

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: September 8, 2011

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Bill Jensen, Commissioner

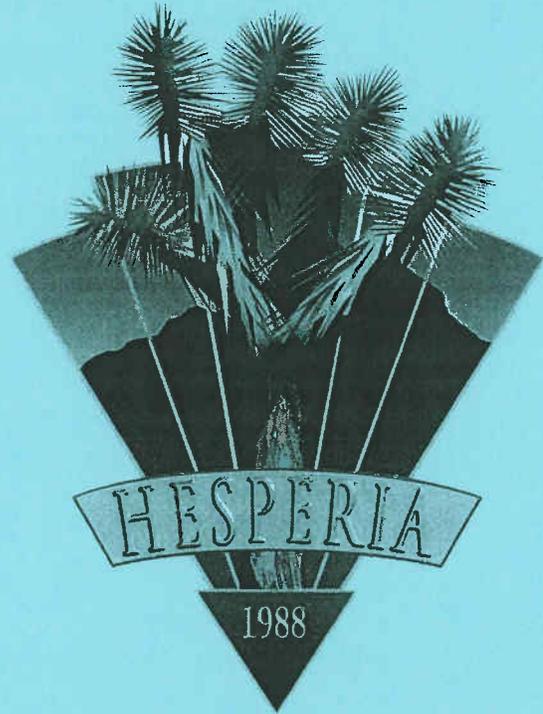
Julie Jensen, Commissioner

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.

**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 Bill Jensen
 - Commissioner Julie Jensen
 - Commissioner Paul Russ

JOINT PUBLIC COMMENTS

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

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

CONSENT CALENDAR

- D. Approval of Minutes: August 11, 2011 Planning Commission Meeting Draft Minutes. -1-

PUBLIC HEARINGS

1. Consideration of Specific Plan Amendment SPL11-10206, to reclassify property from Neighborhood Commercial to the Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan on 14.8 gross acres and Conditional Use Permit CUP11-10197, to construct an 11,805 square foot travel center including the sale of beer and wine for off-site consumption on 10.6 gross acres located on the southeast corner of Outpost Road and Joshua Street (Applicant: Love's Travel Stops and Country Stores, Inc.; APNs: 3039-361-01 & 3039-371-01) (Staff Person: Stan Liudahl) 1-1
Continued to Planning Commission Meeting of October 13, 2011.
2. Consideration of revised Conditional Use Permit CUP11-10225, to establish a beer microbrewery with a tasting room at 12221 Poplar Street. (Applicant: Jerry Hackbarth; APN: 3064-641-10) (Staff Person: Lisette Sanchez-Mendoza) 2-1
3. Consideration of Development Code Amendment DCA11-10245, to amend the Commercial, Industrial and Public Land Use District regulations. (Applicant: City of Hesperia; Affected area: Citywide) (Staff Person: Daniel Alcayaga) 3-1

- 4. Consideration of Development Code Amendment DCA11-10103 regarding medical marijuana dispensaries. (Applicant: West Coast Patients Group; Area affected: Citywide) (Staff Person: Lisette Sanchez-Mendoza)

4-1

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

5-1

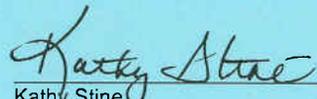
PLANNING COMMISSION BUSINESS OR REPORTS

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, September 1, 2011 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
August 11, 2011
MINUTES**

DRAFT

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:

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

Present: Chris Elvert
William Muller
Bill Jensen
Julie Jensen
Paul Russ

JOINT PUBLIC COMMENTS

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

Carol Hearn spoke in opposition to medical marijuana dispensaries and stated quotes from the California code. She read a statement in opposition from Jacaranda Music Store business owner, Peggy Grant.

Laurie Yovanovich spoke in opposition to medical marijuana dispensaries and stated statistics regarding school bus stops and the location of dispensaries.

David Matteson spoke in favor of medical marijuana and dispensaries.

Reverend Richard Holgren spoke in opposition to dispensaries.

Chair Elvert closed Public Comments at 6:48 pm.

CONSENT CALENDAR

D. Approval of Minutes: July 14, 2011 Planning Commission Meeting Draft Minutes.

Motion by Paul Russ to approve draft minutes of July 14, 2011 Planning Commission Meeting. Seconded by William Muller and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, Julie Jensen, and Paul Russ
NOES: None
abstain: Bill Jensen

PUBLIC HEARING

1. Consideration of revised Site Plan Review SPR11-10182, to expand an existing automotive repair facility and reconfigure the vacuum area; and Variance VAR11-10208, to allow the vacuum area canopy to encroach 10 feet into the minimum 20-foot rear yard setback at 17985 Bear Valley Road. (Applicant: Hesperia Car Wash LLC; APN: 0399-132-31) (Staff Person: Lisette Sanchez-Mendoza)

Assistant Planner Lisette Sanchez-Mendoza gave a PowerPoint Presentation and introduced a letter from the property owner to the south of the site regarding noise as a green sheet item. (Attachment 1)

Bill Jensen asked if the noise decibel at the property of the resident south of the site was higher prior this study.

Lisette stated that the current decibel level is 75 and the noise study stated it will be 55 after the proposed improvements are done surrounding the blower.

Chris Elvert stated that the improvements were made prior to approval.

Staff was requested to check the blower after improvements were done to confirm the noise decibel point at the south property.

Chair Elvert opened the Public Hearing at 7:01 p.m.

Carl Coleman from Altec Engineering, representative for the applicant, spoke and answered Commission questions.

Chair Elvert closed Public Hearing at 7:05 p.m.

Julie Jensen stated that she visited the property to the south and the owner noticed that the noise was worse when they started up the business after being closed. She also stated that she had issue with businesses doing improvements before they have approval especially when it affects residents.

Julie Jensen wanted to stipulate that another noise study be part of the vote and done after the improvements are completed.

Commission discussion ensued.

Motion by Paul Russ to adopt Resolution No. PC-2011-30 and PC-2011-28, as amended to change the operating hours to close at 7:00 p.m. (condition #8) and include a noise study to be done within 30 days of final improvements, approving SPR11-10108 and VAR11-10208. Seconded by Bill Jensen and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, Bill Jensen, Julie Jensen, and Paul Russ
NOES: None

2. Consideration of Conditional Use Permit CUP11-10195 to establish a car sales/auction facility on 6.0 acres zoned I-1 located on the west side of "I" Avenue, 625 feet north of Eucalyptus. (Applicant: Team Truck Dismantling; APN: 0415-011-12) (Staff Person: Daniel Alcayaga)

Senior Planner Daniel Alcayaga gave a PowerPoint Presentation and stated that the applicant is appealing condition #18, regarding paving of the site.

Paul Russ asked questions regarding landscaping on the access road to the auction yard at "G" Ave.

Paul Russ asked if the paved sites from other areas shown in the slides were in industrial parks or close to the freeway and commented that this project site is back away from the public view. Daniel showed that most of the other sites were by major roads or freeways.

Chris Elvert asked if a new a tow yard was proposed, would the City mandate that it be paved. Daniel stated under current codes we would require paving but there are current yards that are not.

Chris Elvert asked questions regarding grading on the property.

Senior Engineer, Tom Thornton stated that Engineering had not seen a prelim grading plan but a portion of the property would need to be graded in order to have water diverted, retained and treated on the property.

Bill Jensen wanted clarification whether this was "to establish" a sales auction facility or an expansion of the current yard.

Discussion ensued.

Julie Jensen wanted to confirm that there was a capacity of 1100 vehicles and they were going to be wet cars. Daniel confirmed that they will be wet cars but stated that the applicant can give the Commission more information.

Paul Russ asked why this isn't an expansion of the current CUP.

Principal Planner Dave Reno, AICP clarified that the new establishment will be to sell wet cars, whether at auction or online, as opposed to the current yard which is to salvage or dismantle dry cars. He stated that these are two specifically different purposes and that they are establishing a new use on a property that was not previously entitled.

Chair Elvert opened the Public Hearing at 7:36 p.m.

Tom Steeno, representative for the applicant, stated that this was an expansion of an existing business and a prior CUP was approved for wet cars next to the current proposed site. He then gave a PowerPoint presentation.

Paul Russ asked if there was sales tax on wholesale cars.

Jerry Jeckels, property owner, stated that the trickle down would have sales tax but not directly from these cars.

Discussion ensued.

Jerry Jeckels showed a slide of the auto auction area and stated that it was previously approved by Tom Harp in 2009 and is currently housing wet cars.

Discussion ensued.

Gloria Smith owns the property across the street on "I" Avenue and expressed concerns regarding the aesthetics.

Sophie Steeno spoke in favor of the CUP and stated that this is an existing yard and shouldn't be held to the standards of paving for new yards.

Chair Elvert closed Public Hearing at 8:33 p.m.

Dave Reno stated that the previous approvals for Pick-a-Part were for a dry car facility and staff was not aware of any other CUP's or interpretations to allow wet cars on the property. He confirmed that this CUP was for a new facility. He also stated that the Commission had the discretionary option to change the paving requirement.

Chair Elvert called for a break at 9:50 p.m.

Chair Elvert called the session back to order at 10:03 p.m.

Motion by Bill Jensen to approve Resolution No. PC-2011-29, as amended, removing condition #18 (paving) and replacing it with class 2 base, adding landscaping on "G" Avenue and having a 90 day per car limit on the sales lot, approving CUP11-10195. Seconded by Paul Russ and passed with the following roll call vote:

AYES: Chris Elvert, William Muller, Bill Jensen, Julie Jensen, and Paul Russ
NOES: None

Tom Thornton addressed the issues of the National Pollutant Discharge Elimination System (NPDES).

Commission discussion ensued.

3. City-Freeway Pylon Signs Workshop. (Staff Person: Dave Reno)

Dave Reno gave a PowerPoint presentation and explained the concept of Freeway Pylon Signs. He also stated that the plan of the workshop is to present the idea, get questions from the Commission, discuss ideas and not make decisions.

Commission discussion ensued.

Carl Ross, property owner of several parcels close to the freeway, would like to see this program take effect after it has been refined. He expressed concerns regarding limiting the advertising to just local people and the possibility of the signs being vacant. He stated that this is an extremely competitive business.

Chris Elvert suggested that there should be "first right of refusal" to give Hesperia Business owners the advantage to advertise.

Carl Ross suggested that the City reserve 80% of the time for the flashing sign so that he could sell 20% to other businesses.

Discussion ensued.

Carl Ross introduced his guest, Tom Kragan who owns a sign company. Carl Ross said he would like to make a deal with the City for signage and stated that the digital billboards are \$600,000 a piece and he wouldn't mind putting a few on the freeway frontage.

Tom Kragan stated that he felt it was a big mistake to have considerable City involvement in a private enterprise like this but they could have spots for announcements.

Discussion ensued.

Ren Annele from Little Sister's Car Wash spoke as a businessman and stated he was in favor of working with the City but it was a matter of finances and he would have to make a profit. He said if a committee was formed to look at this project he would be a participant.

Julie Jensen stated that the Commission had recently approved the ordinance on billboards and their main objective was to eliminate them on the freeway due to safety issues.

Commission discussion ensued.

Paul Russ stated that he felt the City should not be investing in the sign business and continued discussing the finance side of this venture.

Commission discussion ensued.

PRINCIPAL PLANNER'S REPORT

E. DRC Comments

Dave Reno gave an update on the most recent DRC projects.

F. Major Project Update

Dave Reno updated the Commission on the Ranchero Road groundbreaking to take place on August 31, 2011 at 10:00 a.m.

Dave Reno told the Commission that Staff would be bringing back the medical marijuana ordinance in September to rule on the land use in order to move it forward to Council.

Bill Jensen introduced students that were visiting here from Shanghai, China.

ADJOURNMENT

Chair Elvert adjourned the meeting at 10:40 p.m. to Thursday, September 8, 2011 at 6:30 p.m.

Chris Elvert,
Commission Chair

By: Kathy Stine,
Commission Secretary

To: Hesperia Planning Commission

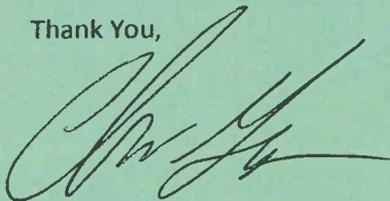
08-06-2011

Lisette Sanchez-Mendoza

Re: Hesperia Car Wash Expansion Request

We live at 17986 Sequoia St. directly behind the Hesperia Car Wash. This business is very noisy. We hear the noise from their machines all day long. We are often not able to leave our back windows open because of the noise. We don't use our backyard as much as we would because of it. They also have alarms that go off for long periods of time with no response during closed times. Had I known how much noise there would be I would have fought the original building of the business. If they move it even closer to my property it will bring even more noise to our home. I urge to please not let this happen.

Thank You,



Chris and Terri Geiger

760-956-2082

City of Hesperia
STAFF REPORT



DATE: September 8, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY:  Stan Liudahl, AICP, Senior Planner
SUBJECT: Specific Plan Amendment SPL11-10206; Applicant: Love's Travel Stops and Country Stores, Inc.; APN: 3039-361-01

Staff recommends that the public hearing for this project be continued to October 13, 2011 to allow the applicant's agent time to address Caltrans' comments regarding the traffic study.



DATE: September 8, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Conditional Use Permit CUP11-10225; Applicant: Jerry Hackbarth; APN: 3064-641-10

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-33, approving CUP11-10225.

BACKGROUND

Proposal: A Conditional Use Permit to establish a beer microbrewery with a tasting room.

Location: 12221 Poplar Street (Attachment 1).

Current General, Plan, Zoning and Land Uses: The site is within the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated and zoned as noted on Attachment 2. The site is currently developed with commercial buildings and the site is surrounded by vacant property with the exception of the properties further south, which are industrially developed (Attachment 3).

ISSUES/ANALYSIS:

Land Use: The Specific Plan requires that all uses selling alcohol apply for a conditional use permit. The project proposes a 2,250 square foot microbrewery with approximately 200 square feet to be used as retail area and tasting room (Attachment 4). A Type 23 (Small Beer Manufacturer) license is required by the Department of Alcoholic Beverage Control (ABC), which allows the manufacturing of beer as well as the retail and wholesale sales of beer produced. This license type is not subject to the over concentration criteria, as it is classified as a non-retail use although some retail sale is allowed. This will be the only business holding a Type 23 license within the census tract.

Schools and Parks: The project site is located approximately one mile from Mission Crest Elementary, 2 ¼ miles from Hesperia Community Park, and 800 feet from the Competitive Edge motocross (CEMX) facility.

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

Conclusion: The Type 23 license is not subject to the over concentration criteria as the use is considered non-retail according to ABC regulations. Further, no other use similar to the proposed microbrewery exists within the census tract. Finally, approval of this license is supportive of the land uses intended within the CIBP District.

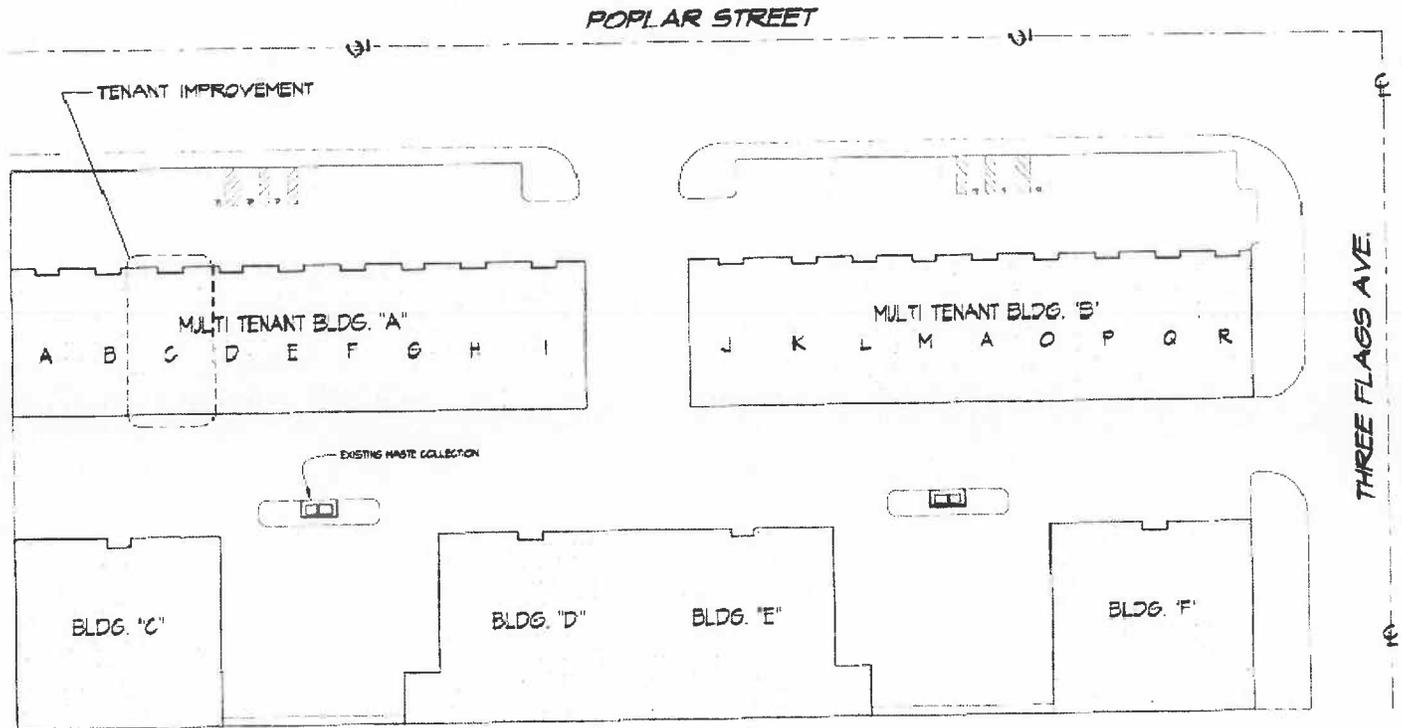
ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. Site Plan
2. General Plan/Zoning Map
3. Aerial Photo
4. Floor Plan
5. Resolution No. PC-2011-33, with list of conditions.

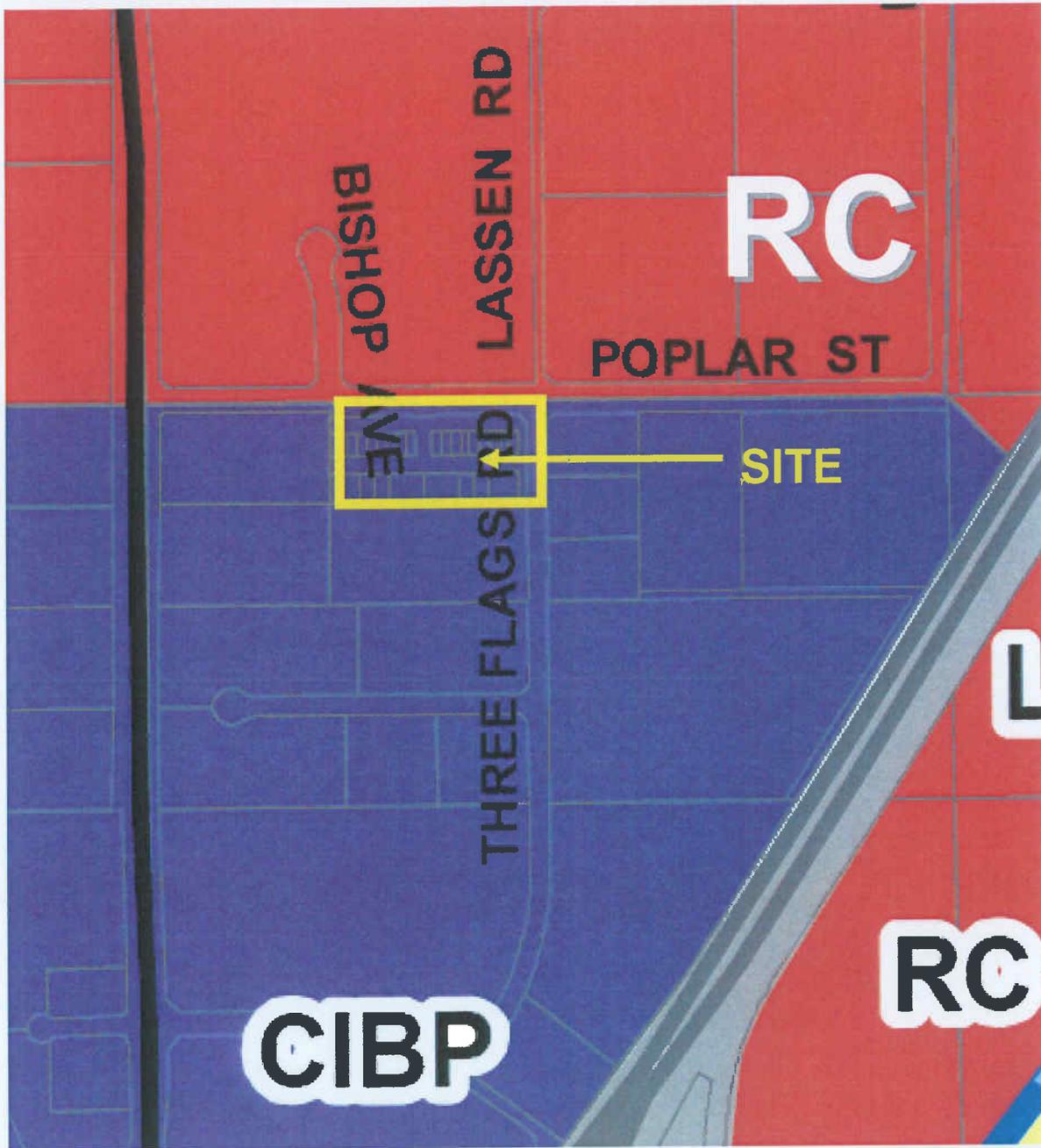
ATTACHMENT 1



| | | |
|--|--|-----------------------------------|
| APPLICANT(S):
JACK HACKBARTH | | FILE NO(S):
CUP11-10225 |
| LOCATION:
12221 POPLAR STREET | | APN(S):
3064-641-10 |
| PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A BEER MICROBREWERY WITH A TASTING ROOM | | N
↑ |

SITE PLAN

ATTACHMENT 2



APPLICANT(S):
JACK HACKBARTH

FILE NO(S):
CUP11-10225

LOCATION:
12221 POPLAR STREET

APN(S):
3064-641-10

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A BEER MICROBREWERY WITH A TASTING ROOM



GENERAL PLAN/ZONING MAP

ATTACHMENT 3



APPLICANT(S):
JACK HACKBARTH

FILE NO(S):
CUP11-10225

LOCATION:
12221 POPLAR STREET

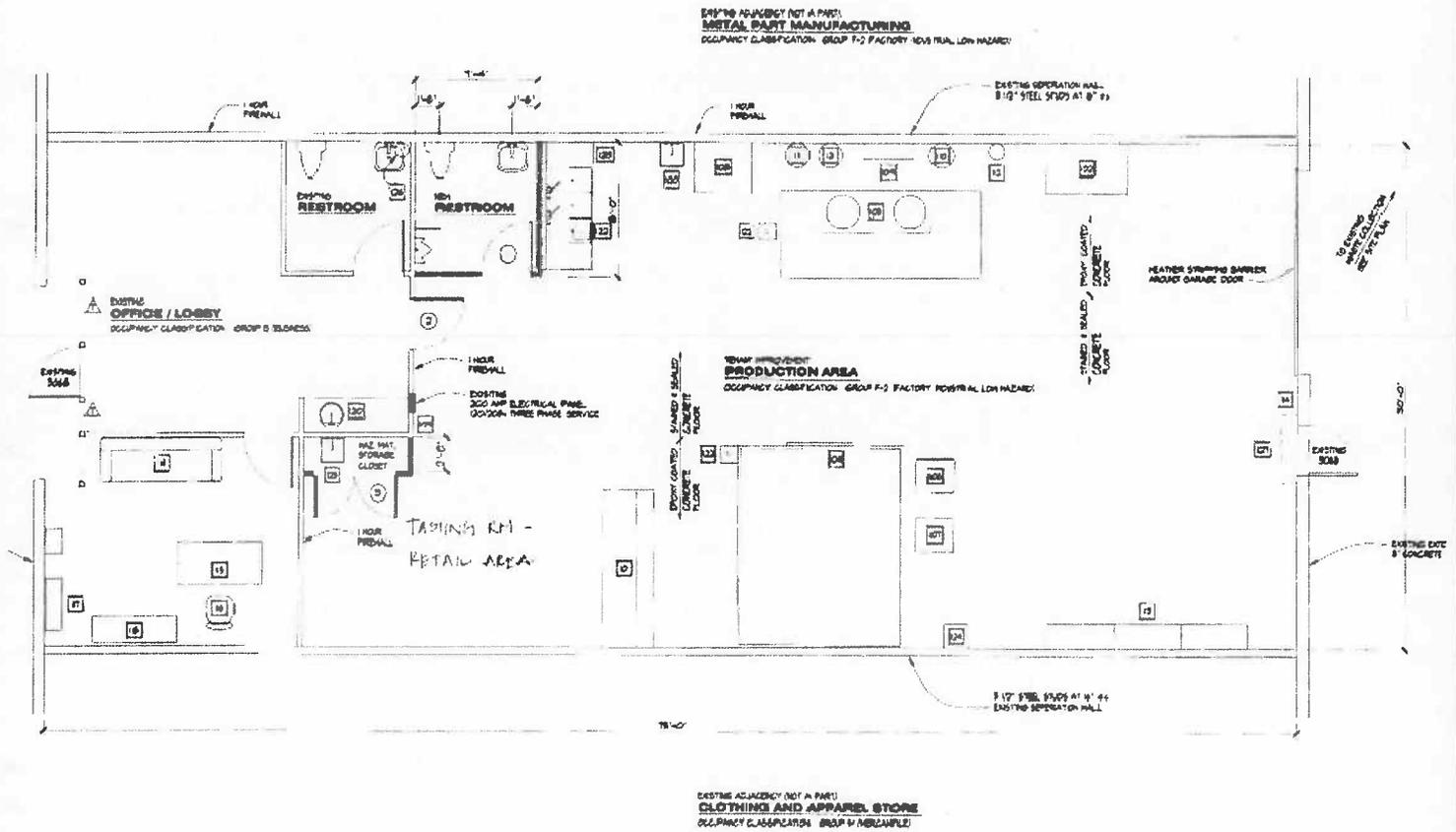
APN(S):
3064-641-10

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A BEER
MICROBREWERY WITH A TASTING ROOM



AERIAL PHOTO

ATTACHMENT 4



APPLICANT(S):
 JACK HACKBARTH

FILE NO(S):
 CUP11-10225

LOCATION:
 12221 POPLAR STREET

APN(S):
 3064-641-10

PROPOSAL:
 CONSIDERATION OF A CONDITIONAL USE PERMIT TO ESTABLISH A BEER
 MICROBREWERY WITH A TASTING ROOM

FLOOR PLAN

RESOLUTION NO. PC-2011-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A BEER MICROBREWERY WITH A TASTING ROOM AT 12221 POPLAR STREET (CUP11-10225)

WHEREAS, Jerry Hackbarth has filed an application requesting approval of Conditional Use Permit CUP11-10225 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a microbrewery at 12221 Poplar Street and consists of Assessor's Parcel Number 3064-641-10; and

WHEREAS, the Application, as contemplated, proposes to establish a beer microbrewery with a tasting room, including the retail and wholesale sale of beer; and

WHEREAS, the subject site is presently an industrial park. The surrounding properties are vacant, except for the properties further south, which are industrially developed; and

WHEREAS, the subject property and surrounding properties are currently within the Commercial Industrial Business Park (CIBP) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

WHEREAS, the subject property and surrounding properties are currently within the Commercial Industrial Business Park (CIBP) District of the Specific Plan, with the exception of the properties to the north which are within the Regional Commercial (RC) District of the 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 September 8, 2011, 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 September 8, 2011 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 Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan and complies with all applicable provisions of the Development Code as per Section 16.12.120. The site is suitable for the type and intensity of the use that is proposed. The business is restricted to the manufacture, tasting, and sale of beer.

