, Jeff Malawy suggested that because the intent was to have no storage on the property, the Commission could consider rewording the condition to say "and/or any other equipment".

Chair Elvert opened Public Comment at 6:41 p.m.

Applicant representative, Sukhjit "Tony" Singh spoke to the Commission and answered questions.

Motion by Stephen James to adopt RESOLUTION NO. PC-2010-23, as amended with Operational Condition 56, with the addition of "and/or any other equipment for storage", approving Conditional Use Permit CUP10-10199. Seconded by Joline Bell Hahn, passed with the following roll call vote:

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

PRINCIPAL PLANNER'S REPORT

F. DRC Comments

Dave Reno updated the Commission on recent DRC actions.

G. Major Project Update

Dave Reno updated progress on the Ranchero Road Underpass and Interchange.

ADJOURNMENT

Chair Elvert closed the meeting at 6:55 p.m.

Chris Elvert
Chair

By: Kathy Stine,
Commission Secretary

City of Hesperia

STAFF REPORT

DATE: January 13, 2011

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Lisette Sánchez-Mendoza, Assistant Planner

SUBJECT: Consideration of Development Code Amendment DCA10-10258 amending the City's density bonus program; Applicant: City of Hesperia; Area affected: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission approve Resolution No. PC-2011-01 recommending that the City Council introduce an ordinance approving DCA10-10258, amending the City's density bonus program.

BACKGROUND

The City of Hesperia and its Redevelopment Agency are obligated under the State's Planning and Zoning Law, as well as the California Community Redevelopment Law (CRL) to address the housing needs of Hesperia residents. The Regional Housing Needs Allocation (RHNA) is a measure of the future housing needs which are required to be included in the City's General Plan. These housing numbers are broken down into different income categories based on household income. According to the Southern California Association of Government, Hesperia needs to plan for 5,311 units of housing affordable to very low, low and moderate incomes, and 3,784 units of housing affordable to above moderate incomes.

The Density Bonus Program is a tool used to encourage the development of affordable housing in the City. State law requires cities to provide density bonuses to projects which offer affordable units. These density increases go beyond what is allowed under the applicable zoning district and land use designation of the General Plan.

The City's current Density Bonus Program was originally adopted in 1992 and permits up to a 100 percent density bonus. The current program also includes incentives and concessions applicable to affordable projects available under the law at that time. Since the last code adoption, there have been several revisions to the State's Planning and Zoning laws as they relate to density bonus, with the last revision taking place in 2008. This change substantially overhauls the density bonus provisions that cities and counties must use when reviewing and approving affordable housing projects.

ISSUES/ANALYSIS

This amendment will reduce the maximum density bonus from 100 percent to 35 percent and enable the City to include changes in State law including revised percentages, numerical thresholds and/or other standards applicable to the granting of density bonuses or related incentives.

The following table summarizes the proposed overall amendments to Article VII of the Development Code as they relate to affordable units required based on category, bonus granted, and additional bonuses based on percentage of units.

Affordable Units/Category	% Units	Bonus Granted	Additional Bonus for Each 1% increase	% Units Required for Maximum 35 % Bonus
Note: A density bonus may be selected form only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a day care center.				
Very-low income	5%	20%	2.5%	11%
Lower-income	10%	20%	1.5%	20%
Moderate-income (ownership units only)	10%	5%	1%	40%
Senior housing (35 units or more; no affordable units required)	100%	20%	--	--
Land donation for very-low income housing	10% of market-rate units	15%	1%	30%
Condominium conversion-moderate-income	33%	25% (a)	--	--
Condominium conversion-lower-income	15%	25% (a)	--	--
Day Care Center	--	Sq. Ft.= day care center (a)		
Notes: (a) Or an incentive of equal value, at the City's option				

Additional changes are as follows:

- Low or very low income units must be deed-restricted for a period of 30 years.
- All moderate-income units (except for condominium) must be deed restricted for their respective income or senior citizen categories for 45 years (ownership units) or 55 years (rental units).
- Land donations - When the applicant donates land to the City, the applicant is entitled to a density bonus of up to 15 percent;
- Parking Standards - For density bonus projects, are subject to City approval;
- Childcare facilities incentives;
- Condo conversion incentives for low income housing development.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act by Section 15061 (B)(3) as there is no possibility that the proposed code amendment will have a significant negative impact on the environment because the permitted residential densities are already analyzed under the Program EIR's for the Main Street and Freeway Corridor Specific Plan (adopted in 2008) and the General Plan update (adopted in 2010) Actual development projects will be subject to CEQA, based on their individual circumstances and impacts.