- (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 proposed serving of beer as part of the microbrewery will not have a detrimental impact on adjacent properties.
- (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 microbrewery. The sale of beer in conjunction with the microbrewery is consistent with the allowable uses within the Commercial Industrial Business Park District.
- (d) There are adequate provisions for sanitation, water and public utilities and services to ensure the public convenience, health, safety and general welfare. The proposed use will occur in a microbrewery with adequate infrastructure to operate the business. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP11-10225, subject to the conditions of approval as shown in Attachment 'A'.

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

ADOPTED AND APPROVED this 8th day of September 2011.

Chris Evert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for CUP11-10225

Approval Date: September 8, 2011

Effective Date: September 20, 2011

Expiration Date: September 20, 2014

This list of conditions apply to a Conditional Use Permit to establish a beer microbrewery with a tasting room at 12221 Poplar Street (Applicant: Jerry Hackbarth; APN: 3064-641-10).

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 fee 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 shall 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. **Alcohol Consumption.** No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P)
- _____ 4. **Employee Age.** All employees of the use serving alcohol must be at least 21 years of age. (P)
- _____ 5. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)
- _____ 6. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises. (P)
- _____ 7. **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 Development Review Committee, the Planning Commission, City Council, or otherwise), 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 |



DATE: September 8, 2011
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Development Code Amendment DCA11-10245 to amend the Commercial, Industrial and Public Land Use District regulations; Applicant: City of Hesperia; Affected area: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-34, approving DCA11-10245, amending the Commercial, Industrial and Public Land Use District regulations.

BACKGROUND

The Development Code (Hesperia Municipal Code, Title 16) regulates land uses throughout the City, including commercial and industrial uses of varying intensities. This Development Code Amendment (DCA) pertains to development standards in three commercial and two industrial land use designations that are not part of the Main Street and Freeway Corridor Specific Plan. The three commercial designations include: Convenience Commercial (C1), General Commercial (C2), and Service Commercial (C3). The two industrial designations include: Limited Industrial (I1) and General Industrial (I2). The amendments include the Public (P) Land Use designation.

ISSUES/ANALYSIS

The primary purpose of the DCA is to make the Development Code consistent with the General Plan and to update Chapter 16.16: Land Use Designations. The proposed Development Code Amendment creates five articles. They include:

- Article IX: Commercial and Industrial Land Use Designations
- Article X: Commercial and Industrial Development Standards
- Article XI: Commercial Design Guidelines
- Article XII: Industrial Design Guidelines
- Article XIII: Public Land Use Designation

Article IX: Commercial and Industrial Land Use Designations. Article IX establishes which land uses are permitted in a commercial and industrial designation and identifies if a land use requires a site plan review, conditional use permit, or is not permitted. Under the proposed Ordinance, land uses would continue to be listed in a table; and there would be fewer land uses because they have been consolidated using land use categories from the Specific Plan.

Although there would be fewer land uses listed, staff believes the new format of allowing and permitting uses is more inclusive of the variety of businesses that may be proposed to be established. Similar to the Specific Plan, a land use is allowed or permitted if it is similar to a

listed land use; and if it meets the intent of the land use designation. Additionally, an inventory of land use determinations would be kept on file in the Development Services Department. Therefore, the land uses permitted and permit requirements would not change from the current to the proposed code. The Administrative and Professional Office (AP) District is proposed to be deleted, as the General Plan map no longer has properties that are designated AP.

The proposed Ordinance changes one commercial designation from Neighborhood Commercial (C1) to Convenience Commercial (C1). This change would apply to areas outside the Specific Plan, as there is already a Neighborhood Commercial district in the Specific Plan. The C1 designation is intended to be less-intensive and conveniently located in proximity to residential areas. If the Ordinance is adopted, staff will automatically amend the General Plan map with this change.

Article X: Commercial and Industrial Development Standards. The basic development standards (i.e. setback, height, lot size, etc.,) would not change and are shown in a table so that the information is located in one place and easy to use. Other changes in Article X include:

- The amendments propose to adopt development standards for outdoor dining from the Specific Plan. The Development Code currently provides front yard setback reductions, if certain development amenities are provided. One of these amenities includes outside dining. The amendments provide standards for outdoor dining that are needed to comply with the reduced setback criteria.
- Additional standards for vehicle service uses, including car sales, car washes, and car repairs from the Specific Plan are being proposed. The intent of the standards is to minimize the negative visual effect of car repair, car storage and maintenance work conducted outdoors and/or facing the street.
- The floor area ratios (FAR) for new commercial and industrial developments are proposed to be added in the Development Code. The FAR standard is currently required by the General Plan. The FAR in the C2, I1, and I2 designations is 1.0; and the FAR in the C1 and C3 designations is 0.5. A FAR of 1.0 means a building can occupy 100% of the property and a FAR of 0.5 means a building can occupy 50% of the property, provided that the other development standards are met.

Article XI & Article XII: Commercial/Industrial Design Guidelines. The DCA proposes to adopt the architectural guidelines from the Main Street and Freeway Corridor Specific Plan. The guidelines would apply to new commercial and industrial developments outside the Specific Plan. The architectural standards are already required, except that the standards would be more specific, by including pictures, detailed descriptions, and illustrations. The proposed changes are intended to improve the quality of new developments in the City.

Article XIII: Public Land Use Designation. The General Plan identifies public facilities as Public School (P-School), Park & Recreation (P-Park/REC), or Government (P-GOVT). The amendments would tie these designations to the Development Code. The General Plan requires a FAR of 2.0 for P-GOV and the amendments would include the FAR standard.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 16.12.415(B)(10) of the City's CEQA Guidelines. The proposed Ordinance does not expand the allowable uses,

change intensities, or grant entitlements not already permitted by the Development Code or General Plan.

Conclusion: The proposed Development Code Amendment makes the code consistent with the General Plan and reformats the Commercial/Industrial Land Use Designation regulations making it easy to use. The proposed Ordinance is intended to improve the overall quality of new developments in the City.

FISCAL IMPACT

None.

ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENT

1. Current Commercial and Industrial District regulations
2. Resolution No. PC-2011-34, adopting DCA11-10245, with Exhibit "A"

ARTICLE X. RESERVED*

ARTICLE XI. COMMERCIAL DISTRICTS

16.16.460 Purpose and intent.

A. Purpose. The primary purpose of the commercial districts is to provide areas in which business may be conducted, goods sold and distributed, services rendered, public activities offered and such other activities as are related to the function of the commercial development. The several commercial zones are intended to fulfill the need for shopping areas which range in size and composition from a neighborhood shopping facility to a regional shopping center. The standards of development are designed to make the various commercial areas compatible with any adjacent development.

In addition to the above, it is the further purpose of the commercial districts:

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the city in a manner consistent with the general plan;
2. To protect commercial areas from excessive noise, illumination, unsightliness, odor, smoke and other objectionable influences;
3. To provide employment opportunities for existing and future residents of the city and those of adjacent communities; and
4. To provide for land uses which meet the needs of local residents, in addition to attracting regional populations.

B. Intent. The intent of the individual commercial zone districts are as follows:

1. C-1, Neighborhood Commercial District. This district is intended to provide areas for immediate day-to-day convenience shopping and services for the residents of the immediate neighborhood. Site development regulations and performance standards are intended to make such uses compatible to and harmonious with the character of surrounding residential or less intense land use area.

2. C-2, General Commercial District. This district is intended to provide opportunities for the full range of retail and service businesses accessible from all areas of the city and surrounding communities for the purchase of primary shopper's goods. The regulations and development standards set forth in this code are those deemed necessary and desirable in order to provide an environment which is conducive to the maintenance of an efficient and economically sound business district.

3. C-3, Service Commercial District. This district is intended to be primarily supportive to the commercially oriented consumer, business-to-business retail and wholesale sales and services, and to provide convenient services for people employed within the industrial area. In no case shall any use or operation detrimentally effect adjacent land uses of the community environment as a whole. Operations are conducted in enclosed buildings and no outdoor storage is permitted.

4. C-4, Regional Commercial District. This district is intended for regional commercial activities and services of a more intensive nature. These uses would be located primarily along major transportation routes and would include major shopping facilities, major service oriented uses and major financial and corporate headquarters which are designed to serve the region as a whole. (Ord. 193 Ex. A (§ 85.01.010), 1994)

*Editor's note—Ord. No. 2009-02, § 1, adopted Aug. 4, 2009, deleted Article X, which pertained to the Commercial Resort (CR) District and derived from SBCC, § 86.0255(a)—86.0255(n); and Ord. 250 (part), 1997.

16.16.465 Permitted uses.

The list below represents those uses in the commercial/industrial zone districts which are subject to a site plan review (R) or conditional use permit (C) as specified in Chapter 16.12 (Permits and Procedures). Uses not specifically listed below are prohibited, unless found similar to, and no more objectionable than other permitted uses in the applicable zone district pursuant to planning director approval:

Table 1
COMMERCIAL AND INDUSTRIAL DISTRICTS LIST OF PERMITTED USES

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|-----|-----|-----|-----|-----|-----|
| Ammunition (manufacturing) | | | | | | C |
| Ammunition | | R | R | R | R | |
| Amusement enterprises and video arcades | | R | | R | | |
| Apparel, clothing, garments and accessories | | R | R | R | | |
| Appliances and repair | | R | R | R | R | |
| Aquatic supplies and apparatus-business service | | R | R | R | | |
| Asphalt felts and coatings (manufacturing) | | | | | | C |
| Auction services, exchange or barter | | | R | | R | R |
| Auto glass shops | | R | R | R | R | |
| Auto and motorcycle repair and tune-up, conducted within an enclosed building | | R | R | R | R | |
| Auto and motorcycle repair and tune-up, conducted within an enclosed building - wholesale | | | R | R | R | R |
| Auto wash | | R | R | R | R | |
| Auto related goods-no outdoor installation or service permitted | | R | R | R | | |
| Auto mall | | R | | R | | |
| Auto body and paint shops | | R | R | R | R | |
| Automobile rental | | R | | R | R | |
| Automobile parking lot | C | C | | | | |
| Automobile and recreational vehicle sales | | R | | R | | |
| Automotive machine shop | | R | R | R | R | R |
| Automotive smog or lube center, exclusive of auto repair or tune-up | | R | R | R | | |
| Bakery | R | R | | R | | |
| Bank | R | R | | R | | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|--|-----|-----|-----|-----|-----|-----|
| Bar and cocktail lounge including dancing and entertainment | | R | | R | | |
| Barber | R | R | R | R | | |
| Beauty school | | R | R | R | | |
| Bicycles and parts | R | R | R | R | | |
| Biological products (manufacturing) | | | | | | R |
| Boat repair | | | | | R | R |
| Boat sales and service | R | R | R | R | | |
| Boat manufacturing | | | | | R | R |
| Book or stationery store | R | R | | R | | |
| Bottling and canning soft drinks and carbonated waters (manufacturing) | | | | | R | R |
| Building and loan office, savings and loan bank | R | R | | R | | |
| Bus garaging and equipment maintenance | | | | | C | C |
| Bus passenger terminals | | C | | C | | |
| Business and stenographic schools | | C | C | R | | |
| Cable and subscription TV facilities | | R | R | | | |
| Candles and wax (manufacturing) | | | | | | R |
| Candy and confectioneries | R | R | R | R | | |
| Candy and other confectionery products (manufacturing) | | | | | R | R |
| Canning fruits, vegetables, preserves, jams, jellies and other foods (manufacturing) | | | | | | R |
| Carpentry, wood flooring, cabinets and doors | | R | R | | R | R |
| Cemetery | R | R | R | R | R | R |
| Chemical fertilizer (manufacturing) | | | | | | C |
| Churches, synagogues, mosques or other houses of worship | R | R | R | R | R | R |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|--|-----|-----|-----|-----|-----|-----|
| Cigars, cigarettes and other tobacco products (wholesale) | | | R | | R | R |
| Clinic; medical, dental, chiropractic or chiroprapist | R | R | | R | | |
| Clothing apparel (manufacturing) | | | | | R | R |
| Club or lodge (non-profit), fraternal or religious association | C | C | | | | |
| Coating, engraving and allied services | | | | | R | R |
| Colleges and universities | R | R | R | R | | |
| Commercial lighting | | R | R | | R | |
| Communication equipment (manufacturing) | | | | | | R |
| Composting plants | | | | | | R |
| Contractor and building trade offices | R | R | R | R | R | |
| Convention facilities | | R | | R | | |
| Correspondence schools | | C | C | R | | |
| Cotton (manufacturing) | | | | | | R |
| Cut stone and stone products (manufacturing) | | | | | | R |
| Cutlery and hand tools (manufacturing) | | | | | R | R |
| Cutlery | | R | R | R | | |
| Dairy products (manufacturing) | | | | | | R |
| Delicatessen | R | R | R | R | | |
| Dishes, earthenware (whiteware) table and kitchen articles, etc. | | R | R | R | | |
| Draperies, curtains and upholstery | | R | R | R | | |
| Dressmaker or millinery shop | R | R | | R | | |
| Driving instruction and or traffic school | | R | R | R | | |
| Drug proprietaries and sundries | R | R | R | R | | |
| Dry cleaners | R | R | R | | | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|-----|-----|-----|-----|-----|-----|
| Educational supplies | R | R | R | R | | |
| Electrical apparatus, appliances, machinery, equipment and supplies (manufacturing) | | | | | R | R |
| Electrical apparatus, machinery, equipment and supplies | | R | R | R | R | |
| Electrical equipment repair | | R | | R | R | |
| Electrical, gas, water and sewage transmission facilities | C | C | C | C | C | C |
| Equipment rental and leasing - outdoor | | | | | R | |
| Equipment rental and leasing - indoor | | R | R | R | | |
| Equipment and supplies for service establishments | | R | R | R | R | |
| Extermination | | R | R | | R | |
| Farm products warehousing and storage (except stockyards) | | R | | | R | R |
| Florist or gift shop | R | R | R | R | | |
| Food lockers (with or without food preparation facilities) | | R | R | | R | |
| Footwear (manufacturing) | | | | | | R |
| Freight yard | | | | | C | C |
| Frozen fruits, fruit juices, vegetables and specialties (manufacturing) | | | | | R | R |
| Fruits and vegetables | | R | R | R | | |
| Fuel storage | | | | | R | R |
| Fuel and fuel oil distributor | | | | | R | R |
| Furniture | | R | R | R | | |
| Garden supply tools and seed stores | R | R | R | R | | |
| Gas station, exclusive of automotive repair | R | R | R | R | | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|-----|-----|-----|-----|-----|-----|
| General warehousing and storage | | | | | R | R |
| Glass, plates and windows, etc. (manufacturing) | | | | | | R |
| Glass, plate and window | | R | R | R | | |
| Government facilities | R | R | R | R | R | R |
| Groceries and related products | R | R | R | R | | |
| Gym | | R | R | R | | |
| Hardware and electrical supplies | R | R | R | R | | |
| Hazardous chemical and material storage | | | | | | C |
| Heating and cooling apparatus, equipment and plumbing fixtures and supplies (manufacturing) | | | | | R | R |
| Heating and cooling apparatus, equipment, plumbing fixtures and supplies | | R | R | R | R | |
| Heavy equipment repair | | | | | R | R |
| Heavy equipment storage and services | | | | | R | R |
| Helicopter landing and take-off pads | | C | | C | C | C |
| Historical and monument sites | R | R | R | R | R | R |
| Home improvement centers | | R | R | R | | |
| Hotel | | R | | R | | |
| Ice | | R | R | R | R | R |
| Impound yard | | | | | C | C |
| Janitorial | | R | R | | R | |
| Jewelry, precious metals and related materials | | R | R | R | | |
| Landscaping services | | R | R | | R | |
| Large equipment repair-mobile | | | R | | R | |
| Laundering and dry cleaning plants | | | | | R | R |
| Laundromat | R | R | | | | |
| Leather goods (manufacturing) | | | | | | R |
| Locksmith | R | R | R | R | R | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|--|-----|-----|-----|-----|-----|-----|
| Lumber yards | | | | | R | R |
| Machine shop and welding | | | | | R | R |
| Mail order houses | | R | R | R | R | |
| Manufactured housing | | | | | R | R |
| Medical and dental laboratories, and other health and medical services not providing direct patient care | R | R | R | | R | |
| Merchandise vending machine operators | | R | R | R | R | R |
| Metal cans (manufacturing) | | | | | | R |
| Microwave and radio communication towers and facilities | | | R | | R | R |
| Millwork | | | R | | R | R |
| Mini-marts | R | R | R | R | | |
| Mini-storage | | R | C | | C | C |
| Miscellaneous plastic products (manufacturing) | | | | | | R |
| Mortuary | | R | | | | |
| Motel | | C | | R | | |
| Motion picture services | | R | R | R | R | |
| Museums, art galleries, library and reading room | R | R | | R | | |
| Musical instruments parts and supplies | | R | R | R | | |
| Newspaper and magazines | R | R | R | R | | |
| Newspapers, publishing and printing | | R | | R | R | R |
| Nonalcoholic beverages (wholesale) | | | R | R | R | |
| Nursery | | R | R | R | | |
| Office furniture and accessories | | R | R | R | | |
| Offices (general), including direct patient care | R | R | R | R | | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|-----|-----|-----|-----|-----|-----|
| Parks, playgrounds and athletic fields | C | C | C | C | C | |
| Permanent asphalt batch plants | | | | | | C |
| Pet shop or taxidermist | | R | | R | | |
| Pet supplies (wholesale) | | | R | R | R | |
| Pharmaceutical (manufacturing) | | | | | C | R |
| Pharmacies | R | R | R | R | | |
| Photocopying | R | R | R | R | | |
| Photographic studios and processing | R | R | R | R | | |
| Planetariums, aquariums, botanical gardens and zoos | | R | | R | | |
| Portable storage shed display, sales and/or assembly | | R | | R | R | |
| Printing, publishing, lithographing or reproducing | | R | | R | R | |
| Radio and television broadcasting studios | | R | | R | R | R |
| Railroad passenger terminals | | C | C | C | C | C |
| Recreational vehicle storage | | R | R | | R | |
| Recycling centers | | | | | C | C |
| Research, development and testing services and labs | | C | | C | R | R |
| Restaurant supplies | | R | R | R | | |
| Restaurants | R | R | R | R | | |
| Retail (general) | | R | | R | | |
| Retail malls | | R | | R | | |
| Rug cleaning and repair | | R | R | | R | |
| Salvage and wrecking yards | | | | | | C |
| Schools - elementary, intermediate and senior high, public or private | C | C | C | C | | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|-----|-----|-----|-----|-----|-----|
| Signs (manufacturing) | | | R | | R | R |
| Silk screening | R | R | R | R | | |
| Small arms | | R | R | R | R | |
| Specialty cleaning, polishing and sanitation preparations | | | | | R | R |
| Specialty fabrication, manufacturing and rebuilding | | | R | R | R | R |
| Stationery supplies | R | R | R | R | | |
| Studio for professional work in or the teaching of any form of fine arts | R | R | R | R | | |
| Surface active agents, finishing agents, sulfonated oils and assistants (manufacturing) | | | | | | R |
| Swap meets | | C | | | R | |
| Tailor | R | R | | | | |
| Textiles (manufacturing) | | | | | R | R |
| Theater | | R | | R | | |
| Thrift shop | | R | | | | |
| Tire shop | | R | R | R | R | |
| Toys, amusement, sporting and athletic goods | | R | R | R | | |
| Truck rental | | | | R | R | |
| Truck terminal, storage parking and repair | | | | R | C | C |
| Truss yards | | | | | R | R |
| Uniform rental | | R | R | R | | |
| Upholstery and furniture repair | | R | R | | R | |
| Urgent care facilities | R | R | R | R | | |
| Veneer and plywood (manufacturing) | | | | | | C |
| Veterinary clinic, exclusive of outdoor operations | R | R | | R | | |

Table 1 (Continued)

| | C-1 | C-2 | C-3 | C-4 | I-1 | I-2 |
|---|-----|-----|-----|-----|-----|-----|
| Video | R | R | | R | | |
| Vitreous china plumbing fixtures, earthenware fittings and bathroom accessories (manufacturing) | | | | | | R |
| Vocational, trade and special training schools | | R | R | | C | |
| Water well drilling | | | | | C | C |
| Wedding chapel | | R | | R | | |
| Welding and metal repair | | | | | R | R |

(Ord. 2004-05 § 4 (part), 2004; Ord. 193 Exh. A (§ 85.01.020), 1994)

16.16.470 Development standards generally.

The development standards set forth in this code are intended to provide minimum standards for the development and use of land within the commercial districts. These development standards should be used in conjunction with the design guidelines which are set forth in Sections 16.16.485 through 16.16.535. Use of the design guidelines in conjunction with these criteria will assist the designer in determining the best design for any given development project.

A. Site Dimensions and Height Limitations. The following table sets forth the minimum lot dimensions and height limitations. The creation of new lots within these zones shall conform to these minimum dimensions, except in the case when a site plan review, conditional use permit or planned development is submitted, in which case, no minimums are established. This exception is only applicable when the sites in question are being developed as one integrated development and appropriate measures are taken to insure reciprocal access, parking and maintenance.

Table 2
SITE DIMENSIONS AND HEIGHT LIMITATIONS

| | C-1 | C-2 | C-3 | C-4 |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|
| Gross lot area ^(a) | 2 ½ acres | 5 acres | 2 ½ acres | 10 acres |
| Lot width | 300' | 300' | 300' | 400' |
| Lot depth | 300' | 300' | 300' | 400' |
| Height limitations | 35' ^(b) | 35' ^(b) | 35' ^(b) | 65' ^(b) |

Notes:

(a) This standard is only required for new commercial subdivisions.

(b) Proposals for development exceeding this height shall require the approval of a variance.

B. **Setbacks.** The following table sets forth the minimum setbacks for buildings and the amount of setback to be landscaped. These provisions apply equally to all of the commercial districts.

**Table 3
SETBACKS**

| | Building | Minimum Landscaping
Adjacent to Property Lines |
|--|-----------------|---|
| STREET YARD SETBACK
(measured from the ultimate right-of-way): | | |
| Front yard | 25' | 8' |
| Side yard | 15' | 8' |
| REAR PROPERTY LINE SETBACKS: | | |
| Adjacent to residential zoning | 20' | 5' |
| Adjacent to commercial or industrial zoning | 0' | 0' |
| INTERIOR SIDE PROPERTY LINE SETBACK: | | |
| Adjacent to residential zoning | 20' | 5' |
| Adjacent to commercial or industrial zoning | 0' | 0' |

The following table lists the reduced setback distances permitted in the commercial and industrial zones (providing all required street improvements are incorporated into the developed area) and provides the minimum building and landscaping features required when granting the reductions.

**Table 4
VARIABLE SETBACKS**

| Required Street
Setback | Building Features | Landscaping Features |
|------------------------------------|---|---|
| 15 feet | Pedestrian oriented store fronts with window merchandise display. Outside sit-down dining or waiting areas permitted. Design articulation required e.g. pop-outs, change in plane, change in materials. | 7% of site in approved landscaping to include features within the parking area. Shade trees required in parking lot. Landscaping along public street frontages shall be xeriscape with drip irrigation. |
| 10 feet | Same as above plus 70% glass along street frontages. Varied roof line. Recessed entrances, plazas and courtyards required to offset any building frontage over 50 lineal feet. | Same as above but 10% landscaping with parking lot planters separating parking aisle areas. Varied composition, density and height of landscaping along street frontages and around buildings. |

The application reviewing authority is responsible for the granting of variable building setbacks. The reviewing authority may require submittal of renderings and landscape design (including plant species photography) and/or an architectural palate prior to approval of variable setbacks. (Ord. 278 Exh. A (§ 2), 1999; Ord. 193 Exh. A (§ 85.01.030(A)), 1994)

16.16.475 Commercial land use district standards.

The following standards shall apply to development in all commercial districts, except as otherwise provided for in this code:

A. Any site plan review, conditional use permit or planned development accompanied by a map or merger combining two or more lots shall have the map or merger fees waived;

B. A commercial development adjacent to any residential zone district shall have a six foot high decorative masonry wall or wood crete along property lines adjacent to such districts;

C. All uses shall be conducted within a completely enclosed structure; except those specific uses approved by a site plan review, conditional use permit or special event permit;

D. There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;

E. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with building and safety department standards and be of sufficient size to accommodate the trash generated. The gate shall be maintained in working order and shall remain closed except when in use;

F. All roof-mounted equipment, including air conditioning or heating equipment, vents or ducts shall, whenever possible, not be visible from any adjacent public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s); and

G. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way. (Ord. 193 Exh. A (§ 85.01.030(B)), 1994)

16.16.480 Specific land use standards.

In addition to the general development requirements contained in Chapter 16.20 (General Regulations), the following standards shall apply to specific commercial land uses.

A. Motor Vehicle Sales. A site plan review shall be required, and all dealerships must be constructed in the following manner:

1. All parts, accessories, etc., shall be stored within a fully enclosed structure;
2. Service and associated car storage areas shall be completely screened from public view;
3. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys;
4. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys;
5. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces; and
6. No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.

B. Salvage and Wrecking Yards. Automobile salvage and wrecking yards establishments are subject to conditional use permit review and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in a dirt or otherwise not fully improved area;
2. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses;
3. Repair activities and vehicle loading and unloading shall be prohibited on adjoining public rights-of-way;
4. Service bays with individual access from the exterior of the structure shall not face adjacent public rights-of-way;
5. All repair activities shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited;
6. Exterior noise shall not exceed sixty-five (65) dBA at the property line;
7. The premises shall be kept in a neat and orderly condition at all times;
8. All used or discarded automotive parts or equipment or permanently disabled, junked or dismantled vehicles shall be permanently screened from public view; and
9. All hazardous materials resulting from the repair or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

C. Convenience Stores. The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than five thousand (5,000) square feet is subject to site plan review, and shall be constructed and operated in the following manner:

1. One access drive may be permitted for each street frontage with approval of city engineer. The design and location of the access drive(s) shall be subject to the approval of the development review committee;
2. The premises shall be kept in a neat and orderly condition at all times;
3. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 16.16.480(G) (Service Station Standards). Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
4. A bicycle rack shall be installed in a convenient location visible from the inside of the store;
5. Each convenience store shall provide a public restroom located within the store;
6. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.

D. Drive-thru Restaurants. This section contains standards for drive-thru restaurants. Drive-thru restaurants are subject to site plan review.

1. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping;
2. Drive-thru aisles shall have a minimum thirteen (13) foot width on curves and a minimum twelve (12) foot width on straight sections;
3. Drive-thru aisles shall provide sufficient stacking area behind menu board and pick-up window to accommodate a minimum of four cars each;
4. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from view;
5. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of readerboard signs and directional signs;
6. Drive-thru aisles and structures shall be setback from the ultimate curb face a minimum of ten feet;
7. Menu boards shall be a maximum of thirty (30) square feet, with a maximum height of seven feet, and shall not face the street;
8. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza; and

9. Drive-thru aisles should not exit directly onto a public right-of-way.

E. Mini-malls. Mini-malls (small scale, up to fifty thousand (50,000) square feet, multi-tenant shopping centers) are subject to a site plan review and shall comply with the following standards.

1. All development and operational standards outlined in Section 16.16.480(C) (Convenience Stores), shall apply;
2. The development shall provide internal continuity, uniformity and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking and signage;
3. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent commercial developments; and

4. No outdoor displays or sale of merchandise shall be permitted. However, limited outdoor sales may be allowed subject to the issuance of a special event permit.

F. Mini-storage. Mini-storage facilities are subject to a site plan review and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures, drainage facilities and landscaping;
2. The site shall be completely enclosed with a six foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use;
3. No business activity shall be conducted other than the rental of storage spaces for inactive storage use or the sale of unclaimed articles by the landlord;
4. All storage shall be located within a fully enclosed structure(s);
5. No flammable or otherwise hazardous materials shall be stored on-site;
6. Residential quarters for a manager or caretaker may be provided in the development;
7. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking;
8. Boats, recreational vehicles, campers, trailers, etc., may be stored on-site if located behind buildings and not visible from the public right-of-way;
9. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to seven a.m. to nine p.m., Monday through Saturday, and nine a.m. to nine p.m. on Sundays;
10. Mini-storage facilities shall not be permitted within six hundred sixty (660) feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway; and
11. Storage facilities may be developed in conjunction with a residential development, provided that the facility is for the sole use of the residents, is designed as an integrated part of the project and may not contain garages or parking spaces that exceed the dwelling units within the associated residential development.

G. Service Station (Gasoline) Standards. Service stations are subject to a site plan review and shall comply with the following standards:

1. New service stations shall not adjoin a residential zone district;
2. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - a. The dispensing of petroleum products, water and air from pump islands,
 - b. The provision of emergency service of a minor nature, and
 - c. The sale of items via vending machines which shall be placed next to the main structure in a designated area;
3. Pump islands shall be located a minimum of twenty (20) feet from a street property line; however, a canopy or roof structure over a pump island may encroach up to ten feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
4. The maximum number of points of ingress/egress to any one street shall be two;
5. The width of a driveway may not exceed forty (40) feet at the sidewalk;
6. Outside storage of motor vehicles is prohibited. Temporary storage, up to seventy-two (72) hours, is permitted if adequately screened from the public right-of-way;
7. No vehicles may be parked on sidewalks, parkways, driveways or alleys;
8. No vehicle may be parked on the premises for the purpose of offering same for sale;
9. Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties;

10. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure;

11. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties;

12. Where an existing service station adjoins property in a residential land use district, a six foot high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front-yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of thirty (30) inches;

13. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening;

14. Delivery areas for fuel or merchandise shall be located in a fashion so as not to significantly interfere with normal business operations.

H. Service Station Conversions. A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling and any additional standards as required by this code. (Ord. 2004-05 § 4 (part), 2004; Ord. 193 Exh. A (§ 85.01.030(C)), 1994)

16.16.485 Design guidelines generally.

A. The following design guidelines are intended as a reference framework to assist the designer in understanding the city's goals and objectives for quality development within the commercial districts. The guidelines complement the mandatory site development regulations contained in this code by providing design interpretations of the various mandatory regulations.

B. The guidelines will be utilized during the city's development review process to encourage quality design while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. (Ord. 193 Exh. A (§ 85.01.040(A)), 1994)

16.16.490 General design principles.

A. Desirable Elements of Project Design. The qualities and design elements for commercial structures that are most desirable include:

1. Richness of surface and texture;
2. Significant wall articulation (insets, canopies, wing walls, trellises);
3. Multi-planed, pitched roofs;
4. Roof overhangs, arcades;
5. Regular or traditional window rhythm;
6. Articulated mass and bulk;
7. Significant landscape and hardscape elements;
8. Prominent access driveways; and
9. Landscaped and screened parking.

B. Design Elements to be Discouraged. The elements to avoid or minimize include:

1. Large blank, unarticulated wall surfaces;
2. Unpainted concrete precision block walls;
3. Highly reflective surfaces;
4. Plastic siding;
5. Square "boxlike" structures;
6. Mix of unrelated styles (i.e., rustic wood shingles and polished chrome);
7. Visible outdoor storage, loading and equipment areas; and
8. Disjointed parking areas and confusing circulation patterns.

(Ord. 193 Exh. A (§ 85.01.040(B)), 1994)

16.16.495 Site planning.

Placement of structures should consider the existing built context of the commercial area, the location of incompatible land uses, the location of major traffic generators as well as an analysis of a site's characteristics and particular influences.

A. Structures should be sited in a manner that will complement the adjacent structures. Sites should be developed in a coordinated manner to provide order and diversity and avoid a jumbled, confused development.

B. Whenever possible, new structures should be clustered. This creates plazas or pedestrian malls and prevents long "barracks-like" rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure.

C. Locate structures and on-site circulation systems to minimize pedestrian/vehicle conflicts where possible. Link structures to the public sidewalk where possible with textured paving, landscaping and trellises.

D. Recognize the importance of spaces between structures as "outdoor rooms" on the site. Outdoor spaces should have clear recognizable shapes that reflect careful planning and are not simply "left over" areas between structures. Such spaces should provide pedestrian amenities such as shade, benches, fountains, etc.

E. Freestanding, singular commercial structures should be oriented with their major entry toward the street where access is provided, as well as having their facade parallel to the street.

F. Loading facilities should not be located at the front of structures where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.

G. Open space areas should be clustered into larger, predominant landscape areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or areas of little impact to the public view, where they are not required as a land use buffer or as a required yard setback. (Ord. 193 Exh. A (§ 85.01.040(C)), 1994)

16.16.500 Parking and circulation.

Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer should analyze the following factors: ingress and egress with consideration to possible conflicts with street traffic; pedestrian and vehicular conflicts; on-site circulation and service vehicle zones and the overall configuration and appearance of the parking area.

A. Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.

B. Parking aisles should be separated from vehicle circulation routes whenever possible.

C. Common driveways which provide vehicular access to more than one site are encouraged.

- D. Parking areas shall be landscaped, receiving interior as well as perimeter treatment.
- E. Parking areas should be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut the structures should be avoided.
- F. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.
- G. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
- H. Whenever possible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not possible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.
- I. Parking access points, whether located on front or side streets should be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points should be limited to the minimum amount necessary to provide adequate circulation.
- J. Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.
- K. Parking areas and pedestrian walkways should be visible from structures to the greatest degree possible.
- L. The parking area should be designed in a manner which links the structures to the street sidewalk system as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, or a special landscaping treatment.
- M. Parking areas which accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of large parking areas.
- N. 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. (Ord. 193 Exh. A (§ 85.01.040(D)), 1994)

16.16.510 Walls and fences.

A. If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. The intent is to keep the walls as low as possible while performing their screening and security functions.

B. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls or fences should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.

C. When security fencing is required, it should be a combination of solid walls with pillars and decorative view ports, or short solid wall segments and wrought iron grill work.

D. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided. (Ord. 193 Exh. A (§ 85.01.040(F)), 1994)

16.16.515 Screening.

A. Screening for outdoor storage should be a maximum of six feet high. Chain link fencing with metal slatting is an acceptable screening material for areas of any lot not visible from the street. Exterior storage should be confined to portions of the site least visible to public view.

B. Where screening is required, a combination of elements should be used including solid masonry walls, berms and landscaping. Chainlink fencing with wood or metal slatting is not permitted when visible from the public right-of-way.

C. Any outdoor equipment, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable. (Ord. 193 Exh. A (§ 85.01.040(G)), 1994)

16.16.520 Architectural design guidelines.

A. Heights of structures should relate to adjacent open spaces to allow maximum sun and ventilation, protection from prevailing winds, enhance public views of surrounding mountains and minimize obstruction of view from adjoining structures.

B. There are several ways to enhance the appearance of large structures.

1. Vary the planes of the exterior walls in depth and/or direction;
2. Vary the height of the buildings so that it appears to be divided into distinct massing elements;
3. Articulate the different parts of a building's facade by use of color, arrangement of facade elements, or a change in materials;
4. Use landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building;
5. Avoid blank walls at the ground floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials, or other features; and
6. All structure elevations should be architecturally treated.

C. Scale, for purposes here, is the relationship between the size of the new structure and the size of adjoining permanent structures. It is also how the proposed building's size relates to the size of a human being. Large scale building elements will appear imposing if they are situated in a visual environment which is predominantly smaller in scale.

1. Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures and other details;
2. The scale of buildings should be carefully related to adjacent pedestrian areas (i.e. plazas, courtyards) and other structures; and

3. Large dominating structures should be broken up by: (a) creating horizontal emphasis through the use of trim; (b) adding awnings, eaves, windows or other architectural ornamentation; (c) use of combinations of complementary colors; and (d) landscape materials.

D. The use of standardized "corporate" architectural styles when designed in concert with city architectural guidelines are strongly encouraged.

E. Much of the existing color in the city is derived from the primary building's finish materials such as brick, wood, stucco and terra cotta tile. Also dominant are earth tones that match these natural materials.

1. Large areas of intense white color should be avoided. Subdued colors usually work best as a dominant overall color, a bright trim color may be appropriate;

2. The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design guidelines;

3. Wherever possible, minimize the number of colors appearing on the structure's exterior;

4. Primary colors should only be used to accent elements, such as door and window frames and architectural details; and

5. Architectural detailing should be painted to complement the facade and tie in with adjacent structures. (Ord. 193 Exh. A (§ 85.01.040(H)), 1994)

16.16.525 Roofs.

A. All rooftop equipment should be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building.

B. The following roof materials should not be used:

1. Corrugated metal (standing rib metal roofs are permitted);

2. Highly reflective surfaces (copper roofs may be considered); and

3. Illuminated roofing. (Ord. 193 Exh. A (§ 85.01.040(I)), 1994)

16.16.530 Awnings.

A. The use of awnings along a row of contiguous structures should be restricted to awnings of the same form and location. Color of the awnings should be consistent and a minimum eight foot vertical clearance should be maintained.

B. Plexiglas, metal and glossy vinyl illuminated awnings are strongly discouraged. Canvas, treated canvas, matte finish vinyl and fabric awnings are encouraged.

C. Internally lit awnings should not be used. (Ord. 193 Exh. A (§ 85.01.040(J)), 1994)

16.16.535 Lighting.

A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, pathways and working areas.

B. The design of light fixtures and their structural support should be architecturally compatible with the main structures on-site. Illuminators should be integrated within the architectural design of the structures.

C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.

D. All lighting fixtures must be shielded to confine light spread downward and within the site boundaries. (Ord. 193 Exh. A (§ 85.01.040(K)), 1994)

ARTICLE XII. INDUSTRIAL DISTRICTS

16.16.540 Purpose and intent.

A. Purpose. The primary purpose of the industrial districts is to provide a mix of industrial uses that provide the city with a sound, diversified industrial and economic base and provide a range of employment activities. It is the further intent of this code to accomplish this through establishing high standards of site planning and landscape design for industrial developments within the city, while protecting the industrial area from excessive noise, illumination, unsightliness, odor, smoke, toxic wastes and other objectionable influences.

In addition to the above, it is the further purpose of the industrial districts:

1. To ensure consistency with the industrial and industrial/commercial land use designations on the general plan land use map;
2. To establish an appropriate industrial area to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment;
3. To minimize traffic congestion; and
4. To protect those land areas best suited for industrial activity by virtue of their location, parcel size, accessibility, infrastructure and other criteria, from encroachment by residential and other incompatible uses.

B. Intent. The intent of the individual industrial zone districts are as follows:

1. I-1, Limited Manufacturing District. This zone is intended to provide for light industrial, light manufacturing and industrial support uses mainly conducted within enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. These uses may be located on sites close to businesses and manufacturing activities evidencing similar characteristics.
2. I-2, General Manufacturing District. This zone is intended to provide for the full range of manufacturing, fabrication, assembly, warehousing and distribution use types associated with heavy industrial land uses, including outside manufacturing, warehousing and storage. Uses associated with this district may produce a moderate environmental impact, such as noise, vibration, air pollution, glare or waste disposal.

These uses should not be located close to residences or general retail businesses serving the general public; in addition, special control measures may be required to assure compatibility with other manufacturing activities and that the environmental impact does not appreciably extend beyond the zoning district. (Ord. 193 Exh. A (§ 85.02.010), 1994)

16.16.545 Permitted uses.

The list which represents those uses in the industrial zone districts which are subject to a site plan review (R), or a conditional use permit (C) is presented in Section 16.16.465 and Table 1. (Ord. 193 Exh. A (§ 85.02.020), 1994)

16.16.550 Development standards generally.

The development standards set forth in this code are intended to provide minimum standards for the development and use of land within the industrial districts. These development standards should be used in conjunction with the design guidelines which are set forth in Sections 16.16.560 through 16.16.605. Use of the design guidelines in conjunction with these criteria will assist the designer in determining the best design for any given development project.

A. Site Dimensions and Height Limitations. The following table sets forth the minimum lot dimensions and height limitations. The creation of new lots within these zones shall conform to these minimum dimensions, except in the case when a site plan review, conditional use permit or planned development is submitted, in which case, no minimums are established. This exception is only applicable when the sites in question are being developed as one integrated development and appropriate measures are taken to insure reciprocal access, parking and maintenance.

**Table 1
SITE DIMENSIONS AND
HEIGHT LIMITATIONS**

| | I-1 | I-2 |
|-------------------------------|--------------------|--------------------|
| Gross lot area ^(a) | 1 acre | 2 1/2 acres |
| Lot width | 150' | 300' |
| Lot depth | 200' | 300' |
| Height limitations | 50' ^(b) | 50' ^(b) |

Notes:

(a) This standard is only required for new industrial subdivisions.

(b) Proposals for development exceeding this height shall require the approval of a variance.

B. Setbacks. The following table sets forth the minimum setbacks for buildings and parking facilities, as well as the amount of the setback to be landscaped. These provisions apply equally to each of the two industrial districts.

**Table 2
SETBACKS**

| | Building | Minimum Landscaping
Adjacent to Property Lines |
|--|-----------------|---|
| STREET YARD SETBACK
(measured from the ultimate right-of-way): | | |
| Front yard | 25' | 8' |
| Side yard | 15' | 5' |
| REAR PROPERTY LINE SETBACKS: | | |
| Adjacent to residential zoning | 50' | 10' |
| Adjacent to commercial or industrial zoning | 0' | 0' |
| INTERIOR SIDE PROPERTY LINE SETBACK: | | |
| Adjacent to residential zoning | 50' | 10' |
| Adjacent to commercial or industrial zoning | 0' | 0' |

**Table 3
VARIABLE SETBACKS**

| Required Street Setback | Building Features | Landscaping Features |
|--------------------------------|--|--|
| 15 feet | Outside break or waiting areas permitted. Design articulation required e.g. pop-outs, change in plane, change in materials. | 7% of street/parking lot area in approved landscaping to include features within the parking area. Shade trees required in parking lot. Landscaping along public street frontages shall be xeriscape with drip irrigation. |
| 10 feet | Same as above plus 70% glass along street frontages. Varied roof line. Recessed entrances, plazas and courtyards required to offset any building frontage over 50 lineal feet. | Same as above but 10% landscaping with parking lot planters separating parking aisle areas. Varied composition, density and height of landscaping along street frontages and around buildings. |

The application reviewing authority is responsible for the granting of variable building setbacks. The reviewing authority may require submittal of renderings and landscape design (including plant species photography) and/or an architectural palate prior to approval of variable setbacks. (Ord. 278 Exh. A (§ 4), 1999; Ord. 193 Exh. A (§ 85.02.030(A)), 1994)

16.16.555 Industrial land use district standards.

The following standards shall apply to development in all industrial districts, except as otherwise provided for in this code:

A. All uses shall be subject to the approval of a site plan review or a conditional use permit, pursuant to Chapter 16.12;

B. Any I-1 sites which after lot consolidation have a gross area of ten acres or more may be permitted to establish a general manufacturing use permitted in the I-2 zone district, subject to the conditional use permit processes;

C. Any site plan review, conditional use permit or planned development accompanied by a map or merger combining two or more lots shall have the map or merger fees waived;

D. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way;

E. An industrial development adjacent to any residential zone district shall have a six foot high decorative masonry wall along property lines adjacent to such districts;

F. Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:

1. The operations are contained within the main structure which houses the primary use,
2. Retail sales occupy no more than twenty-five (25) percent of the total building square footage,
3. No retail sales or display of merchandise occur(s) outside the structure(s), and
4. All products offered for retail sales on the site are manufactured, warehoused or assembled on the premises;

G. Outside storage shall be confined to the rear of the principal structure(s) or the rear two-thirds of the site, whichever is the more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping;

H. All uses shall be subject to the applicable regulations of this code, including, but not limited to, Chapter 16.12, (Permits and Procedures);

I. In addition to the general development requirements contained in Chapter 16.20 (General Regulations), the standards referred to in Sections 16.16.470 through 16.16.480 and Table 2 shall apply to specific industrial land use districts; and

J. Whenever possible, uses should incorporate air quality mitigation measures, including employee rideshare and transit programs, alternate schedules, delivery management programs, telecommunication programs and other modes of transportation. (Ord. 193 Exh. A (§ 85.02.030(B)), 1994)

16.16.560 Design guidelines, generally.

A. The following design guidelines are intended as a reference framework to assist the designer in understanding the city's goals and objectives for quality development within the industrial districts. The guidelines complement the mandatory site development regulations contained in this code by providing design interpretations of the various mandatory regulations.

B. The guidelines will be utilized during the city's development review process to encourage quality design while at the same time providing the flexibility necessary to encourage creativity on the part of project designers. (Ord. 193 Exh. A (§ 85.02.040(A)), 1994)

16.16.565 Site planning principles.

A. The main elements of industrial site design shall include the following:

1. Controlled site access;
2. Service areas located at the sides and rear of buildings;
3. Convenient access and on-site circulation;
4. Screening of outdoor storage, work areas and equipment; and
5. Emphasis on the main building entry and landscaping.

B. Building setbacks should be provided proportionate to the scale of the structure and in consideration of existing development adjacent to it. Larger structures require more setback area for a balance of scale and so as not to impose on neighboring uses.

C. Where industrial uses are adjacent to nonindustrial uses, appropriate buffering techniques such as setbacks, screening and landscaping need to be provided to mitigate any negative effects of industrial operations. (Ord. 193 Exh. A (§ 85.02.040(B)), 1994)

16.16.570 Parking and circulation.

A. The parking lot and cars should not be the dominant visual elements of the site. Large expansive paved areas located between the street and the building are to be avoided in favor of smaller multiple lots separated by landscaping and buildings.

B. Site access and internal circulation should be designed in a straight forward manner which emphasizes safety and efficiency. The circulation system should be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas where possible, provide adequate maneuvering and stacking areas and consideration for emergency vehicle access. Circulation routes and parking areas should be separated.

C. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided.

D. Vehicles should not be required to enter the street in order to move from one area to another on the same site.

E. The industrial site should be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.

F. Pedestrian linkages between uses in industrial developments should be emphasized, including distinct pedestrian access from parking areas in large industrial developments, such as industrial parks.

G. 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. (Ord. 193 Exh. A (§ 85.02.040(C)), 1994)

16.16.575 Loading facilities.

A. To alleviate the unsightly appearance of loading facilities for industrial uses, these areas should not be located at the front of buildings where it is difficult to adequately screen them from view. Such facilities are more appropriate at the rear of the site where special screening may not be required.

B. When it is not possible to locate loading facilities at the rear of the building, loading docks and doors should not dominate the frontage and must be screened from the street. Loading facilities should be offset from driveway openings.

C. Backing from the public street onto the site for loading into front end docks causes unsafe truck maneuvering and should not be utilized except at the ends of industrial cul-de-sacs where each circumstance will be studied individually at the time of design review. (Ord. 193 Exh. A (§ 85.02.040(D)), 1994)

16.16.585 Walls and fences.

A. Walls will serve a major function in the industrial landscape and will be used to screen loading and storage areas and utility structures. However, if not required for a specific screening or security purpose they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and security functions.

B. Where walls are used at property frontages, or screenwalls are used to conceal storage and equipment areas, they should be designed to blend with the site's architecture. Both sides of all perimeter walls should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.

C. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided. (Ord. 193 Exh. A (§ 85.02.040(F)), 1994)

16.16.590 Screening.

A. Screening for outdoor storage should be a minimum of six feet and a maximum of twelve (12) feet high. The height should be determined by the height of the material being screened. Chain link fencing with metal slatting is an acceptable screening material. Exterior storage should be confined to portions of the site least visible to public view.

B. Where screening is required, a combination of elements should be used including solid masonry walls, wrought iron, pre-cast concrete, chain link fencing with metal slatting and landscaping.

C. Any equipment, whether on the roof, side of building or ground, shall be screened. The method of screening shall be architecturally integrated in terms of materials, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.

D. The need to screen rooftop equipment should be taken into consideration during the initial design phase for the structure. (Ord. 193 Exh. A (§ 85.02.040(G)), 1994)

16.16.595 Architectural design.

A. As a category of structure types, industrial structures often present unattractive and monotonous facades. There are, however, a variety of design techniques which can be utilized to help overcome this situation and to direct development into a cohesive design statement.

1. Employ variety in structure forms, to create visual character and interest;
2. Avoid long, "unarticulated" facades. Facades with varied front setbacks are strongly encouraged;
3. Avoid blank front and side wall elevations on street frontages;
4. All structure elevations should be architecturally treated; and
5. Windows and doors are key elements of any structure's form, and should relate to the scale of the elevation on which they appear. Windows and doors can establish character by their rhythm and variety. Recessed openings help to provide depth and contrast on elevation planes.

B. Design elements which are undesirable and should be avoided include:

1. Highly reflective surfaces at the ground story;
2. Large blank, unarticulated wall surfaces;
3. Exposed, untreated precision block walls;
4. Chain link fence, barbed wire;
5. False fronts;
6. Mansard roofs covering only a small portion of the roofline;
7. Unarticulated building facades; and
8. Materials with high maintenance such as stained wood and wood shingles.

- C. Wall materials that will withstand abuse by vandals or accidental damage from machinery are preferred.
- D. All buildings should be architecturally designed providing variety and visual interest to the streetscape.
- E. Rolling shutter doors located on the inside of the building are the preferred method for providing large loading doors while keeping a clean, uncluttered appearance from the exterior. (Ord. 193 Exh. A (§ 85.02.040(H)), 1994)

16.16.600 Roofs.

- A. All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. Mechanical equipment should be located below the highest vertical element of the building.
- B. The following roof materials should not be used:
 - 1. Corrugated metal (standing rib metal roofs are permitted);
 - 2. Highly reflective surfaces; and
 - 3. Illuminated roofing.
- C. The roof design should be considered as a component of the overall architectural design theme. (Ord. 193 Exh. A (§ 85.02.040(I)), 1994)

16.16.605 Lighting.

- A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, pathways and working areas.
- B. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Illuminators should be integrated within the architectural design for the buildings.
- C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.
- D. One footcandle evenly distributed across a parking lot is the required minimum. At entrances and loading areas, up to two footcandles may be appropriate.

E. All lighting fixtures must be shielded to confine light spread downward and within the site boundaries. (Ord. 193 Exh. A (§ 85.02.040(J)), 1994)

16.16.610 Public/institutional (P-I) district.

A. Purpose and Intent. This zone is intended to preserve and protect public facilities and those privately owned facilities which provide a service to the general public, including schools, churches, post offices, fire stations, hospitals, civic centers, and publicly owned land. Due to the broad service function of this zone and the difficulty of planning all public uses in advance, the Public Institutional zone may be designated throughout the plan area, provided the uses do not conflict with other established uses.

B. Locational Standards.

1. The area is occupied or will be occupied by public or closely related private facilities providing services or functions for the general public.
2. The uses are not detrimental to adjacent land uses.
3. The area has adequate public services and access to accommodate the needs of the proposed use on a given site.
4. The location shall be consistent with the general plan text and maps.

C. Review Procedures. In order to ensure compliance with the general plan, and development code, permitted uses within this zone may be subject to a conditional use permit, site approval or tenant improvement review, in accordance with Chapter 16.12.

D. Permitted uses.

1. Electrical, gas, water and sewage transmission facilities.
2. Radio and television stations and towers.
3. Microwave communication towers and facilities.
4. Government protective functions and postal services.
5. Public works maintenance and storage yards.
6. Vocational, trade and special training schools.
7. Museums and art galleries.
8. Planetariums, aquariums, botanical gardens and zoos.
9. Historical and monument sites.
10. Convention facilities.
11. Parks, playgrounds and athletic fields.
12. Recreation and community centers.
13. Churches, synagogues, mosques or other houses of worship.
14. Elementary, intermediate and senior high schools, public or private.
15. Colleges and universities. (Ord. 126 § 6, 1991)

ATTACHMENT 2

RESOLUTION NO. PC-2011-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT TO AMEND THE COMMERCIAL, INDUSTRIAL AND PUBLIC LAND USE DESIGNATION REGULATIONS (DCA11-10245)

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

WHEREAS, The City of Hesperia Development Code regulations pertain to Commercial, Industrial and Public Land Use Designations; and

WHEREAS, The City finds that it is necessary to amend the Commercial, Industrial, and Public Land Use Designation regulations to be consistent with the City's recently adopted General Plan Land Use designations; and

WHEREAS, The proposed Development Code amendment is exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Development Code Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan. The proposed Ordinance does not expand the allowable uses, change densities, or grant entitlements not already permitted by the Development Code and General Plan; and

WHEREAS, On September 8, 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 adoption of Development Code Amendment DCA11-10245, amending the Commercial, Industrial and Public Land Use Designation regulations as shown on Exhibit "A."

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

ADOPTED AND APPROVED on this 8th day of September 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine, Secretary, Planning Commission

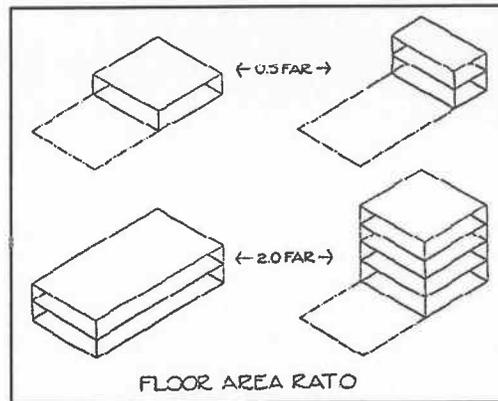
EXHIBIT "A"

The following definition shall be added to Chapter 16.08, as follows:

16.08.237 Floor-area ratio.

The "Floor-area ratio" or "FAR" means the ratio of the total gross floor area of all buildings on a lot to the total gross area of the lot or parcel. Exhibit "A" provides examples of the calculation of the FAR on a specific piece of property.

Exhibit "A"



Article IX. Administrative and Professional Office (AP) District shall be deleted in its entirety and replaced with the following:

ARTICLE IX. COMMERCIAL & INDUSTRIAL LAND USE DESIGNATIONS

16.16.310 Commercial and Industrial Land Use Designations.

A. Purpose: This Article lists the land uses that may be allowed within the commercial and industrial land use designations established by the General Plan and determines the permit process required for each use. All commercial and industrial land use designation regulations in this Article are intended to be used concurrently with the General Plan and other chapters in this Development Code, including Articles X and XI, or XII in this Chapter. The Commercial and Industrial Land Use Designations are as follows:

1. **Convenience Commercial (C1):** The Convenience Commercial (C1) designation is intended to meet the needs of local neighborhood residents. Businesses within the C1 designation should be smaller in floor area than the other commercial designations and should be less-intense in impacts such as traffic and noise due to the proximity of residentially designated properties. Uses within convenience commercial areas should include convenience-type goods and services intended to provide for the daily (short-term) needs of surrounding residential neighborhoods.

2. **General Commercial (C2):** The General Commercial (C2) designation is intended for goods and services of a general nature as well as professional offices that will meet both the short and long-term needs of the City's population.



Examples of commercial uses

3. **Service Commercial (C3):** The Service Commercial (C3) designation is intended for utilization as a buffer between residential or commercial uses and industrial uses. Service commercial uses include business-to-business retail and wholesale sales and services. All business operations shall be conducted within an enclosed building, and no outdoor storage shall be permitted.

4. **Limited Industrial (I1):** The Limited Industrial (I1) designation is intended to include lighter industrial uses and supportive service commercial uses. Wholesale or retail sale of industrial supplies, transportation equipment, building equipment and materials, indoor manufacturing uses, and similar uses may be permitted in this designation. In addition, supportive commercial uses such as restaurants or convenience markets that serve consumers within the industrial area may be allowed.

5. **General Industrial (I2):** The General Industrial (I2) designation is intended to permit the establishment of manufacturing and related uses within the City in areas which are protected from encroachment by incompatible residential uses. This designation permits the heaviest types of manufacturing and industrial uses with approval of a site plan or conditional use permit. Manufacturing, warehousing, and fabrication uses are all appropriate for this designation.