Conclusion: The project conforms to the policies of the City's General Plan and meets the intent of the State's policy to promote affordable housing projects.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Resolution No. PC-2011-01, Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2011-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND THE DEVELOPMENT CODE AMENDING DENSITY BONUS PROGRAM (DCA10-10258)

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 State of California requires cities and counties, to adopt an ordinance that provides density bonuses and incentives for the production of affordable housing units; and

WHEREAS, It is the City's intent to comply with State regulations and promote affordable housing; and

WHEREAS, The proposed Development Code amendment is exempt from the requirements of the California Environmental Quality Act by Section 15061 (B)(3) since the proposed code amendment will not have a significant negative impact on the environment as the permitted residential densities are already analyzed under the Program EIR's for the Main Street and Freeway Corridor Specific Plan and the General Plan Update.

WHEREAS, On January 13, 2011, 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 to the City Council adoption of Development Code Amendment DCA10-10258, amending Title 16 as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 13th day of January 2011.

_____
Chair, Planning Commission

ATTEST:

_____
Kathy Stine, Secretary, Planning Commission

Eliminated text is shown with a ~~strikeout~~, additions are shown with an underline.

EXHIBIT 'A'

ARTICLE VII. DENSITY BONUS PROGRAM

16.20.190 Purpose and intent.

The purpose of the density bonus program is to encourage the production of housing for lower income households by offering developers density increases beyond the maximum allowed under the applicable zoning district and land use element of the general plan in exchange for the construction of below-market rate units. In addition, other development incentives may be permitted. Further, the intent of the density bonus program is to implement state law and the City's housing element.
(Ord. 149 Exh. A (Art. 1 § 1), 1992)

16.20.195 Definitions.

As used in this article, the following terms are defined in this section:

"Additional incentive" means a regulatory concession as described in Government Code Section 65915 that may include, but not be limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the housing development or any other regulatory incentive, which would result in identifiable cost avoidance or deductions, that are offered in addition to a density bonus.

"Affordable rent" means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low, lower-or moderate-income households, not exceeding the following calculation"

1. Extremely Low-Income- Unless otherwise provided by law, households at thirty percent of the area median income, adjusted for household size, multiplied by thirty percent and divided by twelve;
2. Very Low-Income- Unless otherwise provided by law, households at fifty percent of the area median income, adjusted for household size, multiplied by thirty percent and divided by twelve;
3. Low-Income-Unless otherwise provided by law, households at eighty percent of the area median income, adjusted for household size, multiplied by thirty percent and divided by twelve;
4. Moderate-Income- Unless otherwise provided by law, households at 120 percent of the area median income, adjusted for household size, multiplied by thirty percent and divided by twelve;
5. Above Moderate- Unless otherwise provided by law, households greater than 120 percent of the area median income, adjusted for household size, multiplied by thirty percent and divided by twelve.

"Area median income" means median income levels for San Bernardino County as calculated annually by the U.S. Department of Housing and Urban Development (HUD) based on the Primary Metropolitan Statistical Area (PMSA) median income levels by family size. Such levels are calculated on the basis of gross annual household income, considering household size and number of dependents, income of all wage earners, and all other sources of household income.

"Below-market rate (BMR) units" means dwelling units that are affordable to very low and low-income groups as defined in this section.

"Density bonus" means a density increase over the otherwise maximum allowable residential density permitted under the zone district and general plan.

"Density bonus unit" means those residential units granted pursuant to the provisions of this chapter, which exceed the maximum residential density of the development site.

"Dwelling unit" means one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

"Housing Development" means construction of projects consisting of five or more residential units or lots, including single-family and multi-family, that are proposed to be constructed pursuant to this chapter.

"Liveable floor area" means and shall refer to the living area as measured from the outside of walls and excluding garages, carports, exterior courtyards, patios or balconies.

"Low-income household" means households whose income does not exceed eighty (80) percent of the area median income.

"Senior citizens" means persons at least sixty-two (62) years of age (or fifty-five (55) years of age if the project is at least thirty-five (35)) dwelling units).

"Senior citizen housing" means a housing development consistent with the California Fair Employment and Housing Act, that has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons"; as that phrase is used in the Federal fair Housing Amendments Act of 1988 and its implementing regulations, and as that phrase is used in Civil Code Section 51.3.