Examples of appropriately designed industrial uses

16.16.315 Permitted Uses and Permit Requirements.

The permitted uses and permit requirements in this Article are provided in a table format. Land uses are provided in the first (vertical) column of the table and commercial/industrial land use designation in the top (horizontal) row. In order to determine which permit process is applicable or if the land use is allowed, the use must be matched up with the corresponding land use designation. Once the land use and land use designation are matched, the symbol in the box represents the applicable process. The following key legend demonstrates which symbol corresponds with the applicable permit process. Footnotes are also provided and considered part of this Development Code.

Key to Permit Requirements

| Symbol | Applicable Process |
|--------|-----------------------------------|
| A | Accessory Use |
| CUP | Requires a Conditional Use Permit |
| NP | Not Permitted |
| P | Permitted Use |
| R | Requires a Site Plan Review |

16.16.320 Commercial and Industrial Uses.

| Land Uses | Land Use Designations | | | | |
|---|-----------------------|-----|----|----|-----|
| | C1 | C2 | C3 | I1 | I2 |
| A. Art studio/gallery (including photo) | R | R | R | R | |
| B. Assemblies of people- entertainment (e.g., theater - live performance, auditorium, banquet hall, nightclub, etc.) ¹ | | R | R | R | R |
| C. Auction service, exchange or barter | | | R | R | R |
| D. Automotive parking | R | R | | | |
| E. Bank and financial institution/service | R | R | | | |
| F. Bar, saloon, cocktail lounge and tavern | | CUP | | | |
| G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.) | | R | R | R | R |
| H. Catering establishment | | R | R | R | R |
| I. Cemetery | R | R | R | R | R |
| J. Club or lodge (non-profit), fraternal or religious association | CUP | R | | | |
| K. Composting plant | NP | NP | NP | NP | CUP |
| L. Contractors and building trades | R | R | R | R | R |
| M. Equipment sales and rental - indoors | | R | R | R | |
| N. Grocery store | R | R | R | NP | NP |
| O. Health and fitness club | R | R | R | R | R |
| P. Heavy equipment sales and rental | | | | R | R |

| | | | | | |
|---|----|-----|-----|----------------|----------------|
| Q. Helicopter landing and take-off pad | | CUP | | CUP | CUP |
| R. Historical and monument site | R | R | R | R | R |
| S. Home improvement sales and service, retail (e.g, hardware, lumber and building materials stores) | R | R | R | | |
| T. Hospital | | CUP | CUP | CUP | CUP |
| U. Hotel/motel | | R | | | |
| V. Impound/towing ² | NP | NP | NP | CUP | CUP |
| W. Industrial uses (includes outdoor storage ³) | NP | NP | NP | P | P |
| X. Institutional uses | R | R | R | R | R |
| Y. Kennel - boarding of domestic animals | | CUP | CUP | R | R |
| Z. Laboratory - research | | CUP | | R | R |
| AA. Machine shop/repair | | | | R | R |
| BB. Manufactured housing (sales) | | | | R | R |
| CC. Manufacturing/warehouse (includes outdoor storage ³) | | | | R | R |
| DD. Medical services (not including hospitals) | | R | R | NP | NP |
| EE. Microwave and radio communication towers and facilities | | | R | R | R |
| FF. Mini-storage ² | NP | NP | R | R | R |
| GG. Mortuary, not include crematory | | R | | | |
| HH. Museum, library and reading room | R | R | R | | |
| II. Office/professional buildings | R | R | R | R ⁵ | R ⁵ |
| JJ. Parking/storage of recreational vehicles | | | R | R | R |
| KK. Personal services (e.g, spas, salons, and massage facilities) | R | R | R | | |
| LL. Planetarium, aquarium, botanical garden and zoo | | R | | | |
| MM. Publishing and printing | | R | R | R | |
| NN. Processing (recycling) facility ⁴ | NP | NP | NP | CUP | CUP |
| OO. Recreational facility - commercial | | R | R | R | |
| PP. Recycling center - large collection facility ⁴ | NP | NP | NP | NP | CUP |
| QQ. Repair shop - small items | R | R | R | R | R |
| RR. Restaurant (sit down and takeout), including outdoor dining ² | R | R | R | | |
| SS. Retail sales | R | R | R | R ⁶ | R ⁶ |
| TT. School - trade, community college, university | | R | R | R | R |
| UU. School - specialty non-degree (e.g., dance and martial arts) | R | R | R | R | R |
| VV. Semi-truck repair and storage | | | | CUP | CUP |
| WW. Shopping center | R | R | R | | |
| XX. Terminal (bus and truck) | | CUP | | CUP | CUP |

| | | | | | |
|--|----|----|----|----|-----|
| YY. Theater | NP | NP | NP | NP | NP |
| ZZ. Upholstery and furniture repair/refinishing | | R | R | R | R |
| AAA. Vehicle fuel station ² | R | R | R | | |
| BBB. Vehicle parts and accessories sales | | R | R | | |
| CCC. Vehicle repair facility- major | | R | R | R | R |
| DDD. Vehicle repair facility- minor | | R | R | R | R |
| EEE. Vehicle sales/rentals and leasing - new and used ² | | R | | | |
| FFF. Vehicle wash facility ² | | R | R | R | |
| GGG. Veterinary services - clinics and small animals hospitals (short term boarding) | R | R | R | | |
| HHH. Warehousing and wholesale distribution center | | | | R | R |
| III. Wrecking yard ² | NP | NP | NP | NP | CUP |

Notes:

1. Shall not include a motion picture theater.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360 (3)(A).

16.16.325 Interpretation of Land Uses.

1. Land Use Not Listed or No Key Provided. All uses not specifically listed or where there is no key provided for a particular use in Section 16.16.320 are prohibited. However, the Development Services Director or his/her designee may determine that:

- a) Any use not listed is comparable to a listed use; or
- b) A listed use without a key is comparable to a listed use with a key, in which the applicable permit process may be used for the listed use without a key; and
- c) Meets the intent of the land use designation as described in Section 16.16.310; and
- d) Such use shall be reviewed and conditioned in a similar manner to a permitted or conditionally permitted use.

Such determination is appealable to the Planning Commission. A list of comparable use determinations shall be kept on file in the Development Services Department.

2. Other Similar Uses. The Development Services Director or his/her designee shall permit other similar uses or uses customarily incidental to land uses outlined in Section 16.16.320. In interpreting and applying the provisions of this Article, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Whenever there is any question regarding the interpretation of the provisions of this Article or their application to any specific case or situation, the Development Services Director or his/her designee shall interpret the intent of this Article.

Chapter 16.16, Article X (Reserved) shall be amended to include the following:

ARTICLE X. COMMERCIAL & INDUSTRIAL DEVELOPMENT STANDARDS

16.16.350 Commercial and Industrial Development Standards.

1. New and existing developments in commercial and industrial land use designations shall be subject to the development standards in this Article, unless otherwise specified.
2. The development standards in this table shall be required within each land use designation:

| | C1 | C2 | C3 | I1 | I2 |
|---|-------------------------------------|----------------------|------------------------|---------------------|------------------------|
| A. Maximum floor area ratio (FAR) | 0.5 | 1.0 | 0.5 | 1.0 | |
| B. Height | 35' ¹ | | | 50' ¹ | |
| C. Minimum lot area (gross) | 2 ½ acres ² | 5 acres ² | 2 ½ acres ² | 1 acre ² | 2 ½ acres ² |
| D. Minimum lot dimension - Width, includes corner lots | 300' | | | 150' | 300' |
| E. Minimum lot dimension -- Depth, includes corner lots | 300' | | | 200' | 300' |
| F. Front Yard Setback | 25' ³ | | | | |
| G. Side Street Yard Setback -Corner Lot | 15' ³ | | | 15' ⁴ | |
| H. Side Yard Setback | 0' | | | | |
| I. Side Yard Setback, when adjacent to residential | 20' ⁴ | | | 50' ⁴ | |
| J. Rear Yard Setback | 0' | | | | |
| K. Rear Yard Setback, when adjacent to residential | 20' ⁴ | | | 50' ⁵ | |
| L. Landscaping | Chapter 16.20, Article XII | | | | |
| M. Signs | Section 16.16.095 | | | | |
| N. Parking | Section 16.20.080 through 16.20.120 | | | | |

Notes:

1. Proposals for development exceeding this height shall be subject to Chapter 16.16, Article VI (Variances and Minor Exceptions) of this Development Code.
2. The minimum site size and dimensions for new lots in this designation are as listed here, except in the case when a site plan review, conditional use permit or planned development is submitted, in which case, no minimum is established. This exception is only applicable when the site is being developed as one integrated development and appropriate measures are taken to ensure reciprocal access, parking and maintenance.
3. Minimum landscaping of 8 feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (Landscaping Regulations) of this Development Code.
4. Minimum landscaping of 5 feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (Landscaping Regulations) of this Development Code.

5. Minimum landscaping of 10 feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (Landscaping Regulations) of this Development Code.

16.16.355. Street Setback Reduction.

A. The following table lists the reduced setback distances permitted in the commercial and industrial designations (providing all required street improvements are incorporated into the developed area) and provides the minimum building and landscaping features required when granting the reductions.

B. When approving a minor exception consistent with Section 16.12.220 for commercial and industrial developments, the reviewing authority may require pedestrian oriented features in Section 16.16.360(C)(7) and/or Chapter 16.16, Article XI (Design Guidelines) to be integrated into the development.

C. The reviewing authority is responsible for the granting these variable building setbacks. The reviewing authority may require submittal of renderings and landscape design (including plant species photography) and/or an architectural palate prior to approval of variable setbacks.

D. In industrial developments, the outdoor dining feature may be substituted for outdoor seating, public art, and/or other similar feature deemed appropriate by the reviewing authority. If location and physical limitations exist, the reviewing authority may only require the architectural and landscaping features.

| Required Street Setback | Building Features | Landscaping Features |
|-------------------------|---|---|
| 15 feet | Provides pedestrian oriented features in Chapter 16.16, Article XI (Design Guidelines). | Provides 7% on-site landscaping. Shade trees required in parking lot. |
| 10 feet | Provides pedestrian oriented features in Section 16.16.360(C)(7) and Chapter 16.16, Article XI (Design Guidelines). Recessed entrances, plazas and courtyards required to offset any building frontage over 50 lineal feet. | Same as above but provides 10% on-site landscaping with parking lot planters separating parking aisles. |

16.16.360 Additional Development Standards.

A. The following standards shall apply to development in all commercial and industrial designations, except as otherwise specified:

1. Any site plan review, conditional use permit or planned development accompanied by a map or merger combining two or more lots shall have the map or merger fees waived;
2. All uses shall be subject to the approval of a site plan review or a conditional use permit, pursuant to Chapter 16.12.

3. The following standards shall apply to development in all industrial designations, except as otherwise specified:

- a) Any I1 sites which after lot consolidation have a gross area of ten acres or more may be permitted to establish a general manufacturing use permitted in the I2 designation, subject to the conditional use permit processes;
- b) Retail sales and service incidental to a principally permitted use are allowable provided that the following standards are met:

- i. The operations are contained within the main structure which houses the primary use,
 - ii. Retail sales occupy no more than twenty-five (25) percent of the total building square footage,
 - iii. No retail sales or display of merchandise occur(s) outside the structure(s), and
 - iv. All products offered for retail sales on the site are manufactured, warehoused or assembled on the premises;
- c) Whenever possible, uses should incorporate air quality mitigation measures, including employee rideshare and transit programs, alternate schedules, delivery management programs, telecommunication programs and other modes of transportation.

4. Outdoor Displays, Storage, Equipment, and Work Areas.

- a) No retail sales, merchandise displays or work areas shall occur outside building(s), except as approved by a site plan review, conditional use permit, or special event permit.
- b) There shall be no visible storage of motor vehicles (except display areas for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;
- c) In the I1 and I2 designations, outside storage and equipment shall be confined to the rear half of the property or the rear of the principal structure on site, whichever is more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping.

5. Parking and Loading.

In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of this Development Code, the following shall apply:

- a) Parking areas shall be landscaped along the perimeter as well as in the interior of the parking lot, pursuant to the requirements set forth in Chapter 16.20, Article XII (Landscape Regulations) of this Development Code.
- b) Shared parking between adjacent businesses and/or developments is highly encouraged where feasible.
- c) Loading facilities shall not be located at the front of buildings or in public areas of the development. Such facilities are more suitably located at the rear of the site where they can be screened appropriately.
- d) When it is not possible to locate loading facilities at the rear of the building, loading docks and doors may be located along the sides of the buildings, but should not dominate the facades and must be screened from the public areas of the development.
- e) Loading facilities should be offset from driveway openings.
- f) Backing from the public street onto the site for loading into front-end docks causes unsafe truck maneuvering and should not be utilized except at the ends of cul-de-sacs where each circumstance will be studied individually at the time of design review.

6. Open Space and Landscaping.

- a) The design standards and guidelines included in the provisions of Chapter 16.20, Article XII (Landscape Regulations) and Chapter 16.24 (Protected Plants) of this Development Code shall apply.
- b) Open space areas shall be clustered into larger landscape areas rather than equally distributing them into areas of low impact such as at site and building peripheries, behind a structure or areas of little impact to public view, or where they are not required as a land use buffer or required yard setback.

7. Walls and Fences.

- a) A commercial or industrial development adjacent to any residential designation shall have a six-foot high decorative masonry wall along property lines adjacent to such designations. In the I1 and I2 designations, the wall height shall not exceed twelve feet, depending on the height of the material being screened.
- b) In commercial designations, the maximum permitted height of any perimeter walls fronting a street shall be three feet.
- c) Both sides of all perimeter walls shall be architecturally treated. In commercial designations, appropriate materials include decorative masonry, concrete, stone and brick.

8. Trash Collection Areas.

- a) At least one trash enclosure area shall be provided for commercial and industrial developments. The reviewing authority may require additional enclosures as deemed necessary. All such required areas shall be enclosed and screened pursuant to the requirements of this section and in accordance with City standards.
- b) All trash/recyclable materials collection enclosure areas shall be easily accessible to retail and office tenants, including easy pedestrian access for the disposal of materials and collection by refuse vehicles.
- c) The collection area(s) shall be enclosed on three sides by a minimum 6-foot tall decorative masonry wall. The wall materials used shall be complementary in color and style to architectural components of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching gate.

9. Mechanical Equipment Screening.

- a) All exterior mechanical equipment, except solar collectors, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the primary structure in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.
- b) For rooftop equipment, the screening materials shall be at least as high as the equipment being screened. Equipment requiring screening includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof, except as may be approved through the Site Plan Review process.
- c) Ground-mounted utility equipment such as, but not limited to, cable television boxes, electric power transformers and distribution facilities, water pumps, and telecommunications facilities (not including pole-mounted equipment) shall be screened

from view on all sides with solid masonry walls or similar permanent structures. Such masonry wall or structure shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.

- d) Ladders for roof access shall be hidden and integrated into the building design.

10. Standards for Outdoor Dining. Outdoor dining may be provided either in private patios or within the public sidewalk right-of-way. The following standards and guidelines shall be followed relative to Outdoor (Sidewalk and Patio) Dining Spaces:

- a) These two kinds of outdoor dining areas including “Patio Dining Space” and “Sidewalk Dining Space”.
 - i. “Patio Dining Space” is an area adjacent to a street (or alley) level eating or drinking establishment, located within private property line and is used exclusively for dining, drinking and circulation therein. This space may be open or covered with temporary structures such as trellises, umbrellas or permanent structures such as overhangs and upper floors of the building.
 - ii. “Sidewalk Dining Space” is an area adjacent to a street level eating or drinking establishment located within the sidewalk area of the public right-of-way and is used exclusively for dining, drinking and circulation therein. A barrier that separates the dining area from the remainder of the sidewalk and is in place during hours of operation defines the area. Sidewalk dining may be provided with either self-service or waiter/waitress service.
- b) Sidewalk Dining Locations. Sidewalk Dining shall be permitted within the public sidewalk right-of-way only when the clear widths are available. (See 2(f) below)
- c) Patio Dining Locations. Patio Dining shall be permitted within private property adjacent to the streets or public alley walkways. Outdoor patio dining is allowed within the street yard setback.
- d) Adjacency to Buildings. Sidewalk Dining within the public sidewalk right-of-way shall be located immediately adjacent to the buildings with the pedestrian path immediately along the curb.
- e) Maintenance of Clear Passage.
 - i. Sidewalk Dining within the public sidewalk right-of-way shall maintain a clear pathway, free from all obstructions, for pedestrians not less than seven feet depending on the exact sidewalk width and extent of pedestrian activity in the streetscape segment. A clear passage of 10 feet in width is preferred.
 - ii. For purposes of calculating the clear pathway dimension, trees, traffic signs, meters, and all similar obstacles shall count as obstructions. The reviewing authority shall define exact clear pathway requirement within this range, on a case-by-case basis. The reviewing authority, based on the particular site conditions, may grant exemption to the minimum requirements.
- f) Demarcation of Sidewalk Dining Areas.
 - i. The sidewalk dining area adjacent to the building shall be demarcated by barriers such as railings, fencing, or a combination of railings or fencing, and landscaping in planter boxes, or movable bollards. No solid walls shall be allowed.

- ii. All the outdoor barriers shall be movable and removed from the sidewalk at the close of the business establishment daily. Some discretion in terms of pots and planters placed directly adjacent to the building façade shall be allowed.
- g) Demarcation of Patio Dining Spaces. The patio dining spaces adjacent to streets or alley walkways shall be demarcated by either temporary or permanent boundary definers such as railings, fencing, or a combination of railings or fencing, and landscaping in planter boxes, or movable bollards.
- h) Outdoor Dining within arcades along sidewalk rights-of-way or alley walkways. The provision of a dining space in a covered arcade that is open to the sidewalk is permitted as long as the architectural integrity of the façade is maintained in conformance with the requirements in Chapter 16.16, Article XI (Commercial Design Guidelines) of this Development Code.
- i) Windows or Doors to Outdoor Dining along sidewalk rights-of-way or alley walkways. The provision of windows and doors from indoor dining areas that open to the sidewalk or alley walkway is permitted and encouraged as long as the architectural integrity of the façade is maintained in conformance with the other sections of this chapter and the requirements in Section 16.16, Article XI (Commercial Design Guidelines) of this Development Code, and the open doors and windows do not obstruct the pedestrian right-of-way.
- j) Parking Requirements. The area used for Sidewalk Dining shall not be included in the eating or drinking establishment's area for the purposes of calculating the establishment's parking requirement. The area used for Patio Dining shall be included in the eating or drinking establishment's area for the purposes of calculating the establishment's parking requirement.
- k) Materials. The style and materials of the barriers that demarcate the outdoor dining space should be compatible in color and finish with the adjacent structure and approved by the reviewing authority.
- l) Hours of Operation. The outdoor dining space hours of operation shall be limited to the hours of operation of the associated dining establishment.
- m) Display of Outdoor Menu Display. A single-sided framed menu attached to a moveable barrier that defines the Sidewalk or Patio Dining Space is permitted within the Sidewalk and Patio Dining Spaces. The size of the frame shall not exceed three square feet. Freestanding pedestal menus or A-frame displays are prohibited.
- n) Maintenance of Outdoor Dining Furniture. Outdoor dining furniture shall be maintained to be safe, sanitary and attractive at all times.
- o) Conformance to Title 24 requirements. All outdoor dining areas shall conform to accessibility requirements as per the California Title 24 Accessibility Guidelines. All other requirements per the City Engineering and Building Departments shall also be addressed.
- p) Permit Requirements. An Encroachment Permit is required for all sidewalk dining areas. The City may also require additional liability insurance.



Removable bollards demarcate the dining space. Potted plants and temporary sun-umbrellas are used to create a pleasant ambience.



Removable metal fencing is used to demarcate the dining space. Planters and temporary sun umbrellas create an attractive environment.



Removable bollards demarcate the dining space. Shade is provided by the retractable canopy overhead.

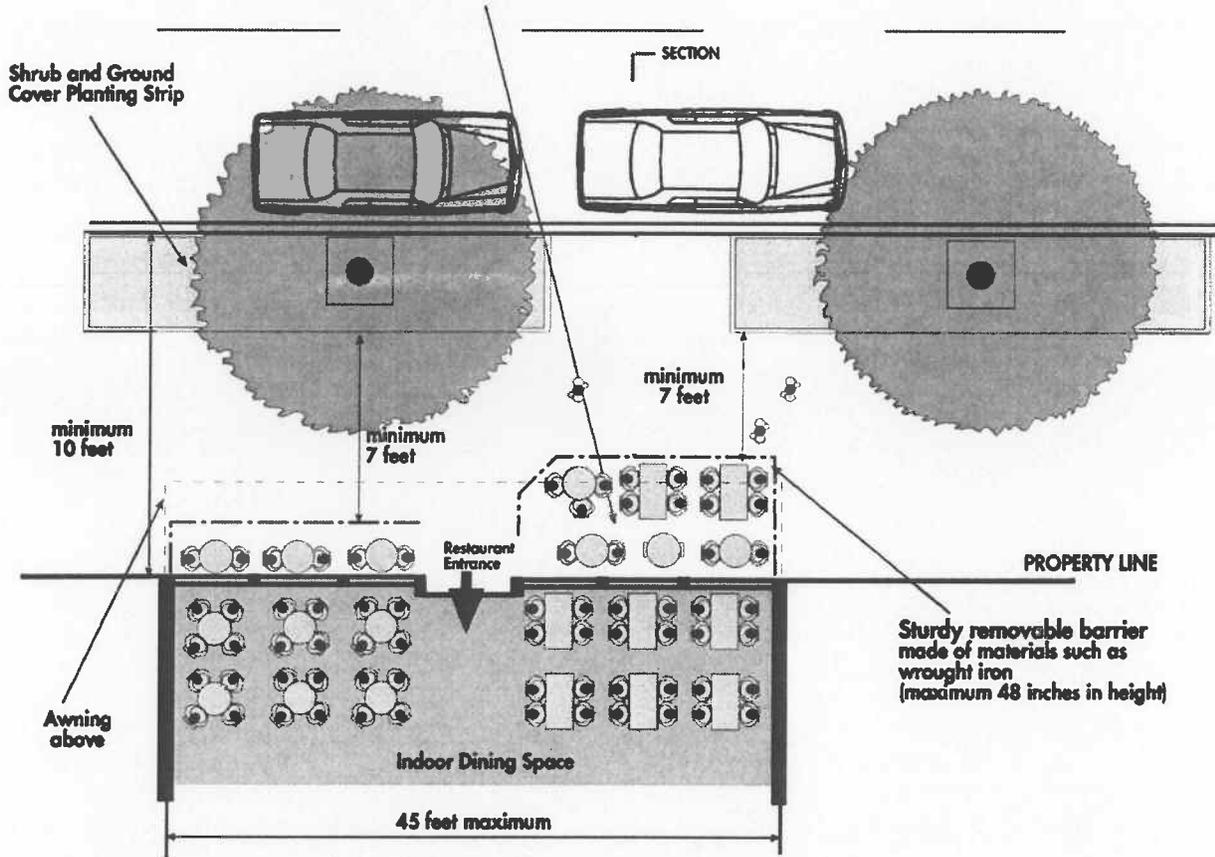


A dining patio on private property adjacent to the sidewalk is demarcated with metal fencing. Plantings and temporary sun umbrellas are used.

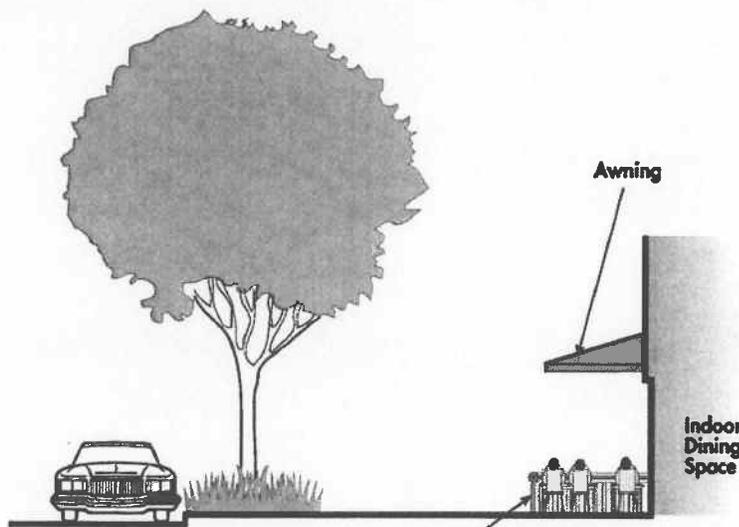


A private outdoor dining patio is created facing the alley. Trees, planters and temporary sun umbrellas are used to create a pleasant ambience.

Outdoor Dining Space: The limits of the outdoor dining are restricted to the restaurant frontage and there is a clear path (minimum 7'0") without obstructions on the sidewalk.



PLAN
(not to scale)



SECTIONAL VIEW

B. Additional Standards and Guidelines. Refer to Chapter 16.16, Articles X and XI Chapter in this Development Code for site and architectural design standards and guidelines.

C. Review Process. All new development in this designation shall be subject to the approval of a Site Plan Review pursuant to Chapter 16.12, Article II (Site Plans and Revised Site Plans) of this Development Code. All new development in this designation that is conditionally permitted shall be subject to the approval of a Conditional Use Permit pursuant to the procedures set forth in Chapter 16.12, Article III (Conditional Use Permits) of this Development Code, unless otherwise specified.

Section 16.16.480 is being relocated from Chapter 16.16, Article XI and shall be modified as follows:

(Deleted text is shown with a ~~strikeout~~ (i.e. ~~strikeout~~), and additions are shown with an underline.)

16.16.365-16.16.480 Specific Land Use Standards.

In addition to the general development requirements contained in Chapter 16.20 (General Regulations), the following standards shall apply to specific commercial land uses.

A. Vehicle Sales, Leasing or Rental. ~~Motor Vehicle Sales. A site plan review shall be required, and all dealerships must be constructed in the following manner:~~ Automobile, truck, motor home, motorcycle, and recreation vehicle, sales, leasing, or rental, new or used, shall be developed in compliance with the following additional standards:

1. No vehicles shall be parked, displayed or stored in the first 15 feet of the street side setbacks. All parts, accessories, etc., shall be stored within a fully enclosed structure; Service and associated car storage areas shall be completely screened from public view. All vehicles offered for sale shall be kept clean, on a daily basis.
2. The price of the vehicles offered for sale shall not be hand-lettered.
3. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys;
4. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys;
5. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces; and
6. ~~No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.~~ Service, repair or maintenance facilities shall be operated only as an incidental use in conjunction with the primary use. Such areas shall be visually screened from the street by walls of a building, or a variation as approved by the reviewing authority. Service bays from the exterior of the structure shall not directly face or front on a public right-of-way.
7. If the use involves automotive repair, installation of parts or service, a designated area must be provided in addition to the parking requirements for the temporary storage of vehicles or equipment awaiting repair, installation or service.
8. All lights shall be reflected away from adjacent uses.
9. The décor, treatment and architectural style of the improvements, including sales office, repair and maintenance facilities, landscaping, fencing and signing shall be reviewed for

aesthetic qualities that will enhance and complement the surrounding developments, and shall also be subject to the design standards and guidelines established in Section 16.16, Article XI (Commercial Design Guidelines).

B. Vehicle Service and Repairs (Major Or Minor). Automotive service stations, parts and accessories installation and major or minor service shall be developed in compliance with the following additional standards:

1. All installation and service activities shall be performed within an approved structure.
2. All installation and service facilities shall be visually screened from the street by walls of a building or a variation as approved by the reviewing authority.
3. All lights shall be reflected away from adjacent uses.
4. No used or discarded parts or equipment shall be located outside of the installation and service facilities.
5. In addition to the parking requirements of Chapter 16.20, Article IV (Parking and Loading Standards) of this Development Code, a designated area, screened from view, must be provided for the temporary storage of vehicles or equipment awaiting installation or service.
6. No vehicles, equipment, boats, trucks or motorcycles shall be stored for impound or for any other purpose other than installation or service under a work order.
7. No major automotive repair work shall be permitted.
8. Premises shall be maintained in a neat, orderly and environmentally safe manner, and all improvements shall be continuously maintained.

C. Vehicle Wash Facilities.

1. Vehicle wash facilities shall be developed in compliance with the following additional standards:
 - a) All lights shall be reflected away from adjacent uses.
 - b) Premises shall be maintained in a neat, orderly and environmentally safe manner, and all improvements shall be continuously maintained.
 - c) Noise from vehicle wash activities shall not exceed levels established in Chapter 16.20, Article V (General Performance Standards).

D. B. Salvage and Wrecking Yards. Automobile salvage and wrecking yards establishments are subject to conditional use permit review and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures and landscaping, so that vehicles are not parked in a dirt or otherwise not fully improved area;
2. Service access shall be located at the rear or side of structure(s) and as far as possible from adjoining residential uses;
3. Repair activities and vehicle loading and unloading shall be prohibited on adjoining public rights-of-way;
4. Service bays with individual access from the exterior of the structure shall not face adjacent public rights-of-way;
5. All repair activities shall be conducted entirely within an enclosed structure. Outdoor hoists shall be prohibited;

6. Exterior noise shall not exceed sixty-five (65) dBA at the property line;
7. The premises shall be kept in a neat and orderly condition at all times;
8. All used or discarded automotive parts or equipment or permanently disabled, junked or dismantled vehicles shall be permanently screened from public view; and
9. All hazardous materials resulting from the repair or dismantling operation shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution, and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state and local regulations.

E. G. Convenience Stores. The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than five thousand (5,000) square feet is subject to site plan review, and shall be constructed and operated in the following manner:

1. One access drive may be permitted for each street frontage with approval of city engineer. The design and location of the access drive(s) shall be subject to the approval of the reviewing authority development review committee;
2. The premises shall be kept in a neat and orderly condition at all times;
3. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 16.16.480(G) (Service Station Standards). Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
4. A bicycle rack shall be installed in a convenient location visible from the inside of the store;
5. Each convenience store shall provide a public restroom located within the store;
6. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.

F. D. Drive-thru Restaurants. This section contains standards for drive-thru restaurants. Drive-thru restaurants are subject to site plan review.

1. Pedestrian walkways should not intersect the drive-thru drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping;
2. Drive-thru aisles shall have a minimum thirteen (13) foot width on curves and a minimum twelve (12) foot width on straight sections;
3. Drive-thru aisles shall provide sufficient stacking area behind menu board and pick-up window to accommodate a minimum of four cars each;
4. All service areas, restrooms and ground mounted and roof mounted mechanical equipment shall be screened from view;
5. Landscaping shall screen drive-thru or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board signs and directional signs;
6. Drive-thru aisles and structures shall be setback from the ultimate curb face a minimum of ten feet;
7. Menu boards shall be a maximum of thirty (30) square feet, with a maximum height of seven feet, and shall not face the street;
8. Drive-thru restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza; and
9. Drive-thru aisles should not exit directly onto a public right-of-way.

G. E. Mini-malls. Mini-malls (small scale, up to fifty thousand (50,000) square feet, multi-tenant shopping centers) are subject to a site plan review and shall comply with the following standards.

1. All development and operational standards outlined in Section 16.16.480(C) (Convenience Stores), shall apply;
2. The development shall provide internal continuity, uniformity and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking and signage;
3. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent commercial developments; and
4. No outdoor displays or sale of merchandise shall be permitted. However, limited outdoor sales may be allowed subject to the issuance of a special event permit.

H. F. Mini-storage. Mini-storage facilities are subject to a site plan review and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures, drainage facilities and landscaping;
2. The site shall be completely enclosed with a six foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use;
3. No business activity shall be conducted other than the rental of storage spaces for inactive storage use or the sale of unclaimed articles by the landlord;
4. All storage shall be located within a fully enclosed structure(s);
5. No flammable or otherwise hazardous materials shall be stored on-site;
6. Residential quarters for a manager or caretaker may be provided in the development;
7. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking;
8. Boats, recreational vehicles, campers, trailers, etc., may be stored on-site if located behind buildings and not visible from the public right-of-way;
9. Storage facilities located adjacent to residential ~~designations~~-districts shall have their hours of operation restricted to seven a.m. to nine p.m., Monday through Saturday, and nine a.m. to nine p.m. on Sundays;
10. Mini-storage facilities shall not be permitted within six hundred sixty (660) feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway; and
11. Storage facilities may be developed in conjunction with a residential development, provided that the facility is for the sole use of the residents, is designed as an integrated part of the project and may not contain garages or parking spaces that exceed the dwelling units within the associated residential development.

I. G. Service Station (Gasoline) Standards. Service stations are subject to a site plan review and shall comply with the following standards:

1. New service stations shall not adjoin a residential ~~designation~~-zone-district;
2. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - a) The dispensing of petroleum products, water and air from pump islands,
 - b) The provision of emergency service of a minor nature, and

- c) The sale of items via vending machines, including ice machines, shall be placed next to the main structure ~~in a designated area~~ as approved by the reviewing authority;
 - d) Above ground tanks shall be horizontal, except that the reviewing authority may consider vertical tanks if the tanks are located away and/or adequately buffered and/or screened, from the street. The location and color shall be approved by the reviewing authority.
3. Pump islands shall be located a minimum of twenty (20) feet from a street property line; however, a canopy or roof structure over a pump island may encroach up to ten feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands;
 4. The maximum number of points of ingress/egress to any one street shall be two;
 5. The width of a driveway may not exceed forty (40) feet at the sidewalk;
 6. Outside storage of motor vehicles is prohibited. Temporary storage, up to seventy-two (72) hours, is permitted if adequately screened from the public right-of-way;
 7. No vehicles may be parked on sidewalks, parkways, driveways or alleys;
 8. No vehicle may be parked on the premises for the purpose of offering same for sale;
 9. Openings of service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion onto adjoining properties;
 10. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure;
 11. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties;
 12. Where an existing service station adjoins property in a residential land use designation district, a six foot high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front-yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of thirty (30) inches;
 13. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening;
 14. Delivery areas for fuel or merchandise shall be located in a fashion so as not to significantly interfere with normal business operations.

J. H. Service Station Conversions. A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling and any additional standards as required by this code.

Article XI (Commercial Districts) shall be deleted in its entirety, except that Section 16.16.480 (Specific Land Use Standards) shall be moved to Chapter 16.16. Article X. Article XI shall include the following:

ARTICLE XI. Commercial Design Guidelines

Section 16.16.400 Commercial Design Standards and Guidelines.

A. General

1. Purpose. This Article provides standards and guidelines for designing new commercial projects in the City, as well as exterior alterations and additions to existing commercial developments. Commercial developments are often located at prominent locations in a city and convey a strong visual image. The attention paid to their design reflects a city's economic vitality as well as its pride in itself. These standards and guidelines encourage the highest level of design quality and creativity and recognize the importance of quality design to the success or failure of commercial enterprises.

Property owners, developers, architects, building designers, and contractors seeking to construct new commercial developments, or alterations or additions to existing developments, should use these standards and guidelines in the early design stages of their projects. These standards and guidelines are not intended to limit creative site planning and architecture that are consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative design solutions are strongly encouraged.

2. Applicability. These standards and guidelines apply to all new commercial development, including exterior alterations and additions to existing developments. They apply to smaller infill projects as well as larger master planned sites.

3. Design Goals. The design standards and guidelines have been established in order to accomplish the following goals:

- a) Promote design creativity and variation while ensuring consistency in building scale, proportion and pedestrian orientation.
- b) Improve the quality of design for commercial developments, thereby improving the image, character, and appearance of the commercial areas.
- c) Contribute to the character of neighborhoods by respecting the scale, proportion and architectural style of the surrounding area.
- d) Create visual interest in commercial buildings, while maintaining a sense of harmony within the project.
- e) Eliminate random development patterns and establish site planning and design relationships between new development and neighboring properties.
- f) Encourage environmental sensitivity in development.
- g) Create attractive and functional site arrangements of buildings, service and loading areas, open spaces, and parking areas; and develop a high quality architectural and landscape design.
- h) Improve pedestrian circulation and connections on commercial sites and within commercial areas.
- i) Minimize incompatible impacts of noise, light, traffic and visual character.

B. ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES

Commercial buildings should display unique, visually attractive qualities while having a unified composition. New buildings or building additions and renovations should not only harmonize with the prevailing characteristics of the surrounding area, but should be designed in response to individual site conditions, and to enhance the overall image of the City by virtue of the quality of design and construction.

Additions and renovation should be compatible with the existing building in scale, materials, and design. New projects should meet or exceed the standards of quality that have been set by surrounding development and contribute to the improvement of the area. All new construction should be designed to improve the reality and perception of pedestrian safety and security with elements such as easily identifiable entrances, retail windows, pedestrian-scaled building massing and unique architectural features.

Pedestrian-oriented development is generally low- to medium-scale, low-intensity, neighborhood serving commercial (retail and office) uses, within or adjacent to residential neighborhoods. It is strongly pedestrian-oriented with a storefront emphasis on the street, but also is geared towards accommodating the automobile. At the other end of the spectrum are "big box" retail and larger-scale commercial (retail and office) centers. These are much larger in scale and intensity, and typically geared towards the automobile, both in location (often near a freeway), and in site layout (large surface or structured parking). These larger "big box" retail centers and office complexes should also provide for the pedestrian.

Both of these types of commercial development can be found in the City. Therefore, while the following guidelines are applicable to all commercial developments, in some instances, additional standards and guidelines are provided for:

- Pedestrian-oriented commercial development, and
- "Big Box" retail and larger scale commercial development.

1. Architectural Style

- a) There is no mandated architectural style required for commercial structures in the City, however, each project should possess an identifiable architectural theme and be of high quality design and materials. Innovative and imaginative architecture is encouraged. New buildings or building complexes should be stylistically consistent. Architectural style, materials, colors and forms should all work together to express a single theme. For remodels or additions, the theme should be true to the original intent and style of the building.
- b) Each new building, addition or remodel should be stylistically consistent. For example, "Spanish" details are consistent with stucco buildings and Mission tile roofs and should not be used on a contemporary building. Historic detailing on otherwise contemporary style buildings is strongly discouraged, such as using oversized (too large or out of scale) crown moldings or cornices to make a 1950's building appear "Mission" Style.

2. Scale, Mass and Form

- a) The size and mass of new structures, including additions, should be in relation to surrounding structures. Special care should be taken to achieve compatibility next to

small-scale buildings; techniques should include limited size, building articulation and shadow patterns.

- b) Building design should employ clean simple geometric forms and coordinated massing that produce an overall sense of unity, scale, and interest. Use simple, strong massing with broken and varied elements.
- c) To create visual interest, where appropriate, varied roof or parapet heights and/or recessed or extended building walls should be used.
- d) Building corners may be emphasized by use of elements such as towers, domes, or entries.
- e) Where new buildings or additions are built immediately between existing buildings, the design of the new construction should acknowledge the existing buildings through the use of architectural elements such as matching cornice lines, continuation of a colonnade, use of similar materials, and similar building proportions.



Emphasize building entrances and corners.



- f) Variable building facades along linear street frontages are encouraged. Variable facades create an interesting street scene. Nearly vertical or mansard roofs should be avoided.
- g) The appearance of building mass may be reduced through the use of arcades, courtyards, pergolas, and stepping stories back above the ground level.
- h) Color and material changes should be used to add interest and reduce a building's apparent scale.

Pedestrian-Oriented Commercial Development.

- i) Buildings should have a "human scale" (i.e. relate to the pedestrian user).

"Big Box" and Large-Scale Commercial Development.

- j) The scale and mass of a new "big box" and large scale commercial development should be consistent with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.
- k) A single, dominant building mass should be avoided by clustering several smaller structures and using variations in building form.
- l) As appropriate to the function of a building, a combination of major and minor changes in building form should be incorporated to create visual interest and establish a transition to neighboring developments.
- m) Primary building entries should be highlighted through the massing of the building. Greater height can be used to highlight and accentuate entries in the form of corner tower elements, tall voids, or a central mass sited within an entry plaza. Conversely, smaller building masses can also communicate the location of entries.

3. Building Modulation, Articulation and Detailing

- a) Building design shall avoid large monotonous façades, long straight-line building fronts, plain box shapes, and barren exterior treatment. Where consistent with the design theme and function of the building, incorporate a variety of massing elements and a combination of major and minor changes in building form to establish visual transition and unity among neighboring developments and create visual interest.



Use building modulation, facade articulation, and detailing to create an interesting and individual design for commercial centers.

- b) Use building modulation, facade articulation, and detailing to create an interesting and individual design for commercial centers.



Use building form to emphasize public entrances and reduce the overall mass of non-retail commercial projects.

- c) Use building form to emphasize individual units within a building, larger units and/or anchor stores within retail projects, and foyers, lobbies, and reception areas within non-retail commercial projects. Use building form and articulation to emphasize public

entrances and de-emphasize service areas, and to define and shelter (i.e. give a sense of invitation and enclosure) pedestrian walks and exterior spaces.

- d) Building articulation and detailing should be used to create an interesting and individual design, diminish the massing of large structures, and be compatible with the scale of surrounding development. Building design shall avoid large monotonous façades, long straight-line building fronts, plain box shapes, and barren exterior treatment. All building elevations visible from a public way including freeways shall be fully articulated, and incorporate the chosen design theme in a consistent manner.



Appropriate building modulation and articulation creates interesting facades and makes a positive contribution to the street environment.

- e) Building articulation can also be accomplished with the placement of windows and entries, volume changes, variable roof forms and height, significant color and material changes, variable transparency, and the creation of shadow textures with trellises and overhangs.
- f) Appropriate building modulation and articulation creates interesting facades and makes a positive contribution to the street environment.
- g) Use building form to emphasize public entrances and reduce the overall mass of non-retail commercial projects.
- h) The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall. Wall planes should not run in one continuous direction for more than 50 feet without an offset.
- i) Façades should reflect the quality and integrity of the underlying structure in a clear and consistent manner. Architectural elements that define scale and organize space are encouraged; facades should display a sense of order.
- j) Buildings should incorporate architectural details and elements, which will reduce building scale at the street level, especially along pedestrian walkways. Awnings,

canopies, arbors, trellises, etc. are effective in this regard. The appropriate use of other architectural details, including reveals, course lines, decorative cornice, columns, etc., is also encouraged as a means of creating interest, variety, and distinctive design. Details should reflect the structural and material integrity of the building; overly gratuitous ornamentation is discouraged.

- k) Vertical architectural elements such as towers should be used as focal points. Gutters and downspouts should be concealed, unless designed as a decorative architectural feature.

Pedestrian-Oriented Commercial Development.

- l) Retail buildings should incorporate “human scale” design elements that generate interest and diversity, and relate the building to the everyday user. The design of individual storefronts, and their entrances should be emphasized.
- m) A pedestrian-oriented commercial building module shall range from 30 to 45 feet and have a typical three-bay modulation. Buildings wider than two modules (60-90 feet) shall have a different modulation. These buildings shall either repeat the basic three-bay module of 30 to 45 feet or increase the number of bays while keeping the individual bay width from 10 to 15 feet. Buildings wider than 90 feet shall be visually broken into two or more buildings (each with a maximum width of 90 feet) in terms of the façade treatments. The modules should be articulated in a manner consistent with the building style. The use of pilasters is one element commonly used to achieve this articulation.



Smaller building bays can be articulated by color and material changes, as well as variations in the wall plane.

- n) The horizontal should be emphasized to create a low profile and human scale. Vertical elements such as towers are just one of the design tools available to accentuate the predominantly horizontal massing.
- o) Smaller building bays can be articulated by color and material changes, as well as variations in the wall plane.

“Big Box” and Large-Scale Commercial Development.

- p) In large-scale commercial development, while the modulation of a typical storefront may be larger than that in the pedestrian-oriented area, design elements that generate interest and diversity, and relate the building to the everyday user should still be

incorporated. The design of individual storefronts and their entrances should be emphasized.

- q) A typical large-scale commercial building module should range from 45 to 80 feet with the articulation of the building structure at 15 to 20 feet. Buildings wider than two modules (90-160 feet) shall have a different modulation. These buildings shall repeat the basic module of 45 to 80 feet. Buildings wider than 160 feet should be visually broken into two or more buildings (each with a maximum width of 160 feet) in terms of the façade treatments to stay in scale with the rest of the block.



Arcades can provide shaded paths for pedestrians during inhospitable weather conditions.



- r) Anchor buildings for major tenants, generally “big boxes,” should be sited and designed in such a way that the buildings that accommodate the smaller tenants are not overwhelmed or crowded.
- s) Arcades, trellises and other open structures should be utilized to visually and physically link buildings and provide connections to adjacent sidewalks. Stairways should be designed as an integral part of the building architecture. Boldly projecting stairways that complement the architectural massing and form of commercial buildings are encouraged.

4. Site and Building Entrances

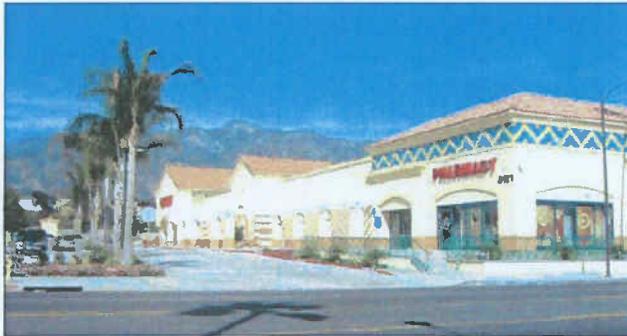
- a) Main entries to buildings should be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Secondary entries may be from parking areas.
- b) Building entries should read as such, and be integrated with the overall building form. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. should define and emphasize public entries. Variation in material, texture, and/ or color is also recommended as a means of identifying building entries.
- c) Arcades can provide shaded paths for pedestrians during inhospitable weather conditions.
- d) Entries should be open, inviting, and highly visible so as not create a sense of fear in someone entering the space. Recessed or deeply shadowed entrances that allow hiding place opportunities should be avoided. Entry doors should be designed to create a sense of welcome, while clearly demarcating the private space.

“Pedestrian-Oriented” Commercial Development.

- e) All entrances should be clearly visible from the street. Secondary entries may be from parking areas. If parking is located behind the stores, provide additional well-lit and signed rear entrances to allow easy access.
- f) Retail entrances should be centrally located within the building façade, not be recessed more than three feet in depth and be located no more than 50 feet apart.
- g) Entrances should comprise no more than a third of the ground floor façade or 15 feet, whichever is less.
- h) Entrances for second floor uses are encouraged from the rear, adjacent to the parking. If separate entrances for the upper floor(s) are provided from the front, the entrance width should be limited to 15 feet to maintain retail continuity.

“Big Box” and Large-Scale Commercial Development.

- i) Entrances should be located prominently within the building façade and be clearly visible from the street. Locate entrances along the street side of the building. If the parking is located to the side or rear of the building, a secondary entrance may be located on the side of the building adjacent to the parking. This entrance should be visible and obvious from the street. Entrances should be located no more than 60 feet apart. If only one entrance is provided, it should be located along the street side of the building.



In large-scale retail developments, locate entrances prominently within the building facade so they are visible from the street.

- j) If the parking is located to the rear of the building and hence not visible from the street, provide a secondary entrance on the street side of the building. If the building frontage is greater than 75 feet, provide additional pedestrian entrances. Avoid long balconies and corridors for access to upper level units.
- k) Entrances should comprise no more than a third of the ground floor façade or 20 feet, whichever is less.
- l) In large-scale retail developments, locate entrances prominently within the building facade so they are visible from the street.

5. Building Façade and Elevation Design

- a) The elements of a building should relate logically to each other, as well as to surrounding buildings to enhance the characteristics of a particular building or area. The buildings should present an “active” building elevation including entrances and windows to the street, not blank walls or parking.

- b) Buildings should contain the traditional three parts of a building: a base, mid-section, and a top. On low-rise buildings, the different parts may be expressed through detailing at the building base or eave or cornice line. On taller structures, different treatment of the first, middle, and top stories should be used to define the three parts.
- c) The base should visually relate to the proportion and scale of the building. Techniques for establishing a base may include richly textured materials (e.g. tile or masonry treatments), darker colored materials, mullion, panels, reveals and/or enriched landscaping. Tops take advantage of the visual prominence of a building's silhouette. Techniques for clearly expressing a top may include cornice treatments, roof overhangs with brackets, richly textured materials (e.g. tile, masonry or fluted concrete), and/or differently colored materials. Colored "stripes" are not acceptable as the only treatment.
- d) When buildings have a direct relationship to both the street and a major pedestrian corridor or parking lot, all facing façades should be designed to assure an attractive appearance. Building walls that are visible from a freeway, street, major pedestrian corridor, or public open space, should include architectural features such as windows, arcades, canopies, pop-outs, and trim to create visual interest, provide "eyes on the street," and avoid a blank wall appearance.
- e) The fenestration (design and pattern of doors, windows, awnings, canopies, etc.) should be proportioned to and integrated with the façade modulation of columns and beams and other similar elements. Clear vertical and/or horizontal hierarchy and patterns in the placement of openings (doors, windows, awnings, canopies, etc.) on the façade should be established.
- f) Details or elements should be integral to the design, not appear added on and reflect the structural or material integrity of the building.

6. Building Elements for Retail Storefronts. A typical retail storefront has the following characteristic elements:

- a) Bulkhead
- b) Entrance door
- c) Display windows
- d) Canopies or awnings
- e) Cornices / Parapets
- f) Security Grilles

Design guidelines for these elements are described below. Appropriate scaled and proportioned elements should be provided in both the rehabilitation of existing storefronts and the construction of new buildings.

- a) **Bulkhead.** A bulkhead, between 15 and 24 inches in height, should be provided at the base of the storefront display window. However, new storefront buildings may use floor to ceiling display windows if the design is compatible with surrounding architecture.
- b) **Entrance Door.** Every building entry should be well lit. The entrance door should be kept simple and located centrally in the building façade. The door should be made of materials compatible with the building architecture and style. All entrances shall meet handicapped accessibility requirements.
- c) **Display Windows.** Retail storefronts should have large display windows oriented toward the street or major pedestrian corridors to establish a visual connection between the interior and exterior of retail building. Display windows shall provide a clear view of store merchandise or a view into the business interior to add to the vitality of a retail environment as well as provide "eyes on the street." To achieve this, at least 50% of

available window area shall remain clear and free from obstructions. This zone should be between four and eight feet from the base of the façade. Ground floor wall sections without windows shall not be more than 5 feet in width.

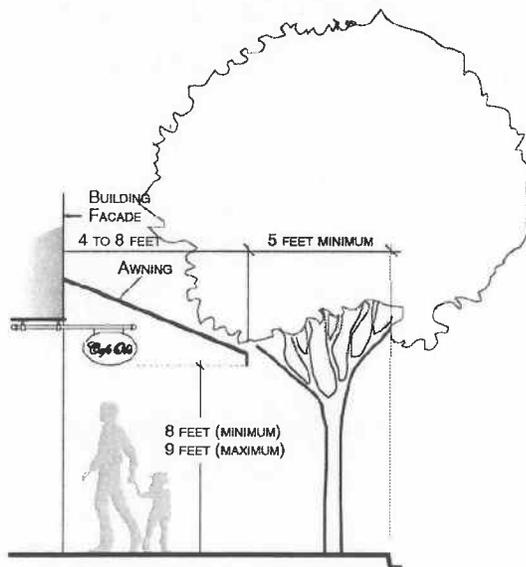
Display windows should consist of a single pane of glass. When required to be divided into smaller sections, clear silicone vertical joints, glazing bars, or muntins should be used. Glazing bars and mullions should be of a minimal size and utilized to enhance the architectural style. The glass should be clear with an exterior daylight reflectance of not more than eight percent. The use of opaque glass is prohibited.

- d) **Canopies or awnings.** The size, scale and color of awning(s) should be compatible with the rest of the building; the awning(s) should not be the predominant element of the façade. Awnings should not cover the storefront piers or pilasters and should be divided into sections to reflect the major vertical divisions of the façade.

The awning should be mounted such that its valance is between eight and nine feet above the sidewalk with a projection of between four and eight feet from the building face, but no closer than five feet to the street curb. An Encroachment Permit is required for all awnings that encroach or overhang on the sidewalk.

The use of awnings along a row of contiguous structures should be restricted to awnings of the same form, location on the building façade, and material and color.

Awnings shall not start at the parapet edge of the façade. The step (the highest line of contact where the awning touches the façade) of the awning shall be at least 24 inches below the parapet line. Retractable awnings are encouraged, but barrel shaped awnings are discouraged. Where architecturally appropriate, cantilevered or suspended integral horizontal canopy slabs may be used instead of awnings. Internally lit awnings should not be used. Awnings shall be well maintained, cleaned on a regular basis, and replaced when faded or torn.



Awning size and placement

- f) **Cornices or parapets.** Each building should have a simple cornice. If a parapet is provided, it may be stepped vertically to provide modulation and emphasis on the central module. The cornice should enhance the architectural style of the building. The use of elements such as oversized crown moldings is not permitted. A plaster front building may have a stone sill at the parapet line. A brick-front building may have a corbelled cornice.
- g) **Security Grilles.** Visible security grilles are prohibited on the building facade exterior. Security grilles installed on the interior of the storefront are permitted. This installation must be done in a manner such that the grille is concealed from public view when not in use by retracting into casings that are in proportion and scale with the building's architecture. The color of the interior grilles should blend in with the background color so as to reduce their visibility when used. Exterior grilles on existing structures should be removed and placed on the interior of the storefront per these guidelines. Permanent security bars (defined as those clearly visible and fixed to windows on the façade) and roll-up metal security doors (including opaque shutters) are also strongly discouraged.



Unacceptable security bars.

- h) **Security Bollards.** Decorative bollards for security are permitted. Bollard design should be consistent with the overall project theme and should coordinate with other site furnishings. In locations where emergency access may be necessary, removable bollards should be considered.

7. Building Elements for Non-Retail Buildings

The elements of a building should relate logically to each other as well as to surrounding structures. A typical non-retail building has the following characteristic elements:

- a) Entrance door
- b) Windows
- c) Canopy or awnings
- d) Parapets

Design guidelines for these elements are described below. Appropriate scaled and proportioned elements should be provided in both the rehabilitation of existing storefronts and the construction of new buildings.

- a) **Entrance Door.** Entrance doors should be simple and located prominently in the building façade. The door should be made of materials compatible with the building architecture and style.
- b) **Windows.** Use interior and/or external shading devices to reduce solar heat gain and reduce energy consumption. Windows should be set from the exterior face of wall to create a shadow line. The glazing used for the windows may be clear or partly tinted glass. Highly reflective or dark tinted glass is not permitted.
- c) **Canopies or awnings.** In non-retail buildings, the use of awnings is generally not encouraged. Instead, if architecturally appropriate, cantilevered or suspended integral horizontal canopy slabs may be used instead of awnings. A canopy should be located such that its valance is between eight and nine feet above the sidewalk with a projection of between four and eight feet from the building face, but no closer than five feet from the street curb.
- d) **Parapets.** Parapets should have sufficient articulation of detail such as corner treatments, continuous banding, details, or varying pitch. Parapets should always include a cap and corner detail to enhance the building. Parapets should look integrated with the building.