"Target Unit" means a dwelling unit within a housing development, which will be reserved for sale or rent to, and affordable to, very low-, lower, or moderate-income households.
(Ord. 149 Exh. A (Art. 1 § 2), 1992)

16.20.200 Approval required.

Density bonuses may be granted as part of the normal approval process for site plans, subdivisions, planned developments or other land use applications in accordance with Chapter 16.12 and other adopted applicable ordinances, resolutions or standards. Any additional incentives, as specified in Section 16.20.230, and density bonus agreements shall be approved by the City Council.
(Ord. 149 Exh. A (Art. 1 § 3), 1992)

16.20.205 Density bonus provisions.

A. A minimum of twenty-(20) percent density bonus or other incentives of equivalent financial value based upon the land cost per dwelling unit shall be granted if a developer of housing agrees to construct any of the following:

Affordable Units/Category	% Units	Bonus Granted	Additional Bonus for Each 1% increase	% Units Required for Maximum 35 % Bonus
Note: A density bonus may be selected form only one category, except that bonuses for land donation may be combined with others, up to a maximum of 35%, and an additional sq. ft. bonus may be granted for a day care center.				
Very-low income	5%	20%	2.5%	11%
Lower-income	10%	20%	1.5%	20%
Moderate-income (ownership units only)	10%	5%	1%	40%
Senior housing (35 units or more; no affordable units required)	100%	20%	--	--
Land donation for very-low income housing	10% of market-rate units	15%	1%	30%
Condominium conversion-moderate-income	33%	25% (a)	--	--
Condominium conversion-lower-income	15%	25% (a)	--	--
Day Care Center	--	Sq. Ft.= day care center (a)		
Notes: (a) Or an incentive of equal value, at the City's option				

1. Ten (10) percent of the total units of a housing development are designated for low-income households;

2. Five (5) percent of the total units of a housing development are designated for very-low-income households;
3. A housing development designated for senior citizens as defined in Section 16.20.195.

Note: A developer requesting a density bonus above twenty-(20) percent is strongly encouraged to arrange a pre-application conference in accordance with the provisions specified in Chapter 16.12 prior to submittal of a formal application.
(Ord. 232 § 4, 1996; Ord. 149 Exh. A (Art. 1 § 4), 1992

16.20.207 Additional Density Bonus
A. The maximum density bonus for any project, even when combined with other available bonuses, is thirty-five (35) percent.
1. For each one (1) percent above the ten (10) percent threshold of lower income households, the bonus shall be increased by 1.5 percent.
2. For each one (1) percent above the five (5) percent threshold of very-low income households, the bonus shall be increased by 2.5 percent.
3. For each one (1) percent above the ten (10) percent threshold of moderate-income households in condominium projects, the bonus shall be increase by one (1) percent.
16.20.210 Required findings for approval.
A. Notwithstanding Section 16.20.205(A), the following findings shall be made in order to approve the proposed development:
1. The proposed development conforms to the General Plan;
2. The proposed development will not have a specific, adverse impact upon the public health or safety, and there are feasible methods available to satisfactorily mitigate or avoid the adverse impact(s) identified.
B. The above findings shall be made in addition to findings specified in Chapter 16.12 or other adopted applicable ordinances, resolutions or standards.
(Ord. 250 (part), 1997; Ord. 149 Exh. A (Art. 1 § 5), 1992)

16.20.215 Minimum development size.
The density bonus provisions of this article shall only apply to residential developments of five or more dwelling units.
(Ord. 149 Exh. A (Art. 1 § 6), 1992)

16.20.220 Below Market Rate (BMR) unit characteristics.
BMR units shall be evenly distributed throughout the project. The applicant may reduce either the size or interior amenities of the BMR units as long as there are not significant identifiable differences between the BMR units and the market rate units visible from the exterior of the units and the size and design of the units are reasonably consistent with the market rate units in the project; provided, that all units conform to the requirements of the applicable adopted city codes, ordinances, resolutions or policies. BMR units provided shall have at least the same number of bedrooms as the average unit in the project and if the floor area of the BMR units is not the same as the floor area of the market rate units within the project, each of the BMR units shall satisfy the following minimum total floor area:

TABLE INSET:

Single-family Dwellings:

Minimum liveable area in square feet: 750 sq. ft.	
Multi-family Units:	
Studio	500 sq. ft.
1 bedroom	600 sq. ft.
2 bedrooms	750 sq. ft.
3 bedrooms	1,000 sq. ft.
3+ bedrooms	1,200 sq. ft.