8. Roof Design

- a) The roof design should be considered as a component of the overall architectural design theme. Roof forms should be simple, avoid a massive appearance, and reflect the internal organization of buildings.
- b) New buildings may have flat or sloping roofs, depending on what is most compatible with the architectural style of the building and others in the area. Parapets should appear integrated with the building and should include a cap and corner detail to create a shadow line to enhance the building. Mansard roofs are discouraged.
- c) As a building feature, sloped roofs help make a visual transition from commercial uses to the surrounding residential neighborhoods. When gabled or pitched roofs are used, careful integration with the primary building and adjacent buildings should be considered in design. Roof slopes should be between 3:12 and 6:12.
- d) Varied roof forms such as tower elements, extended eaves with rafters and corbels may be used to add interest and to create a consistent style. Roof planes may be extended beyond the building volume to create covered walkways and verandas.
- e) Roof form and height should be varied to complement building mass and articulation. Vertical variations to the roof line should incorporate roof projections to avoid a false front/ unfinished appearance.
- f) The roof line at the top of the structure should not run in a continuous plane for more than 60 feet without offsetting or joggling the roof plane. This dimension should correspond with the modulation of the building's wall planes.

9. Doors and Windows

- a) Doors and windows are key elements of any structure's form, and should relate to the scale and proportions of the elevation on which they are located. Windows and doors can establish character by their rhythm and variety and help to provide depth and contrast on elevation planes. Windows and doors should be used to help mitigate

building mass, establish scale, give expression to otherwise blank walls, and create a distinctive building design.

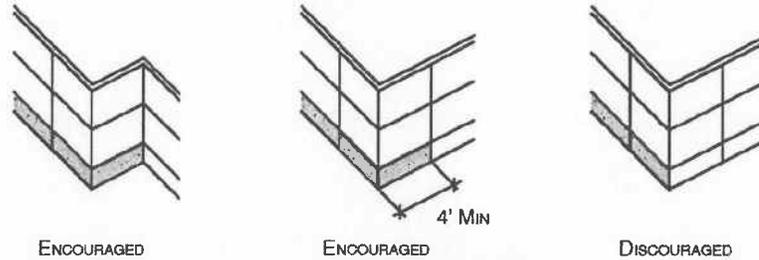
- b) All doors and windows should be related with the chosen architectural style. Windows with widely varying styles are strongly discouraged. All doors and window frames should be made of consistent material. Wherever possible, window sizes should be coordinated vertically and horizontally and window design should be consistent in terms of style and general arrangement on all building sides.
- c) Window exposure should be maximized along pedestrian walkways. The use of opaque glass adjacent to pedestrian walkways is discouraged.
- d) Window frames should appear substantial and should not be flush with the exterior finish. Windows should be designed to enhance building interest and articulation. Recessed windows or inset glazing are possible design considerations.
- e) Windows located on the sides and rear of the project should also be consistent with the look and style on the front of the project.
- f) Use interior and/or external shading devices to reduce solar heat gain and reduce energy consumption. Windows should be set from the exterior face of wall to create a shadow line. The glazing used for the windows may be clear or partly tinted glass. Highly reflective or dark tinted glass is not permitted.

10. Architectural Lighting

- a) Architectural lighting can be used to enhance the perception of a commercial building(s) at night. A façade light style that is sympathetic to the building's architecture should be used. Architectural lighting should "wash" upon the street faces of a building. Façade lighting should vary so that the important elements such as entries, architectural details and public art, are lit more dramatically than the intervening walls and voids.
- b) Visible direct lamp glare from unshielded floodlight fixtures is not allowed. In addition, retailers and other building users are discouraged from allowing a direct view to any bare light source from normal pedestrian or vehicular sight lines. This includes both façade lighting as well as interior lighting within 10 feet of the structures' windows.

11. Materials and Finishes

- a) Materials and finishes should be suitable to the scale, character and design theme of the building and further lend variety and interest to the project.
- b) Textures, colors and materials should unify the building and its elements. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided.
- c) Buildings should be treated as a whole and finished appropriately on all sides to provide continuity. Backs of buildings should use similar materials; however, less expensive and more utilitarian substituted materials are acceptable, provided they are compatible with the overall design.



Treatments for material changes at corners.

- d) Materials tend to appear substantial and integral to the structure when material changes occur at changes in plane. Material changes not accompanied by changes in plane appear “tacked-on” and are strongly discouraged. Material changes should not occur at external corners. Material changes may occur at “reverse” or interior corners or as a “return” at least four feet from external corners, with extended returns provided for large buildings.
- e) Exterior materials for all commercial developments should be of high quality, durable and low maintenance. Materials that will withstand abuse by vandals or accidental damage from machinery are strongly encouraged.
- f) Accessory structures should be designed as an integral part of the project architecture and should be similar in material, color, and detail to the primary buildings.
- g) The use of sustainable building materials is strongly encouraged. This includes using quality materials with a long life span, selecting materials that are not energy-intensive to manufacture, using building products made from recycled materials, and repairing and maintaining well-built existing structures to the fullest extent possible. No large expanses of wood features should be used due to maintenance issues in High Desert climate.
- h) Materials that have no relationship to the architectural style shall not be permitted. These include mirrored glass, antiqued or imitation old brick, fake or cultured river rock, exposed concrete block, etc. Translucent plastic is strongly discouraged for use in awnings.

12. Color and Texture

- a) Color and finishes on exteriors of all elevations of a building should be coordinated to provide a total continuity of design. Materials provide texture and color and should influence the choice of other colors on the façade.
- b) The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up the mass of a building. Lower wall wainscots and built-up or recessed reveals may be employed to add interest and break up vertical monotony.
- c) The colors chosen should accentuate the architectural details of the building and be consistent with its architectural style. A minimum of three and a maximum of five exterior building colors shall be used. These colors should be used on the base (main body), trim and accent. The base colors should be the lightest and the accents used sparingly. The two additional colors may be used on the base (main body) to distinguish between upper and lower floors or as an additional trim color.
- d) Sign colors and finishes shall relate to those of the building. Signs may use any of the building colors plus up to three additional colors for a maximum of eight colors. Signs must use at least one of the building exterior colors.

- e) Unusual patterns and color schemes should be avoided. Garish, non-harmonious, or out-of character colors should not be used.

13. Corporate Identity Issues. The use of standardized “corporate” architectural styles associated with franchises is discouraged. Make corporate identity secondary in the design of projects, and consistent with the architecture of the surrounding community. Site-specific design solutions are encouraged. The design character should not be a standard franchise prototype and should incorporate dominant characteristics of the neighborhood in which it is located.

Section 16.16.405 SITE DESIGN STANDARDS AND GUIDELINES

A. The scale and site layout of commercial development can vary greatly from project to project.

1. Building Siting, Orientation and Setbacks

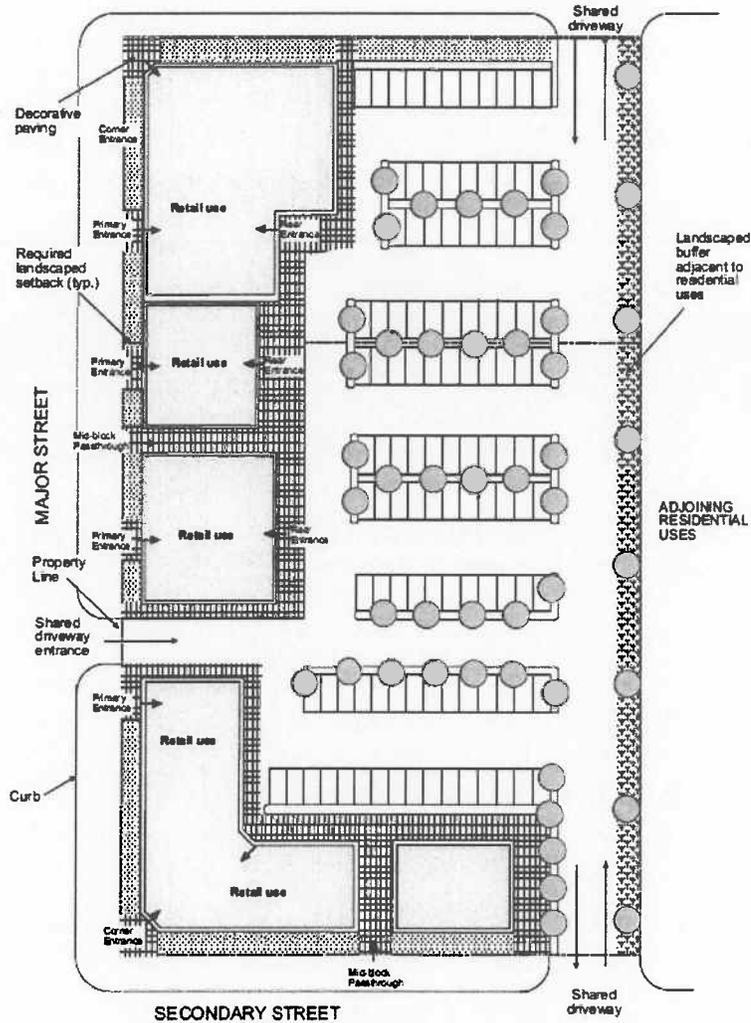
- a) Building siting should take into consideration the context of the commercial area, the location of nearby uses, and the location of major traffic generators as well as the site’s characteristics.
- b) The arrangement of structures, parking and circulation areas and open spaces should relate to the surrounding built environment in pattern, function, scale, character and materials. In developed areas, new projects should meet or exceed the standards of quality that have been set by surrounding development.
- c) Uniform building setbacks and orientation represent an effective means of establishing compatible development patterns among neighboring properties. Contribute to an attractive street scene, and consistently orient buildings and building entrances along the public right-of-way.
- d) As far as is feasible, buildings should be sited to screen parking and unsightly scenes and activities from public view, and from residentially designated properties.
- e) Buildings should not turn a blank wall to neighboring properties; site buildings to avoid visible blank walls along interior side property lines.
- f) Buildings with angled corners or plazas are encouraged at corner locations.



Use angled corners and corner entries for strong corner emphasis.

- g) One of the critical elements of a successful pedestrian-oriented retail area is continuous street frontage. The street side setbacks should be minimized and new structures built at the street side setback line. For the rehabilitation of existing buildings, the existing setback may be maintained.

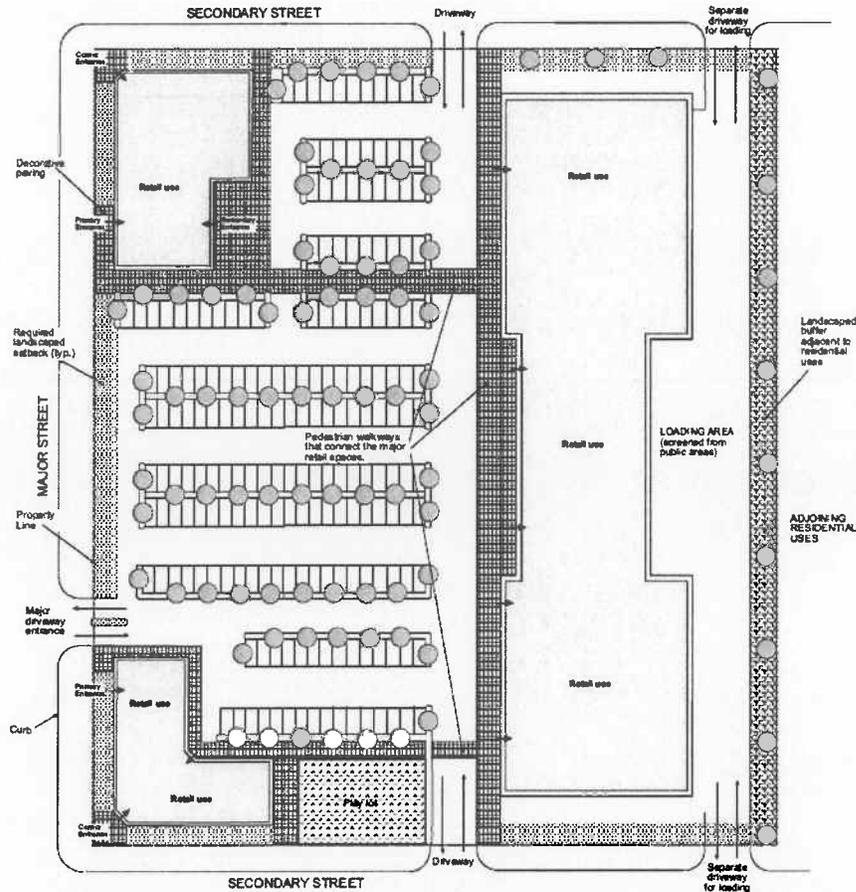
- h) The placement and design of buildings should facilitate and encourage pedestrian activity and convey a visual link to the street and sidewalks. The building(s) and main entrance(s) should be oriented toward the primary street frontage.



Typical Pedestrian-Oriented Commercial Site Layout

“Big Box” Retail and Large-Scale Commercial Development.

- i) Buildings shall be sited to avoid random and irregular building relationships; arrange buildings to create a sense of unity and overall harmony. Whenever possible, new structures should be clustered to create plazas and pedestrian malls and avoid the creation of “barrack-like” rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure. Orient the main entrance or entrances to the street or major plazas or open space.



Typical Large-Scale Commercial Site Layout

- j) **Typical Large-Scale Commercial Site Layout.** Where the parking area of a commercial project abuts another commercially or industrially designated property, a minimum 5-foot wide perimeter landscape buffer (exclusive of the planter area curb) is required. Where feasible to do so, integrate the landscape buffer with that of the adjacent property. An exception is permitted for areas where shared parking and access has been designed with an adjacent project.

2. Interface between Non-residential and Residential Uses. In several portions of the City, non-residential uses abut residential uses. Residential uses should be buffered from incompatible commercial development to mitigate negative impacts due to noise, vibration, shading, light and glare, and aesthetics. Intensified landscaping, increased setbacks and appropriate building orientation should be utilized as a means of providing adequate separation between such land uses. However, linkages (e.g. walkways, common landscape areas, and building orientation) between compatible commercial and residential uses are encouraged where appropriate. Issues of privacy, safety and noise are addressed in these following standards:

- a) To provide privacy for adjacent residential properties, taller elements of the building shall be set at the front end of the parcels instead of the rear. Building heights should be stepped down to the height of adjacent residential uses, utilizing architectural elements such as gables and hipped roofs to reduce building mass. No portion of the building, including parapets, shall be above an imaginary plane drawn at the rear property line

(where no alley is present) and extended at an angle of 45 degrees towards the center of the property. When an alley is present, the plane shall begin at the centerline of the alley.

- b) In addition, appropriate landscape screening shall be provided at the shared property line to mitigate the negative visual and environmental impacts that are associated with commercial land uses. Excepting trees, this screening shall be eight feet in height.
- c) Eighty percent of the vertical plane at the property line to a height of eight feet shall be opaque.
- d) Screening may consist of one (or more) of the following:
 - i. "Vertical" trees closely spaced
 - ii. "Green" (vine-covered) solid or fenced walls
 - iii. Hedges (minimum height of eight feet)
- e) Non-residential buildings should be sited to avoid significant shading of adjacent residences and compromising residents' privacy.
- f) Windows of non-residential buildings should be oriented to avoid a direct line of sight into adjacent residential buildings or property.
- g) Noise or odor generating activities in general, and loading areas, trash and storage areas, and rooftop equipment in particular, should be located as far as possible from adjacent residential uses and shall not be located next to residential properties without fully mitigating their negative effects.
- h) Whenever adjacent residential and commercial uses can mutually benefit from connection rather than separation, appropriate connective elements such as walkways, common landscaped areas, building orientation, gates and/or unfenced property lines should be employed.
- i) Additional noise standards pursuant to Section 16.20.125 of this Development Code shall also apply.

Pedestrian-Oriented Commercial Development.

- j) Where a project abuts a residentially designated property, a minimum of three feet of the required setbacks adjacent to the residential use shall be devoted entirely to shrubs (at least six feet in height) and trees (exclusive of any planter area curb).

"Big Box" Retail and Large-Scale Commercial Development.

- k) To provide privacy for adjacent residential properties, taller elements of the building should be set away from the residential uses. No portion of the building, including parapets, should be above an imaginary plane drawn at the rear property line (where no alley is present) and extended at an angle of 45 degrees towards the center of the property. When an alley is present, the plane shall begin at the centerline of the alley.
- l) Where a project abuts a residentially designated property, a minimum of six feet of the required setbacks adjacent to the residential use shall be devoted entirely to shrubs (at least six feet in height) and trees (exclusive of any planter area curb). Shrubs shall be planted at a minimum size of five gallons and trees at 24" box.

3. Plazas and Courtyards

- a) Commercial developments should incorporate plazas and courtyards into their design. Buildings should be clustered to create usable pedestrian areas.
- b) Primary access to public plazas and courtyards should be provided from the street. Secondary access may be provided from retail shops, restaurants, offices and other

uses within the development. Entries to the plazas and courtyards should be inviting and well lit.

- c) Landscaping, water features, and public art should be incorporated into plaza and courtyard design. Shade trees or architectural elements that provide shelter and relief from direct sunlight should be provided.
- d) Plazas and courtyards should be buffered from the street, parking areas or drive aisles.
- e) Auxiliary structures and areas such as play areas and outdoor dining areas should be integrated within the overall site design. Play structures associated with commercial uses should be enclosed and integrated within the building design.



Create plazas, courtyards, and pedestrian areas in commercial developments.

4. Environmental Considerations

- a) Buildings should be designed and sited to maximize the use of sunlight and shade for energy savings, and respect the solar access of adjacent buildings.
- b) Grading shall be designed to limit the height of retaining walls and perimeter walls to that permitted by the City's requirements. To the extent possible, site grading should relate to the natural surroundings and be designed to minimize grading by following the natural ground contours and recognizing existing drainage patterns. Graded slopes should be rounded to blend with existing terrain. Grading should emphasize and accentuate scenic vistas and natural landforms.
- c) Large manufactured slopes should be avoided in favor of several smaller slopes integrated throughout the project. Smaller slopes are less obtrusive, more easily vegetated and can be used to add visual interest, preserve views and provide visual buffers where necessary.
- d) Significant existing trees, vegetation and any other natural site attributes should be preserved to the greatest extent possible in the design and development of the commercial project. Site design that requires altering landforms and removing trees is discouraged.
- e) Consideration should be given to the reduction of landscape maintenance and water consumption when selecting landscape materials.

5. Vehicle Circulation and Access

- a) Site access and internal circulation in commercial developments should promote safety, efficiency, and convenience. Vehicular traffic should be adequately separated from pedestrian circulation. Vehicular entrances should be clearly identified and be easily accessible to minimize pedestrian/vehicle conflict.
- b) Adequate areas for maneuvering, stacking and emergency vehicle access should be provided. Internal circulation routes and parking areas should be separated. Continuous circulation should be provided throughout the site to the greatest extent possible to prevent awkward vehicular maneuvers. Dead-end driveways should be minimized. Vehicles should not be required to re-enter the street in order to move from one area to another on the same site.
- c) The number of site access points or driveway aprons shall be minimized, to achieve efficient and productive use of paved access ways, and to eliminate traffic hazards. They should be located as far as possible from street intersections. A minimum distance for driveway aprons shall be required as outlined in Table 1 of Section 12.08.020 of the Hesperia Municipal Code and may be increased based upon safety considerations.
- d) The site access points should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided. Shared site access is encouraged and in some cases may be required.
- e) Where possible, driveways should be minimized along arterial streets and access instead provided from side/secondary streets.
- f) Design that allows for present or future reciprocal access with adjacent properties is encouraged. Driveway entry locations should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway.
- g) The main entry driveway should be easily identifiable, incorporating landscaping and possibly accent paving that is related to the building hierarchy and color.
- h) Vehicular access, drives and circulation routes shall be designed so that all movements involved in loading, parking, or turning shall occur on-site and not within the public right-of-way. Exceptions will be considered where a property abuts an alleyway.



Provide enhanced paving, landscaping, and sidewalks at project entries.

6. Pedestrian Circulation

- a) Commercial developments shall incorporate pedestrian walkways into site design to provide pedestrian connections from building entries to public sidewalks, plazas, and

parking areas, and to buffer pedestrians from vehicular movement. Project entries and driveway areas should contain design features, including landscaping and textured paving, to break up the expanse of paving in a project. Paving materials should complement the architectural design. The use of stamped concrete, stone, brick, pavers; exposed aggregate or color concrete is encouraged.

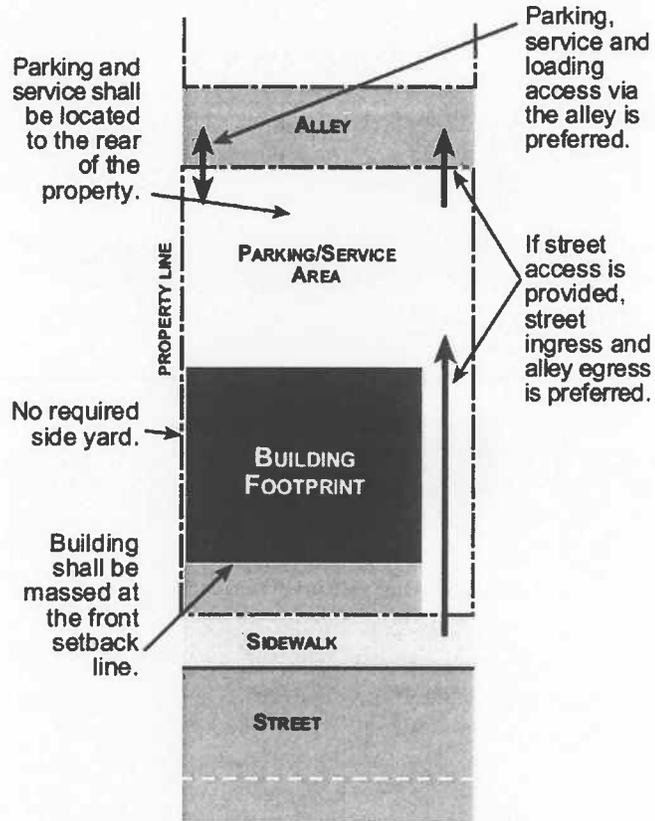
- b) Pedestrian walkways should be a minimum of four feet in width. Pedestrian walkways should be safe and clearly identifiable using varied surfaces, decorative paving, and landscaping. At a minimum, varied surfaces should be used to delineate crossings at circulation drives and parking aisles.
- c) Design parking areas so that pedestrians walk parallel to moving cars. Minimize the need for pedestrians to cross parking aisles and landscape islands to reach building entries.
- d) New structures and parking areas should enhance existing pedestrian connections to existing outdoor pedestrian spaces such as courtyards, plazas and porticos and create new connections where none exist.
- e) Raised pathways, decorative paving, landscaping and bollards should be used to separate pedestrian paths from vehicular circulation areas to the maximum extent possible.
- f) Identify and accentuate pedestrian areas; use special paving, painting, landscaping, etc.

7. Parking

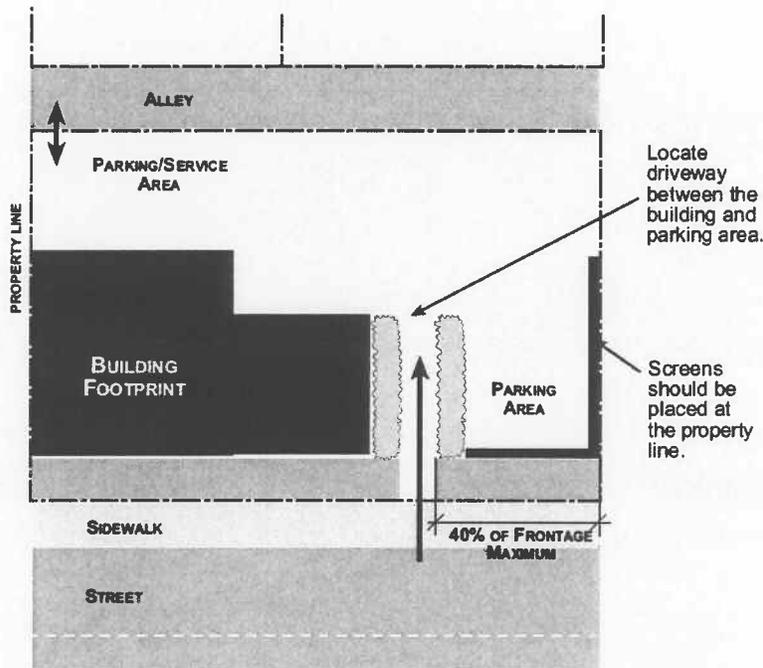
- a) Parking lots should be designed with a clear hierarchy of circulation: major access drives with no direct access to parking spaces; major circulation drives with little or no parking; and parking aisles for direct access to parking spaces. Loading and service areas should be provided with separate access and circulation whenever possible.
- b) On-site parking (lots and structures) shall be located to the rear of the building for parcel widths less than 200 feet and accessed by alleyways wherever they exist.
- c) For parcel widths greater than 200 feet, parking lots may occupy up to 40% of the parcel's street frontage. Such siting in conjunction with substantial landscape treatment, enhances the streetscape, and contributes in the screening of parking areas.
- d) Parking areas shall be designed so that no vehicle has to back into the public street. Provide end-stall turnarounds or a continuous circulation pattern.
- e) Parking lots should be separated from buildings by a raised walkway (minimum four feet wide) and landscape strip (minimum seven feet wide).
- f) Parking areas should be screened by buildings and landscaping.

Pedestrian-Oriented Commercial Development.

- g) In pedestrian-oriented retail areas, vehicular entrances to off-street parking lots should be minimized in order to maintain retail facade and pedestrian continuity. No existing storefronts may be removed to provide vehicular access to parking. Encourage alley access to parking, where present, by implementing area-wide parking information and signage systems.



Site layout including driveway locations for parcels less than 200 feet in width.

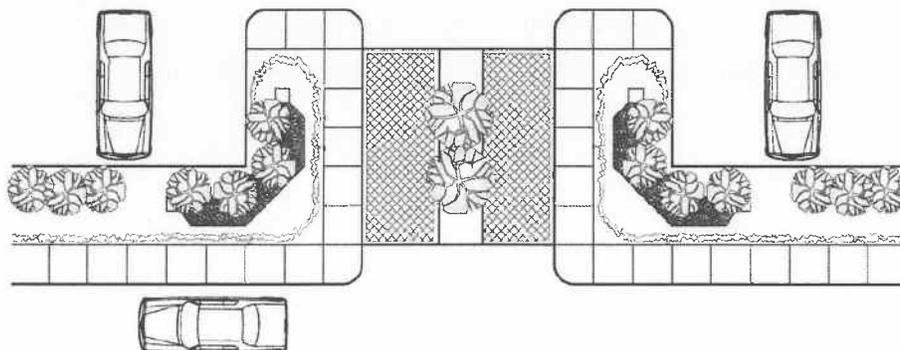


Site layout including driveway locations for parcels more than 200 feet in width.

- h) Shared driveways and parking arrangements between adjacent businesses/developments are strongly encouraged.
- i) In commercial centers, on-site parking should be consolidated in one area rather than wrapping around the entire building.

“Big Box” Retail and Large-Scale Commercial Development.

- j) The visual dominance of parking facilities should be reduced such that parking is visually subordinate to the building it serves. The desirable solution is to provide a majority of the parking at the rear of the site, where it is largely hidden from view by a building that fronts the street. In addition, on-site parking should be consolidated in one area rather than wrapping around the building.
- k) Where feasible and compatible with the design of the building, use subterranean, semi-subterranean, or parking, which is tucked under the building. Parking designed in this manner must effectively reduce the visual impact of parking, and not detract from the building architecture or site views.
- l) Entry areas to commercial development should be enhanced by ornamental landscaping, decorative paving, raised medians, gateway structures, and monument signage.
- m) Main entry drives should extend from the street to the front cross aisle and should include:
 - i. A median with a minimum 10-foot wide clear landscaped area between the street and the first bisecting parking aisle.
 - ii. A minimum 5-foot wide sidewalk on each side of the driveway.
 - iii. A minimum 10-foot wide landscaped parkway on each side of the driveway.
 - iv. A minimum 20-foot wide decorative paving band.
 - v. Use decorative paving and landscaping to facilitate vehicular and pedestrian access at project entries.