(Ord. 149 Exh. A (Art. 1 § 7), 1992)

16.20.225 Phasing requirements.

BMR units in a residential project or phase of a residential project shall be constructed concurrently with the construction of market rate units in the residential project or phase of that residential project.
(Ord. 149 Exh. A (Art. 1 § 8), 1992)

16.20.230 Incentives and Concessions

A. If requested by the applicant, a qualifying project shall be entitled to at least one of the following incentives, unless the City makes the findings required by Government Code Section 65915(d)(1). The applicant shall receive the following number of incentives or concessions:

1. Once incentive or concession for projects that include 10 percent of lower income units, or 5 percent of very-low income units or 10 percent of moderate-income units in condominium projects.
2. Two incentive or concessions for projects that include 20 percent of lower income units, or 10 percent of very-low income units or 20 percent of moderate income units in condominium projects.
3. Three incentives or concessions for projects that include 30 percent of lower income units, or 15 percent of very-low income units or 30 percent of moderate income units in condominium projects.

B. The following incentives may be utilized in conjunction with a density bonus to help facilitate increased density on the project site and to reduce construction costs. Incentives for each project shall be determined on a case-by-case basis, based upon project conditions such as proximity to community services, infrastructure capacity, topographical constraints, site size, and occupancy type. At least one of the following additional incentives shall be permitted in addition to the density bonus; unless the city makes a written finding that the additional concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code:

1 A reduction in site development standards or a modification of zoning code requirements where it can be demonstrated that said flexibility will result in improved circulation within the site, increased open space areas, provision of recreational amenities, or other improvement to the overall design of the site, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required. A reduction in parking spaces for density bonus projects may be requested and requires approval from the city, using the following formula:

i. Studio and one-bedroom units- one space.
ii. Two to three bedroom units – two spaces
iii. Four or more bedroom units- two and one half spaces

iv. The required parking spaces include handicap spaces and guest parking. Required parking must be on-site and may be uncovered. Tandem parking is permitted.2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the

cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located;

3. The integration of child care facilities, either on-site or adjacent to the project may grant the project one of the following, provided that the childcare facility must remain open as long as the units are to remain affordable, and the children attending the facility come from dwelling units in proportion to the income categories required within the associated project.

i. Additional residential floor area equal to the area of the childcare facility

ii. An additional incentive or concession that contributes to the economic feasibility of the construction of the childcare facility.

4. The integration of mixed structures, such as duplexes, triplexes, and four-plexes, within a single housing development in a single-family residential zone district, where it can be demonstrated that such integration can be designed so as to maintain a single-family residential atmosphere and make more efficient use of infrastructure;

5. Applications for density bonuses shall be given priority status over other development projects in an effort to reduce processing time as much as possible;

6. Deferment of certain development fees as approved by the City;

7. Other regulatory incentives or concessions which result in identifiable cost reductions.

(Ord. 149 Exh. A (Art. 1 § 9), 1992)

16.20.232 Land Donations

Donation of land to the City, entitles the applicant to a density bonus of up to 15 percent, provided that all of the following conditions are met:

A. The land must be transferred to the City or a housing developer approved by the City, no later than the approval of the final subdivision map or approval of the development application.

B. The land must have developable acreage and zoning to permit the development of units for very-low income households of not less that 10 percent of the total of the units in the proposed development project. The density bonus may be increased by 1 percent for every additional 1 percent of land donated. The maximum density bonus may be up to 35 percent.

C. The transferred land must be at least one acre in size or permit the development of 40 units, have the appropriate land use designation and be served by adequate public infrastructure.

D. The transferred land shall have all the necessary approvals in place, other than building permits, for development of the very-low income units.

E. The units on the transferred land shall be deed-restricted, consistent with other below market rate units as required by the City.

F. The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

G. The transferred land may be within the development project, or within ¼ mile of the boundary of the proposed development.H. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

16.20.233 Condo conversion incentives for low income housing development

A. The City shall grant a density bonus or provide incentives of equivalent financial value when a project to convert apartments to condominiums provides at least 33 percent of the total units of the proposed condominium project to persons and families of low to moderate income or 15 percent of the total units of the proposed condominium project of lower income households.

B. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 16.20.205.

16.20.235 Preliminary Proposal.

A developer may submit a preliminary proposal for a density bonus prior to a formal application. The city shall respond within ninety (90) days of receipt of a written proposal, notifying the developer in writing of the procedures which will be followed in processing the application.

(Ord. 149 Exh. A (Art. 2 § 1), 1992)

16.20.240 Density bonus agreement.

A developer requesting a density bonus shall submit a density bonus agreement in a form approved by the city attorney. The density bonus agreement shall be approved by the city council and shall run with the land. The agreement may include, but not be limited to, the following provisions:

A. The number of requested housing units above the amount allowed by the existing zoning and general plan designation, and the additional incentives requested;

B. The number of BMR units by number of bedrooms and income group to be provided in the project;

C. The term of affordability for BMR units, as specified in Section 16.20.250;

D. The standards for maximum qualifying income for BMR units;

E. The standards for maximum rents or sales prices for the BMR units;

F. The process to be used to certify tenant/homeowner incomes;

G. The arrangements for monitoring of the BMR units;

H. How vacancies will be marketed and filled;

I. Restrictions and enforcement mechanisms binding on property upon sale or transfer;

J. Penalties and enforcement mechanisms in event of failure to maintain affordability provisions;

K. The process and criteria for selection of a manager or management agency of multi-family projects which shall include provisions for review and approval by the city;

L. Any other provisions deemed necessary by the city.

(Ord. 149 Exh. A (Art. 2 § 2), 1992)

16.20.245 Calculating BMR and density bonus units.

In determining the number of BMR units proposed pursuant to Section 16.20.205, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

(Ord. 149 Exh. A (Art. 2 § 3), 1992)

16.20.250 Term of affordability.

A. If only twenty (20) to thirty-five (35) percent density bonus is granted, then affordability of the approved low-income or very-low-income BMR units shall be maintained for a period of thirty (30) years, beginning on the date of issuance of the certificate of occupancy for the unit.

B. If a density bonus is granted for moderate income units, then affordability of the approved moderate income BMR units shall be maintained for a period of 45 years (ownership units) or 55 years (rental units), beginning on the date of issuance of the certificate of occupancy for the unit.

(Ord. 232 § 5, 1996: Ord. 149 Exh. A (Art. 3 § 1), 1992)

16.20.255 Rental housing units.

A. Rents for those units in a rental housing development designated for very-low-income households shall not exceed thirty (30) percent of fifty (50) percent of the monthly area median income, as adjusted

annually by HCD for household size. If the BMR units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the San Bernardino County Housing Authority.
B. Rents for units designated for low-income households shall not exceed thirty (30) percent of sixty (60) percent of the monthly area median income, as adjusted annually by HUD for household size. If the BMR units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the San Bernardino County Housing Authority.
C. In calculating rents for senior citizen BMR units, any services, such as meals or individual medical care, offered above those normally provided for independent living units, shall be optional, and shall not be included in calculating maximum rents.
D. The following table shall be used in determining the household size for BMR units:

TABLE INSET:

Unit Size (number of bedrooms)	Minimum Household Size (number of persons)
Studio	1
1	2
2	3
3	4
4	5

An exception to the above table shall be made for units designated for senior citizens. The exception is that a household size of one shall be assumed for a single bedroom unit.
(Ord. 149 Exh. A (Art. 3 § 2), 1992)

16.20.260 Ownership housing units.
A. Sales prices of BMR ownership units shall be established at levels affordable to very-low, low-income, and moderate-income households. Original sales prices shall be stated, per unit, in each development's approved tentative tract map, planned development or specific plan.
B. The total required down payment, excluding closing costs, for the BMR units, shall not exceed ten percent of the purchase price.
C. The provisions of this section shall be included in the density bonus agreement, and shall run with the land.
(Ord. 149 Exh. A (Art. 3 § 3), 1992)

16.20.265 Eligibility requirements for BMR unit occupants.
Only low and very-low and moderateincome(ownership units) households shall be eligible to occupy BMR units. The city shall select potential occupants of BMR units from a list of those persons qualified on the basis of household income, the median combined household income statistics calculated annually by HCD, all sources of household income and assets, a relationship between household size and the size of available units, and further criteria and an equitable selection method to be established in conformance with the terms of this article. No distinction shall be made between adults and children, unless BMR units are designated for senior citizens.