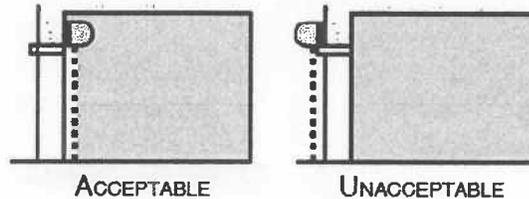
Use decorative paving and landscaping to facilitate vehicular and pedestrian access at project entries.

8. Loading Areas

- a) Loading areas shall be designed to prevent interference with vehicular circulation and parking, and to provide an unobstructed area for trucks to maneuver when accessing loading spaces.
- b) Loading areas shall be located away from main customer entrances and the street, preferably toward the rear of the property.
- c) Overhead (roll-up) doors shall not be directly open to public view, and shall be substantially screened from the street, the freeway, and residentially designated

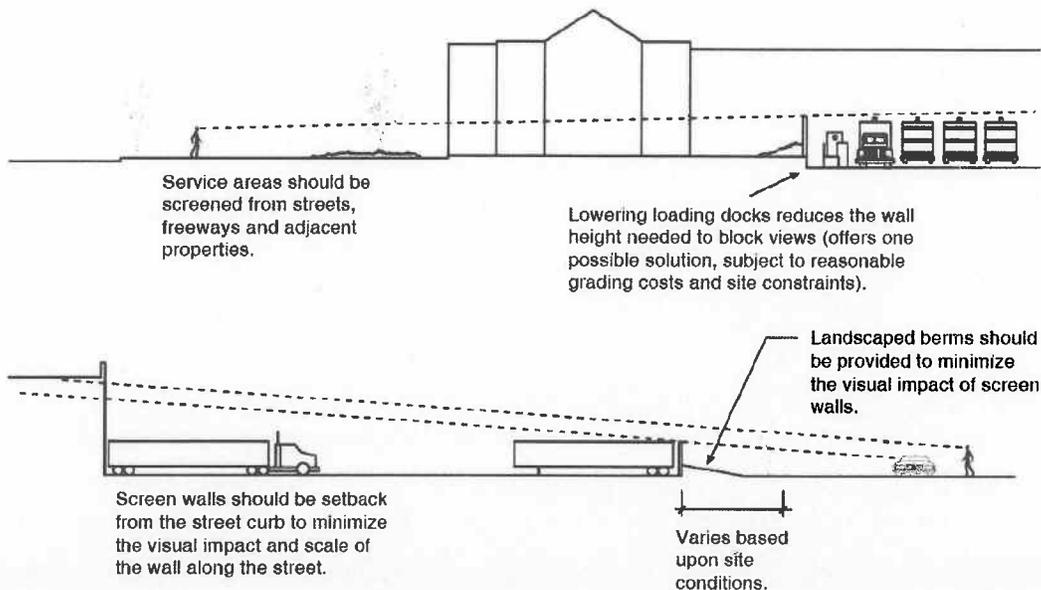
properties. Screening may be accomplished in a variety of ways, including the use of wing walls, the recessing of overhead doors (building articulation), landscaping, or a combination of these techniques. Fixed hardware for roll up doors shall be located on the inside of buildings to minimize visual clutter.

- d) If located adjacent to residential areas, the design of overhead doors should minimize noise through devices such as rubber seals and/or other dampening features.



Roll-up Doors

- e) The grade of loading docks should be as low as feasible to minimize views from the street and the need for tall walls or fencing. Building segments above loading docks visible from the street and surrounding properties should conform with other guidelines pertaining to building features, materials and finishes.
- f) Service areas should be screened from streets, freeways and adjacent properties. Lowering loading docks reduces the wall height needed to block views (offers one possible solution, subject to reasonable grading costs and site constraints). Screen walls should be setback from the street curb to minimize the visual impact and scale of the wall along the street. Varies based upon site conditions. Landscaped berms should be provided to minimize the visual impact of screen walls.



Outdoor Storage, Service, and Loading

9. Outdoor Storage and Service Areas

- a) Outdoor storage and service areas (including, but not limited to, service entrances, loading docks and bays, outdoor storage of commercial vehicles) should be clearly

defined and designated for convenient access. They shall not conflict with vehicular access, on-site parking facilities, pedestrian walkways, and customer entrances.

- b) Outdoor storage and service areas should be located to the rear of a property so as not to face a public street. They shall not be open to view from the street or freeway. In addition, outdoor storage and service areas shall be located so as to minimize negative impacts (visual, noise, dust, vibration, etc.) upon any neighboring residential properties.
- c) Service access should be located in a manner such that an unsightly condition is not created and the flow of pedestrians or user circulation when in use is not obstructed.
- d) Outdoor storage and service areas shall be screened from on-site and off-site public view with a combination of building features, decorative walls, and landscaping consistent with the architectural style and design of the building.

10. Refuse Collection Facilities

- a) Trash storage must be enclosed within or adjacent to the main structure or located within separate freestanding enclosures.
- b) The location of refuse collection facilities should be coordinated with the location of loading/ service areas, and not readily visible to public view.
- c) Refuse collection facilities should be unobtrusive and conveniently accessible for trash collection but should not impede circulation during loading operations. Where multiple trash bins are provided for a given project, disperse the location of trash facilities for more convenient waste disposal by individual trash generators.
- d) Refuse collection facilities should be located to the rear of site and, where possible, screened from view from public streets and walkways and removed from pedestrian oriented areas. These areas should be screened with portions of the building, architectural wing walls, freestanding walls and landscape planting. Other acceptable screening materials include fences, landscaping, and/or berming, and the use of natural terrain where possible. Decorative treatment shall be used to minimize the adverse visual impact of these areas.
- e) Refuse collection facilities shall be located so that there will be minimal intrusion (i.e. impacts associated with site views and odors) upon neighboring residentially designated properties.
- f) Refuse collection facilities should be architecturally compatible with the project design. Colors and materials used to enclose these elements should be compatible with all other buildings on site. Landscaping shall be incorporated into the design of trash enclosures to screen them and deter graffiti.

11. Utility and Mechanical Equipment

- a) All utility and mechanical equipment (wall-mounted meters, air conditioners, transformers, etc.) shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being "tacked on."
- b) Where possible, integrate rooftop equipment into the overall mass of a building. At a minimum, roof mounted equipment shall be screened through the use of parapets, screening walls, equipment wells, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing. Picket fencing, chain-link fencing and metal boxes are not permitted. The top of screens should be at least as high as the top of the equipment, with additional height provided where larger equipment units could be used in the future.



Exposed roof-mounted equipment is prohibited.

- c) Ladders for roof access shall be hidden and integrated into the building design.
- d) Typical ground-mounted equipment (such as transformers and heating units) shall be adequately screened with walls and/or landscaping. The building from view of adjacent streets and properties should screen large structures and/or equipment.
- e) Utility equipment such as electric and gas meters, electrical panels, and junction boxes shall be located in a utility room within the building.
- f) All utility lines from the service drop to the site should be underground.
- g) Transformers should not be located in the front landscaped setback area. Where transformers are unavoidable in the front setback, they shall be completely screened and camouflaged by landscaping, and should not obstruct views of tenant spaces, monument signs, and/or driveways.
- h) All vents, gutters and downspouts, louvers, exposed flashing, etc. should be treated as design elements and be compatible with the rest of the building, or hidden from public view.
- i) Exposed roof-mounted equipment is prohibited.

12. Fences, Walls and Hedges

- a) Walls and fences serve a major function in the streetscape and are used to screen vehicles, loading and storage areas, and utility structures. However, if not required for a specific screening or security purpose, they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and security functions. The height of walls and fences on commercial properties is set forth in Section 16.20.070.
- b) Walls and fences should be planned and designed as integral parts of the development, and should be consistent with the landscaping and building design.
- c) If street fencing is necessary, decorative types of view fencing, such as wrought iron, are encouraged. Solid fencing, such as stucco or masonry, is strongly discouraged when they will block the view of the buildings or provide hiding places. The use of chain-link, barbed wire or razor wire for fencing is prohibited.
- d) Perimeter walls or fencing that do not front a public street should be of decorative masonry (split-face block, plaster/stucco finish), decorative metal (wrought iron), hedges, or a combination of materials. They should be designed in a style, material and color to complement the development. Both sides of walls should be architecturally treated.
- e) Tiered planting should be provided adjacent to project perimeter walls along street frontages to soften their appearance.

- f) Walls should be eliminated or sited to provide additional setback areas at project entries accommodate landscaping, signage, or street furniture.
- g) Wall sections greater than 50 feet in length fronting a street shall incorporate at least two of the following design features, in proportion to the length of the wall:
 - i. A minimum 2-foot change in horizontal plane for at least 10 feet.
 - ii. A minimum 18-inch change in height for at least 10 feet.
 - iii. A minimum 18-inch high raised planter for at least half the length of the wall.
 - iv. Use of pilasters at 25-foot maximum intervals and at changes in wall planes.
- h) Gates or comparable design solutions should be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access.
- i) Walls should be curved or angled at corner locations along street frontages to allow sight line views around the corner.
- j) Hedges and other landscape screening materials should consist of evergreen plant materials.

Pedestrian-Oriented Commercial Development.

- k) Freestanding walls, fences or hedges between any street frontage and retail building on site are not permitted.

13. Site Amenities

- a) Site amenities within a commercial setting should be coordinated in terms of color, materials and design in order to convey a cohesive project appearance and distinctive character.
- b) Seating should be included in plaza and courtyard design. Where possible, seating should be provided in active and passive areas.
- c) Tree grates should be provided along street edges and plazas where a continuous walking surface is needed. Grates should be a minimum of four feet in diameter. Knockouts must be provided to enlarge the inside diameter to support a larger tree trunk as the tree grows.
- d) Tree guards should be provided to protect trees in high activity areas. Tree guard design should be compatible with other site furnishings. Tree guards should be attached to the tree grate; welds should not be visible.
- e) Planters and pots should not obstruct pedestrian traffic flow. Consider placing pots in building recesses, at locations where access is discouraged and adjacent to blank walls to provide visual interest and color accents. Group similar sized planters in clusters to enrich streetscapes and plazas. Planter materials should complement the project architecture. Use of cast stone and masonry is encouraged.
- f) Bollard design should be consistent with the overall project theme and should coordinate with other site furnishings. In locations where emergency access may be necessary, removable bollards should be considered.
- g) Trash receptacle design should coordinate with other streetscape furnishings.
- h) Bicycle rack design should be consistent with other streetscape furnishings. Use of "loop racks" and "ribbon bars" are encouraged.
- i) Newspaper racks should be consolidated. Newspaper rack locations should not inhibit pedestrian flow. Newspaper rack design should incorporate masonry and/or metal elements that compliment other streetscape furnishings.
- j) Site directories should be provided near vehicular and pedestrian entrances to multi-tenant commercial developments. Directory siting should maximize their visibility while minimizing the potential for creating a traffic hazard.



Provide decorative pedestrian-oriented site amenities, such as seating, planters and pots, fountains or water features, and tree grates and tree guards in commercial settings.

14. Exterior Lighting

- a) Exterior lighting shall be used to provide illumination for the security and safety of on-site areas such as building entrances, parking, loading, shipping and receiving, walkways, and working areas. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site.
- b) Provide decorative pedestrian-oriented site amenities, such as seating, planters and pots, fountains or water features, and tree grates and tree guards in commercial settings.
- c) Exterior lighting should be adequate, but not overly bright. It shall be located and designed to avoid direct glare onto adjacent properties and public rights-of-way. All lighting fixtures must be hooded and directed downward to minimize light and glare impacts on neighboring properties and public rights-of-way. In addition, the lighting shall have cut-off luminaries that limit the amount of light pollution on nighttime skies.

- d) Buildings and landscaping can be illuminated indirectly to create a strong positive image. Concealing light features within buildings and landscaping can highlight attractive features and avoid intrusion into neighboring properties and public rights-of-way.
- e) Lighting should be designed to satisfy both functional and decorative needs. Storefront lighting should complement the architectural style of the building.
- f) Lighting designs for parking areas should take into account color rendition and glare minimization. Color rendition allows a person to distinguish between colors. In a parking area with appropriate color rendition, a person will be able to identify the color of their car. Color rendition will vary according to the lamp type selected and should be considered as a factor in lamp style selection. During the design process, glare levels should be considered and efforts should be made to minimize glare.
- g) All building entrances shall be well lit. If the entrance is recessed, a light from the ceiling of the entry vestibule is strongly encouraged to prevent any dark pockets or hiding places.
- h) Transit stops, ATMs, and convenience stores shall be illuminated to facilitate their safe use at nighttime. In addition, the areas around these uses shall be well lit so that any hiding places are eliminated.
- i) The height of light fixtures shall be reduced to a recommended height of eight feet, especially when adjacent to the residential areas. Floodlights are not permitted in areas adjacent to the residential areas.
- j) Lighting fixtures should be compatible with the architectural character of the project and surrounding area. While some nondescript fixtures may be appropriate, significant use should be made of fixtures that have architectural value and accent the building and site.
- k) Both building-mounted and freestanding fixtures may be used.
- l) 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.

Article XII (Industrial Districts) shall be deleted in its entirety, except for revisions made to Section 16.16.610 shall be relocated to, and renumbered in Article X, and the following shall be added:

ARTICLE XII. Industrial Design Guidelines

Section 16.16.410 Industrial Design Standards and Guidelines.

A. General

1. Purpose. This Article provides standards and guidelines for designing new industrial developments and for exterior alterations and additions to existing developments. Because of the size and scale of industrial buildings, it is especially important to consider design to ensure compatibility with other parts of the community.

As a category of structure types, industrial buildings often present unattractive and monotonous facades with large blank wall surfaces, untreated or false fronts, or highly reflective and glaring surfaces. In addition, the site development is often not pedestrian-friendly, not properly buffered from surrounding uses, insufficiently landscaped, and surrounded by unsightly fencing.

There is, however, a variety of design techniques that can be utilized to help overcome these situations and to direct development into a cohesive design statement that is both functional and aesthetically appealing. Property owners, developers, architects, building designers, and contractors seeking to construct new industrial developments, or alterations or additions to existing developments, should use these standards and guidelines in the early design stages of their projects. These standards and guidelines are not intended to limit creative site planning and architecture that are consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative design solutions are strongly encouraged. Refer to Chapter 16.16, Article X of this Development Code for specific development standards pertaining to industrial uses.

2. Applicability

These design standards and guidelines apply to all new industrial development and business parks, including exterior alterations and additions to existing developments within the City. The standards and guidelines apply to smaller infill projects as well as larger master planned sites, and are in addition to the development standards set forth in Chapter 16.16, Article X of this Development Code.

3. Design Goals

The design standards and guidelines have been established in order to accomplish the following goals:

- a) Improve the quality of design for industrial developments, thereby improving the image and appearance of the City's industrial areas.

- b) Create attractive and functional site arrangements of buildings, service and loading areas, open spaces, and parking areas; and develop a high quality architectural and landscape design.
- c) Contribute to the character of the neighborhood by respecting the scale, proportion and architectural style of the surrounding area.
- d) Create visual interest in industrial buildings, while maintaining a sense of harmony within the project.
- e) Mitigate the negative impacts and views associated with industrial uses through effective site placement, screening, and buffering techniques.
- f) Eliminate random development patterns and establish site planning and design relationships between new development and neighboring properties.
- g) Encourage environmental sensitivity in development.
- h) Improve pedestrian circulation and connections on industrial sites and within industrial areas.
- i) Improve the appearance and character of the City.

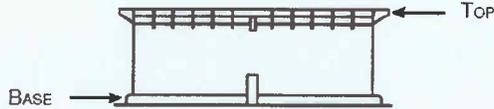
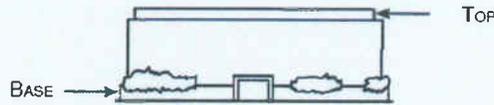
B. ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES

While there is no mandated architectural style required for industrial structures in the City, each project should possess an identifiable architectural theme and be of high quality design and materials. Industrial buildings should display unique, visually attractive qualities while having a unified composition. Multi-building projects should also use a consistent architectural style.

Industrial projects should give neighboring development a sense of unity through consistent building scale and massing. Yet, visual interest should be created with the use of a variety of architectural styles and individual building details to avoid monotonous industrial neighborhoods and enliven the public's experience of the building. New projects should meet or exceed the standards of quality that have been set by surrounding development and contribute to the improvement of the area.

1. Building Articulation and Detailing

- a) Building articulation and detailing should be used to create an interesting and individual design, diminish the massing of large structures, and be compatible with the scale of surrounding development. Building design shall avoid large monotonous facades, long straight-line building fronts, plain box shapes, and barren exterior treatment.
- b) All elevations should be architecturally treated, however, facades visible from major street corridors should be especially attractive and shall be fully articulated, and incorporate the chosen architectural theme in a consistent manner.
- c) Articulation should include change of wall plane, door and window treatment, facade details, and other appropriate architectural treatment. A combination of compatible treatments should be used to create interest and variety, with attention given to treating particular architectural features in a balanced, yet uniquely detailed and decorative manner.
- d) The staggering of planes along an exterior wall elevation creates pockets of light and shadow, providing relief from monotonous, uninterrupted expanses of wall. Wall planes should not run in one continuous direction for more than 60 feet without an offset.



A "top" and "base" should be established within the top-most and bottom-most one-eighth of a building.

- e) Facades having a recognizable "base" and "top" are encouraged. The base should visually relate to the proportion and scale of the building. Techniques for establishing a base may include richly textured materials (e.g. tile or masonry treatments), darker colored materials, mullion, panels, reveals and/or enriched landscaping. Tops take advantage of the visual prominence of a building's silhouette. Techniques for clearly expressing a top may include cornice treatments, roof overhangs with brackets, richly textured materials (e.g. tile, masonry or fluted concrete), and/or differently colored materials. Colored "stripes" are not acceptable as the only treatment.



Avoid blank facades and barren exterior treatment.

- f) Buildings should incorporate architectural details and elements, which will reduce building scale at the street level, especially along pedestrian walkways. Awnings, canopies, arbors, trellises, etc. are effective in this regard. The appropriate use of other architectural details, including reveals, course lines, decorative cornice, columns, etc., is also encouraged as a means of creating interest, variety, and distinctive design. Details should reflect the structural and material integrity of the building; overly gratuitous ornamentation is discouraged.



Use building articulation, change of wall planes, door and window treatments, and other appropriate architectural detailing to create an interesting and individual design and diminish the mass of large industrial structures.

2. Height and Roof Lines

- a) The roof design should be considered as a component of the overall architectural design theme.
- b) Roof forms should be simple, avoid a massive appearance, and reflect the internal organization of buildings.
- c) Roof form and height should be varied to complement building mass and articulation. Vertical variations to the roof line should incorporate roof projections to avoid a false front/unfinished appearance.



Varied roof forms that complement the building mass and articulation are encouraged.

- d) The roof line at the top of the structure should not run in a continuous plane for more than 60 feet without offsetting or joggling the roof plane.

3. Doors and Windows

- a) Doors and windows are key elements of any structure's form, and should relate to the scale of the elevation on which they appear. Windows and doors can establish character by their rhythm and variety and help to provide depth and contrast on elevation planes. Windows and doors should be used to help mitigate building mass, establish scale, give expression to otherwise blank walls, and create a distinctive building design.
- b) All doors and windows should be related with the chosen architectural style. Windows with widely varying styles are strongly discouraged. All doors and window frames should be composed of consistent material. Wherever possible, window sizes should be coordinated vertically and horizontally and window design should be consistent in terms of style and general arrangement on all building sides.
- c) Window exposure should be maximized along pedestrian walkways. The use of opaque glass adjacent to pedestrian walkways is discouraged.
- d) Window frames should appear substantial and should not be flush with the exterior finish. Windows should be designed to enhance building interest and articulation. Recessed windows or inset glazing are possible design considerations.
- e) Windows located on the sides and rear of the project should also be consistent with the look and style on the front of the project.

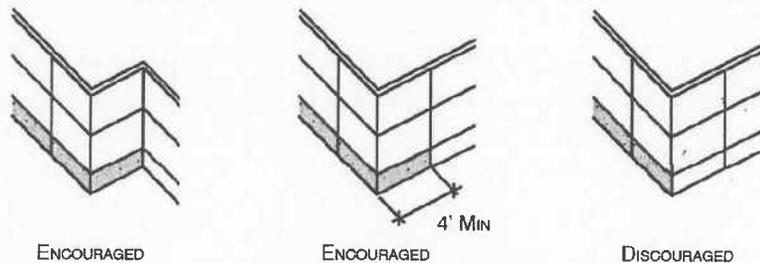
4. Materials and Finishes

- a) Materials and finishes should be suitable to the scale, character and design theme of the building and further lend variety and interest to the project.
- b) The building and its elements should be unified by textures, colors and materials. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided.
- c) Buildings should be treated as a whole and finished appropriately on all sides to provide continuity. Materials tend to appear substantial and integral to the structure when material changes occur at changes in plane. Material changes not accompanied by changes in plane appear "tacked-on" and are strongly discouraged. Material changes should not occur at external corners. Material changes may occur at "reverse" or interior corners or as a "return" at least 4 feet from external corners, with extended returns provided for large buildings.
- d) Exterior materials for industrial developments should be of high quality and low maintenance. Recommended materials include masonry, concrete, sandblasted concrete, textured block, brick, granite, marble, glass, painted metal elements and similar materials. Materials and detailing should have a substantial and long-lasting appearance. Metal siding should be avoided as the primary material, but may be used as an accent material if it is high quality and properly applied. Concrete blocks should also be avoided unless mitigated through careful and decorative design, texture and reveals.
- e) Roofing materials should be durable. Where visible from the street, acceptable roofing materials include metal standing seam and concrete tile. Corrugated metal (standing rib metal roofs are permitted), highly reflective surfaces, and illuminated roofing and not permitted.

- f) Materials that will withstand abuse by vandals or accidental damage from machinery are strongly encouraged, while high maintenance materials such as stained wood or shingles are not encouraged.
- g) Accessory structures should be designed as an integral part of the project architecture and should be similar in material, color, and detail to the primary buildings.
- h) The use of sustainable building materials is strongly encouraged. This includes using quality materials with a long life span, selecting materials that are not energy-intensive to manufacture, using building products made from recycled materials, and repairing and maintaining well-built existing structures to the fullest extent possible.

5. Color and Texture

- a) For most architectural styles, the number of colors on the exterior should be limited to a maximum of three, with an additional contrasting color for accent. In general, the lighter colors should be used for the main body, with darker shades for trim and accent. The larger and simpler the building design, the subtler the color should be to reduce the massiveness of large wall planes.



Treatments for material changes at corners.

- b) Off-whites, light grays, and muted earth tones are best suited and are appropriate for industrial developments. The use of strong or bright, unnatural colors, including the bright “white-on-white” color schemes. However, a greater variety of brighter, more intense colors are permitted to highlight architectural features such as awnings, canopies, doorways, window framing and trim, reveals, etc.
- c) Color and finishes on exteriors of all elevations of a building should be coordinated to provide a total continuity of design. Unusual patterns and color schemes should be avoided. Garish, non-harmonious, or out-of-character colors should not be used.
- d) The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up the mass of a building. Lower wall wainscots and built-up or recessed reveals may be employed to add interest and break up vertical monotony.

16.16.415. Site Design Standards and Guidelines

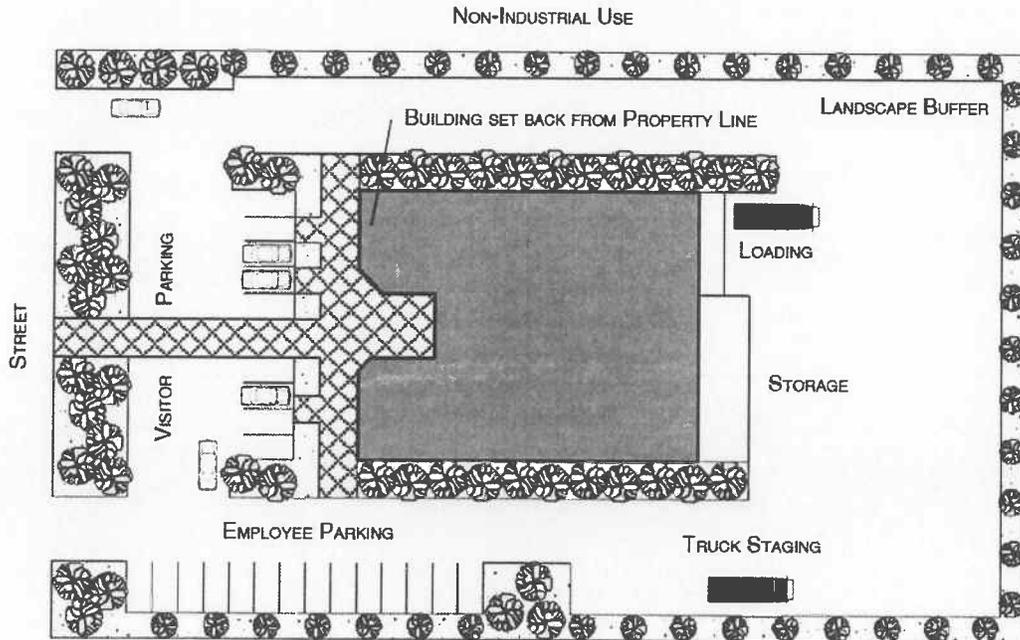
A. Industrial site design must be functional and efficient, as well as compatible with adjacent land uses and aesthetically appealing. Elements of sound industrial site design include emphasis on the main building entry and landscaping; provision of pedestrian walkways and connections; plazas and landscaped open space areas for employees; convenient and controlled access, visitor parking and on-site circulation; screening of outdoor storage and loading areas; and appropriate buffering between incompatible land uses. It is also important to consider a project’s relationship to adjacent industrial properties in creating a unified development pattern for the surrounding area.

1. Setbacks

- a) While respecting the minimum setbacks established in Chapter 16.16, Article X (Commercial and Industrial Development Standards) of this Development Code, the front and street side setbacks of new industrial development should generally approximate that of adjacent properties to establish a consistent image along the street. Some variation, however, should be provided in building and parking setbacks to avoid long monotonous building facades and provide visual interest.
- b) Building setbacks should be proportionate to the scale of the structure. Larger structures require more setback area for a balance of scale and so as not to impose on neighboring uses.
- c) Front and street side side setback areas shall be landscaped.
- d) Building setbacks shall be increased when adjacent to residentially designated properties to mitigate negative impacts due to noise, vibration, light and glare, and aesthetics. Where an industrial project abuts a residentially designated property, a minimum of 10 feet of the required setback shall be devoted entirely to shrubs and trees, at least 6 feet in height (exclusive of any planter area curb).
- e) Where the parking area of an industrial project abuts another industrially or commercially designated property, a minimum 3-foot wide perimeter landscape buffer (exclusive of the planter area curb) is required. Where feasible to do so, integrate the landscape buffer with that of the adjacent property.

2. Building Orientation, Siting and Entrances

- a) Buildings in an industrial development should be arranged to create a sense of unity and overall harmony. Avoid random and irregular building relationships.
- b) Site development, including location of building, parking, and landscape areas, should consider compatible development patterns among neighboring properties. In addition, consideration should be given to how future neighboring developments, based on existing lot patterns, could relate to the project. As far as is feasible, a project should be designed to functionally integrate with adjacent properties by providing for reciprocal access easements, common drives, and common perimeter landscape planters.



Typical Industrial Site Layout

- c) Lot assembly is encouraged as it provides greater opportunity to create efficient master planned projects in conformance with the intent of the design guidelines.
- d) Industrial buildings should have a positive street presence and contribute to an attractive street scene by orienting buildings toward the primary street frontage. Public entrances and administrative/office areas should front the street. Primary entries should be clearly distinguished from secondary and service entries. Projects with few employees should attempt to place entries and the most active areas near the street to avoid long, "unguarded" walkways.
- e) Entry and edge design features such as landscaping, architectural signage and monumentation, and enhanced paving should be incorporated in the project. Special materials, color, detailing, or equivalent architectural treatment should be incorporated into the building design at major entries.
- f) Buildings shall be sited so as to screen loading and storage areas from public view. Where industrial uses are adjacent to non-industrial uses, appropriate buffering techniques such as increased setbacks, screening, and landscaping shall be provided to mitigate any negative effects of industrial operations.
- g) Building entries should read as such, and be integrated with the overall building form. Doors should be designed at human scale. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. will define and emphasize public entries. Variation in material, texture, and/or color is also recommended as a means of identifying, building entries.