(Ord. 149 Exh. A (Art. 3 § 4), 1992

16.20.270 Changes in State density bonus laws

It is the intent of the City Council that the provisions of this chapter shall be interpreted so as to fulfill the requirements of Government Code Section 65915 et seq., notwithstanding changes in State laws revising percentages, numerical thresholds and/or other standards applicable to the granting of density bonuses or related incentives that may occur after the effective date of this chapter. Accordingly, it is the further intent of the City Council that any such changed percentages, numerical thresholds or other standards shall be deemed to supersede and govern any conflicting percentages, numerical thresholds or other standards contained in this chapter, to the maximum extent permitted by law.

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.
TUESDAY, DECEMBER 21, 2010

A. PROPOSALS:

1. STEPHEN FEINSTEIN, SOVEREIGN WAY CHRISTIAN CHURCH (SPR10-10248)

Proposal: A revised site plan review to establish a church in two suites (160 and 180) at a commercial shopping mall on 2.7 acres.

Location: 15885 Main Street

Planner: Holly Effiom

2. LINDA TAE Y. KYOUNG KIM (CUP10-10247)

Proposal: A conditional use permit to allow for the sale of beer and wine, including a finding of public convenience or necessity, in conjunction with a Japanese restaurant.

Location: 12719 Main Street, Unit 400

Planner: Lisette Sanchez-Mendoza

3. HOSKINS FAMILY TRUST (SPR10-10246)

Proposal: An extension of time for Site Plan Review SPR-2006-36 to construct a 12,780 square foot office/warehouse building on 1.3 acres zoned I-2.

Location: Northeast corner of Eucalyptus Street and Darwin Road

Planner: Daniel Alcayaga

4. **VALLEY FIFTH, LLC (SPR10-10245)**

Proposal: An extension of time for approved Site Plan Review SPR-2007-59, to construct a 3,389 square foot carwash and 1,020 square foot lube station zoned C-2.

Location: Southwest corner of Bear Valley Road and Fifth Avenue

Planner: Stan Liudahl

5. **HAMLET BETSARGHEZ (SPR10-10235)**

Proposal: An extension of time for approved Site Plan Review SPR-2007-40, to construct a 6,186 square foot car wash, lube bay, and restaurant building on 1.1 acres within the Office Commercial (OC) District of the Main Street and Freeway Corridor Specific Plan.

Location: North side of Main Street between Balsam Avenue and 11th Avenue

Planner: Daniel Alcayaga

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, JANUARY 5, 2011

A. PROPOSALS:

1. HCL HESPERIA VISTA, (CUP10-10218)

Proposal: A conditional use permit to construct a 6,389 square foot multi-tenant retail building with a drive-thru restaurant on 1.0 gross acres within the RC District of the Main Street and Freeway Corridor Specific Plan.

Location: South side of Main Street, approximately 220 feet west of Escondido Avenue.

Planner: Daniel Alcayaga

2. AMROU ELBEYALY, (CUP10-10254)

Proposal: A revised conditional use permit to allow a houkah bar.

Location: 16248 Main Street, Unit A, utilizing a portion of the parking lot on the lot to the west.

Planner: Holly Effiom

3. CITY OF HESPERIA, (CUP10-10255)

Proposal: An extension of time for approved conditional use permit (CUP-2007-03), to construct the second phase of the Hesperia Civic Plaza Park.

Location: 15833 Smoketree Street

Planner: Stan Liudahl

4. **ENABLE US CORP, (SPR10-10256)**

Proposal: A revised site plan review to establish a 2,500 square foot charter school within a suite of an existing commercial building on 2.5 gross acres zoned CIBP.

Location: 10232 I Avenue, Unit 19

Planner: Lisette Sanchez-Mendoza

5. **JIM AND GAIL HASTY, (SPR09-10210)**

Proposal: A site plan review to establish an event center on 103 acres zoned A-2.

Location: 300 feet east of Choiceana on the south side of Lemon Street

Planner: Daniel Alcayaga

6. **BART STRITTMATTER, (SPR10-10230 & SPR10-10231)**

Proposal: A third extension of time and revision for approved site plan review (SPR-2004-50), to construct two retail buildings totaling 18,750 square feet as part of the second phase of a 22,648 square foot retail development.

Location: Northwest corner of Sequoia Street and Hemlock Avenue

Planner: Stan Liudahl