3. Scale and Mass

- a) The scale and mass of a new industrial development should be consistent with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.
- b) A single, dominant building mass should be avoided by using variations in massing and building form.



The scale of industrial buildings can be reduced with windows that face the street, variation in massing at the primary entrance, and landscaping to soften the appearance.



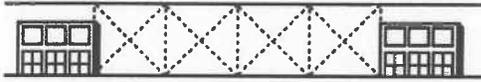
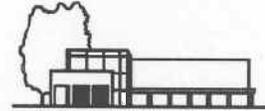
Avoid a single dominant building mass.

- c) As appropriate to the function of a building, a combination of major and minor changes in building form should be incorporated to create visual interest and establish a transition to neighboring developments. Changes in building form should be used to emphasize office space and reception areas within industrial projects, emphasize public entrances and deemphasize service areas, and define and shelter pedestrian walks and exterior spaces.
- d) Primary building entries should be highlighted through the massing of the building. Greater height can be used to highlight and accentuate entries in the form of corner tower elements, tall voids, or a central mass meeting an entry plaza. Conversely, smaller building masses can also communicate the location of entries.



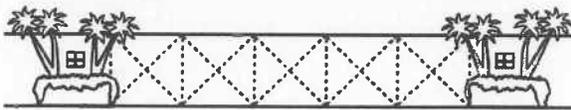
Corner entry is highlighted by varied materials and articulation.

- e) Typically, horizontal masses for building elevations less than 700 lineal feet shall not exceed a height to width ratio of 1:4 without a substantial architectural element that projects up or away from the building, such as towers, bays, lattices, or other architectural features. Buildings greater than 700 lineal feet shall not exceed a height to width ratio of 1:5 without massing variations. The extent of massing breaks and building projections should relate visually to the overall scale of the building.



1:4 RATIO FOR BUILDINGS LESS THAN 700 LINEAL FEET

Provide a substantial architectural element, such as a tower, bay, lattice, planter box, or other feature, when the horizontal mass exceeds a height to width ratio of 1:4.



1:5 RATIO FOR BUILDINGS GREATER THAN 700 LINEAL FEET

Buildings greater than 700 lineal feet shall not exceed a height to width ratio of 1:5 without massing variations.

Highlight the primary entries through building massing and landscape treatments.

4. Plazas and Open Space

- a) Plazas and similar open space features are strongly encouraged as a site amenity and design detail. Buildings should be arranged to include opportunities for plazas, patios, open space areas, and employee gathering spaces with amenities such as outdoor seating, landscaping, water elements, pergolas, special lighting and other “place-making” features. These outdoor spaces should be functional and pleasant and should not appear as “left-over” spaces.
- b) Plazas are encouraged where high levels of pedestrian activity are expected, such as adjacent to major entrances and food services, or between building clusters in an industrial/business park development.
- c) Building entries and windows should look onto plazas and open space areas to enhance activity and security.
- d) Outdoor employee break areas and lunch areas should be located away from loading areas or other high-traffic areas.

5. Environmental Considerations

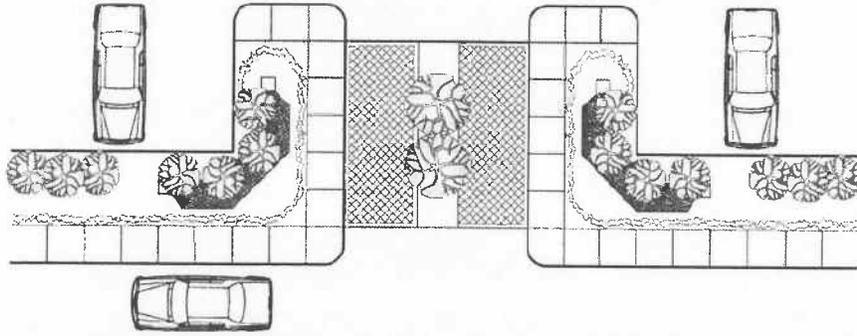
- a) To the extent possible, site grading should relate to the natural surroundings and be designed to minimize grading by following the natural ground contours and recognizing existing drainage patterns. Graded slopes should be rounded to blend with existing terrain.
- b) Significant existing trees, vegetation and any other natural site attributes should be preserved to the greatest extent possible in the design and development of the industrial project. Site design that requires altering landforms and removing trees is discouraged.
- c) Buildings should be designed and sited to maximize the use of sunlight and shade for energy savings, and respect the solar access of adjacent buildings.
- d) Consideration should be given to the reduction of landscape maintenance and water consumption when selecting landscape materials.

6. Vehicle Circulation and Access

- a) Site access and internal circulation in industrial developments should promote safety, efficiency, and convenience. Vehicular traffic should be adequately separated from pedestrian circulation. Vehicular entrances should be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
- b) Adequate areas for maneuvering, stacking and emergency vehicle access should be provided. Internal circulation routes and parking areas should be separated. Continuous circulation should be provided throughout the site to the greatest extent possible to prevent awkward vehicular maneuvers. Dead-end driveways should be minimized. Vehicles should not be required to enter the street in order to move from one area to another on the same site.
- c) The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved access ways, and to eliminate traffic hazards. A minimum distance for driveway aprons shall be required as outlined in Table 1 of Section 12.08.020 of the Hesperia Municipal Code and may be increased based upon safety considerations. They should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Entrances and exits to and from parking and loading facilities should be clearly marked with appropriate directional signage where multiple access points are provided.
- d) Vehicular access, drives and circulation routes shall be designed so that all movements involved in loading, parking, or turning shall occur on-site, and not within the public right-of-way.
- e) Where a property abuts an alleyway, service and vehicular access should be taken off of the alleyway. This is most strongly encouraged for development on narrow lots (less than 100' in width). Where these properties exclusively use the alleyway for service and vehicular access, a consistent and uninterrupted building frontage can be established for the entire length of the street. Alley improvements should coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.
- f) Design provisions, which allow for present or future reciprocal access with adjacent properties, are encouraged.

7. Pedestrian Circulation

- a) Industrial developments shall incorporate pedestrian walkways into site design to provide pedestrian connections from building entries to public sidewalks, plazas, parking areas, and adjacent developments, and to buffer pedestrians from vehicular movement. Project entries and driveway areas should contain design features, including landscaping and textured paving, to break up the expanse of paving in a project. Paving materials should complement the architectural design. The use of stamped concrete, stone, brick, pavers, exposed aggregate or color concrete is encouraged.



Use decorative paving and landscaping to facilitate vehicular and pedestrian access at project entries.

- b) Pedestrian walkways should be a minimum of 4 feet in width. Pedestrian walkways should be safe and clearly identifiable using varied surfaces, decorative paving, and landscaping to minimize pedestrian/vehicle conflict. At a minimum, varied surfaces should be used to delineate crossings at circulation drives and parking aisles.

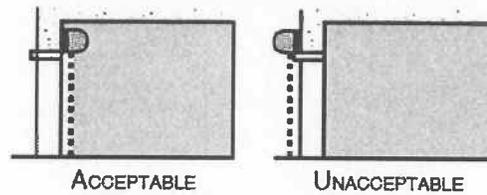
8. Parking

- a) The industrial site should be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.
- b) Parking areas should be accessed from the street so that circulation to parking areas does not interfere with other site activities. Visitor parking should be located at the front and sides of buildings to be near primary building entrances.
- c) Parking areas shall be designed to avoid awkward turning maneuvers and the backing of vehicles into public streets.
- d) Parking areas should not visually dominate the site. Large expansive paved areas located between the street and the building should be avoided in favor of smaller multiple lots separated by landscaping and buildings.
- e) The visual impact of parking lots and structures shall be mitigated with landscaping. Parking lots adjacent to and visible from public streets must be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevation, landscaping or combinations thereof whenever possible. Landscaping materials should have adequate room to grow and be protected from abuse by cars. Continuous concrete curbs shall be provided as wheel stops where parking adjoins landscaping.
- f) Parking areas, driveways and pedestrian areas shall contain automatically controlled lighting.

9. Loading Areas

- a) Loading areas shall be designed to prevent interference with vehicular circulation and parking, and to provide an unobstructed area for trucks to maneuver when accessing loading spaces.
- b) Loading areas shall be located away from main customer entrances and the street, preferably toward the rear of the property, as per the development standards in Chapter 16.16, Article X (Commercial and Industrial Development Standards) of this Development Code.
- c) Overhead (roll-up) doors shall not be directly open to public view, and shall be substantially screened from the street, the freeway, and residentially designated

properties. Screening may be accomplished in a variety of ways, including the use of wing walls, the recessing of overhead doors (building articulation), landscaping, or a combination of these techniques. Fixed hardware for roll up doors shall be located on the inside of buildings to minimize visual clutter.



Roll-up Doors

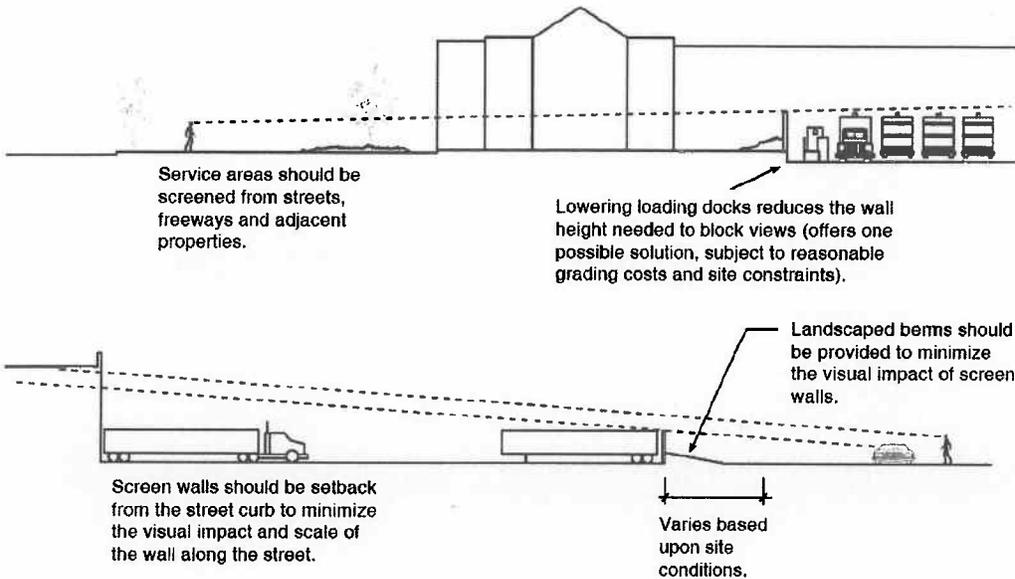
- d) If located adjacent to residential areas, the design of overhead doors should minimize noise through devices such as rubber seals and/or other dampening features.
- e) The grade of loading docks should be as low as feasible to minimize views from the street and the need for tall walls or fencing. Building segments above loading doors visible from the street and surrounding properties should conform with other guidelines pertaining to building features, materials and finishes.

10. Outdoor Storage and Service Areas

- a) Outdoor storage and service areas (including, but not limited to, service entrances, loading docks and bays, outdoor storage of commercial vehicles) should be clearly defined and designated for convenient access. They shall not conflict with vehicular access, on-site parking facilities, pedestrian walkways, and customer entrances.
- b) Outdoor storage and service areas should be located to the rear of a property so as not to face a public street. They shall not be open to view from the street, freeway, or residentially designated properties.
- c) Outdoor storage and service areas shall be screened from on-site and off-site public view with a combination of building features, decorative walls, and landscaping consistent with the architectural style and design of the building.

11. Refuse Collection Facilities

- a) Refuse collection facilities shall be located so that there will be minimal intrusion (i.e. impacts associated with site views and odors) upon neighboring residentially designated properties.
- b) Refuse collection facilities should be located for convenient access. Where the Hesperia Municipal Code requires a number of trash bins for a given project, disperse the location of trash facilities for more convenient waste disposal by individual trash generators.
- c) The location of refuse collection facilities should be coordinated with the location of loading/service areas, and not readily visible to public view.
- d) Decorative treatment of trash and storage enclosures shall be used to minimize the adverse visual impact of these areas. Trash disposal areas, including dumpsters, shall be screened from view by a 6-foot high enclosure with gates. Trash and storage enclosures shall be architecturally compatible with the project design, and landscaping shall be incorporated into their design to screen them and deter graffiti. Screening materials shall consist of fences, landscaping, and/or berming, and the use of natural terrain where possible.



Outdoor Storage, Service, and Loading

- e) Outdoor storage and service areas shall be located so as to minimize negative impacts (visual, noise, dust, vibration, etc.) upon any neighboring residentially designated properties.

12. Utility and Mechanical Equipment

- a) All utility and mechanical equipment (wall-mounted meters, air conditioners, etc.) shall be screened from public view. This includes all ground, wall, and roof mounted equipment. Screening elements shall be an integral part of the building; no screening method shall give the appearance of being “tacked on.”
- b) Where possible, integrate rooftop equipment into the overall mass of a building. At a minimum, roof mounted equipment shall be screened through the use of parapets, screening walls, equipment wells, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing. Picket fencing, chain-link fencing and metal boxes shall be avoided. The top of screens should be at least as high as the top of the equipment, with additional height provided where larger equipment units could be used in the future.
- c) Typical ground-mounted equipment (such as transformers and heating units) shall be adequately screened with walls and/or landscaping. Large structures and/or equipment should be screened by the building from view of adjacent streets and properties.
- d) All vents, gutters and downspouts, louvers, exposed flashing, etc. should be treated as design elements and be compatible with the rest of the building, or hidden from public view.

13. Fences and Walls

- a) Walls and fences serve a major function in the industrial landscape and are used to screen vehicles, loading and storage areas, and utility structures. However, if not required for a specific screening or security purpose, they should not be utilized. The intent is to keep the walls as low as possible while performing their screening and

security functions. The height of walls and fences on industrial properties is set forth in Section 16.20.070 of this Development Code.

- b) Walls and fences should be planned and designed as integral parts of industrial development, and should be consistent with the landscaping and building design.
- c) If street fencing is necessary, decorative types of view fencing, such as wrought iron, are encouraged. Solid fencing, such as stucco or masonry, is strongly discouraged when they will block the view of the buildings or provide hiding places. Chain link and barbed wire fencing is prohibited.



Exposed roof-mounted equipment is prohibited.

- d) Perimeter walls or fencing that do not front a public street should be of decorative masonry (split-face block, plaster/stucco finish), decorative metal (wrought iron), wood, hedges, or a combination of materials. They should be designed in a style, material and color to complement the development. Both sides of walls should be architecturally treated.
- e) Tiered planting should be provided adjacent to project perimeter walls along street frontages to soften their appearance.
- f) Walls should be eliminated or sited to provide additional setback areas at project entries to accommodate landscaping, signage, or street furniture.
- g) Wall sections greater than 80 feet in length fronting a street shall incorporate at least two of the following design features, in proportion to the length of the wall:
 - h) A minimum 2-foot change in horizontal plane for at least 10 feet.
 - i) A minimum 18-inch change in height for at least 10 feet.
 - j) A minimum 18-inch high raised planter for at least half the length of the wall.
 - k) Use of pilasters at 25-foot maximum intervals and at changes in wall planes.
 - l) Gates or comparable design solutions should be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access.
- m) Walls should be curved or angled at corner locations along street frontages to allow sight line views around the corner.

14. Exterior Lighting

- a) Exterior lighting shall be used to provide illumination for the security and safety of on-site areas such as building entrances, parking, loading, shipping and receiving, walkways, and working areas. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site.
- b) Exterior lighting should be adequate but not overly bright. It shall be located and designed to avoid direct glare onto adjacent properties and public rights-of-way. In

addition, the lighting shall have cut-off luminaries that limit the amount of light pollution on nighttime skies.

- c) Buildings and landscaping can be illuminated indirectly to create a strong positive image. Concealing light features within buildings and landscaping can highlight attractive features and avoid intrusion into neighboring properties and public rights-of-way.
- d) 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.

Article XIII shall be added to Chapter 16.16 and including the following:

Deleted text is shown with a ~~strikeout~~ (i.e. ~~strikeout~~), and additions are shown with an underline.

Article XIII Public Land Use Designation.

16.16.330 ~~16.16.610~~ Public/~~institutional~~ (P)-I ~~designation district.~~

A. Purpose and Intent. This designation zone is intended to preserve and protect public facilities and those privately owned facilities which provide a service to the general public, including schools, churches, post offices, fire stations, hospitals, civic centers, and publicly owned land. Due to the broad service function of this designation zone and the difficulty of planning all public uses in advance, the Public Institutional designation zone may be designated throughout the plan area, provided the uses do not conflict with other established uses. The P-GOVT, P-SCHOOL, and P-PARK/REC General Plan designations shall be considered Public in this Development Code, and are subject to this Article.

B. Locational Standards.

1. The area is occupied or will be occupied by public or closely related private facilities providing services or functions for the general public.
2. The uses are compatible with and not detrimental to adjacent land uses.
3. The area has adequate public services and access to accommodate the needs of the proposed use on a given site.
4. The location shall be consistent with the general plan text and maps.

C. Review Procedures. In order to ensure compliance with the general plan, and Development Code, permitted uses within this designation zone may be subject to a conditional use permit, site approval or tenant improvement review, in accordance with Chapter 16.12.

D. Permitted uses.

1. Electrical, gas, water and sewage transmission facilities.
2. Radio and television stations and towers.
3. Microwave communication towers and facilities.
4. Government protective functions and postal services.
5. Public works maintenance and storage yards.
6. Vocational, trade and special training schools.
7. Museums and art galleries.
8. Planetariums, aquariums, botanical gardens and zoos.
9. Historical and monument sites.
10. Convention facilities.
11. Parks, playgrounds and athletic fields.
12. Recreation and community centers.
13. Churches, synagogues, mosques or other houses of worship.
14. Elementary, intermediate and senior high schools, public or private.
15. Colleges and universities.

E. Intensity: The maximum Floor Area Ratio for P-GOV shall be 2.0.

F. After approval, the Public designation is automatically applied to the General Plan Land Use map, without the necessity of any additional land use or zone change applications.



DATE: September 8, 2011
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Consideration of Development Code Amendment DCA11-10103 regarding Medical Marijuana Dispensaries; Applicant: West Coast Patients Group; Area affected: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-15, recommending that the City Council deny DCA10-10103, regarding Medical Marijuana Dispensaries.

BACKGROUND

On January 5, 2011, the West Coast Patients Group (WCPG) filed a Development Code amendment to permit the operation of Medical Marijuana dispensaries in the City. The Planning Commission has held two public hearings on this item. On April 14, 2011, the Commission reviewed the WCPG's proposed ordinance and requested that staff draft an ordinance that would fit within the City's Development Code. On July 14, 2011, the Commission reviewed this draft ordinance and identified five issues associated with the location and operation of dispensaries. The Commission also continued the public hearing, desiring to hold additional workshops to explore the legal, medical and financial issues associated with the potential operation of dispensaries in the City. On August 2, 2011, the City Council directed that the Commission forgo workshops and provide a recommendation on the proposed ordinance for Council's consideration based solely on land use issues. The July 14, 2011 staff report is included as Attachment 1. It contains a more detailed discussion of the history and research conducted by staff on this code amendment.

ISSUES AND ANALYSIS

Ordinance

The ordinance drafted by staff follows the requirements set forth in the Attorney General's "2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use". The ordinance includes the following:

- Defines Dispensaries, Collectives and Cooperatives.
- Defines Sensitive uses.
- Requires of a Conditional Use Permit for all dispensaries, collectives and cooperatives.
- Prohibits dispensaries, cooperatives and collectives within 500 feet of "sensitive uses" including residents and residential zones, 600 feet from K-12 schools, and 1,000 feet from Main Street, Interstate 15 and Bear Valley Road.

- Provides Medical Marijuana allowances for dispensaries, collectives and cooperatives- Eight (8) oz of dried marijuana per qualified patient or caregiver and no more than six mature or 12 immature plants per qualified patient.
- Establishes that a Medical Marijuana Dispensary, Collective and Cooperative Conditional Use Permit are non-transferable.
- Prohibits dispensaries, collectives and cooperatives from cultivating medical marijuana in the City.

This ordinance addresses the establishment of a cooperative/collective for the purposes of providing access to medical marijuana to its members, not for the cultivation of medical marijuana. This does not apply to the cultivation of marijuana by a qualified patient at that patient's home, so long as the patient is only growing for his or her own personal medical needs in a manner consistent with state law.

At the July 14th Planning Commission hearing there were concerns on five issues within the proposed ordinance. Staff believes that the ordinance presented creates a framework that would allow dispensaries cooperative and collectives to operate in the City. However, the issues presented during the hearing are issues which the Commission has discretion and can make recommendations to remove, change, or to leave as is. Below are the five issues discussed.

- Sensitive uses

The proposed ordinance defines sensitive uses as "residences, residential zones, church, chapel or similar place of worship, any funeral parlor, mortuary or similar facility, any school, licensed day care center, hospital, clinic or medical facility, park, playground or any other recreational facility where large numbers of minors travel or congregate" and restricts dispensaries, collectives and cooperatives to be 500 feet from sensitive uses and 600 feet from schools (K-12). The applicant commented that this definition was too restrictive in that it would only allow them to operate in very limited areas in the City and requested that the sensitive uses definition reflect only the 600-foot rule from schools (K-12). The Commission has discretion to retain or remove any of the sensitive uses in this definition, except for the K-12 schools, as it is mandated by state law (AB 2650).

- Distance separations

The proposed ordinance restricts dispensaries, collectives and cooperatives to be 1,000 feet from Main Street, Interstate 15, and Bear Valley Road. It is the Commission's discretion to change or remove distance separations except for K-12 schools. Those distances were based on the separation of uses from established commercial areas and major City corridors.

- Presence of Physician at Collectives/Cooperative

The proposed ordinance prohibits the presence of a physician at any dispensary, collective or cooperative. This could be removed at the Commission's discretion.

- Firearms/Security

Prohibition of firearms was included in the proposed WCPG ordinance. Staff agreed with the prohibition and included it as part as the proposed City ordinance. The applicant has requested that this be changed to "Collectives and Cooperatives should provide adequate security to ensure that patients are safe and surrounding businesses are not negatively impacted." Staff recommends keeping the section E.3, as it is consistent with the Attorney General Guidelines and only eliminating the prohibition of firearms as a security measure.

- Delivery Services

The proposed ordinance prohibits the delivery of medical marijuana. The applicant requests to remove it. However, it is at the Commission's discretion to make a recommendation whether to allow the delivery of medical marijuana. If allowed, this provision should be limited to members of the dispensary, collective or cooperative and will still not affect the transportation of marijuana by individual card holders or their caregivers.

- Cultivation

The proposed ordinance prohibits cultivation on-site, but allows for individuals to grow their own and donate to the collectives/cooperatives. Staff proposes to include, "dispensaries, collectives and cooperative may cultivate on-site and transport marijuana in aggregate amounts tied to its membership numbers." Should the Commission recommend delivery services by collectives, then the above statement is consistent with the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.

Conclusion. Staff believes it has met the Commission's direction to prepare an operable ordinance. However any Development Code Amendment must address the public health, safety and welfare. In this case, maintaining the current prohibition of medical marijuana dispensaries collectives, or cooperatives will not subject the City to the negative secondary impacts that these dispensaries have had on other communities. The City's current ordinance does not infringe upon the provisions of state law and is consistent with the prohibition of marijuana under federal law. Based on the above, staff recommends denial of the proposed Development Code Amendment.

FISCAL IMPACT

The City is currently expending code enforcement costs, as several medical marijuana dispensaries have been established illegally within the City. Establishing regulations to allow dispensaries may result in additional administrative and enforcement costs to regulate collectives within the City.

ALTERNATIVES

Based on the discussion at the previous two Commission hearings, the Commission has discretion to recommend denial of the code amendment or may modify its recommendation for approval based on the staff report and as discussed below. In any case, the Commission's recommendation will be transmitted to the City Council.

1. The Planning Commission may recommend approval of the ordinance drafted by staff. Due to the secondary impacts documented by other jurisdictions that have allowed dispensaries, this alternative is not recommended.
2. The Planning Commission may recommend approval of the ordinance drafted by staff, with the elimination of the restrictions from sensitive uses to only include 600 foot separation from schools (K-12). In addition, the Commission may remove or revise the separation restrictions from residences or residential zones and the 1000 foot separation from Main Street, Bear Valley Road, and Interstate 15.
3. The Planning Commission may recommend approval of the ordinance drafted by staff, with the elimination of the prohibition of physicians within a collective/cooperative.
4. The Planning Commission may recommend approval of the ordinance drafted by staff, with the elimination of the prohibition of firearms, and/or include other security measures.
5. The Planning Commission may recommend approval of the ordinance drafted by staff, with the elimination of the prohibition of delivery services.
6. The Planning Commission may recommend approval of the ordinance drafted by staff, with the elimination of the prohibition of cultivation and include regulation that states "collectives and cooperatives may cultivate on-site and transport marijuana in aggregate amounts tied to its membership numbers". This statement is consistent with the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use.
7. Provide alternative direction to staff.

ATTACHMENTS

1. July 14, 2011 Planning Commission Staff Report
2. WCPG's Proposed Ordinance
3. Resolution No. 2011-15, (Recommending denial)
4. Resolution No. 2011-27, Exhibit "A" (Recommending approval, as presented or amended)



DATE: July 14, 2011
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Lisette Sánchez-Mendoza, Assistant Planner
SUBJECT: Consideration of Development Code Amendment DCA11-10103 regarding Medical Marijuana Dispensaries; Applicant: West Coast Patients Group; Area affected: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2011-15, recommending that the City Council deny DCA10-10103, regarding Medical Marijuana Dispensaries.

BACKGROUND

In 1996, California voters approved Proposition 215 (Attachment 1), which added the "Compassionate Use Act of 1996" to the California Health and Safety Code. Proposition 215 enables persons in need of marijuana for medical purposes, the ability to obtain and use the drug without fear of criminal prosecution under limited, specific circumstances. In 2004, the California legislature enacted SB420 to clarify the scope of the Act and provide additional guidance to people who qualify under the 1996 Act. The amendment added Health and Safety Section 11362.83 (Attachment 2) which provides, "*nothing in this article shall prevent a city or other local governing body from adopting and enforcing laws consistent with this article.*" Under this provision local governments have discretion to adopt and enforce regulations, including prohibiting medical marijuana dispensaries. The courts have held that a complete local ban on dispensaries is a valid exercise of a city's police power and is not preempted by the Compassionate Use Act or SB420. (*City of Claremont v. Kruse* (2009) 177 Cal. App. 4th 1153, 1172-1176.)

In 2005, the City of Hesperia adopted a Development Code Amendment which defined "medical marijuana dispensaries," and prohibited them in the City. The City's current ordinance does not differentiate between dispensaries, collectives, operators, establishments or providers, and defines medical marijuana dispensaries as "*any facility or location where medical marijuana is made available to and/or distributed to three or more persons within the following classifications: primary caregivers, qualified patients, or a person with an identification card*".

In 2008, the Attorney General developed, "Guidelines for the security and non-diversion of marijuana grown for medical use" which defines cooperatives as "democratically controlled and are not organized to make a profit for themselves, as such, or for their members, as such, but primarily for the members as patrons" and collectives as "*as a business farm, etc., jointly owned and operated by the members of a group*". Dispensaries on the other hand are not recognized under state law and it is the opinion of the Attorney General's office that a "*properly organized and operated collective or cooperative that dispenses medical marijuana through a storefront*

may be lawful under California law, but that dispensaries that do not substantially comply with the.....Attorney General Guidelines, are likely operating outside the protections of Proposition 215 and the MMP, and that the individuals operating such entities may be subject to arrest and criminal prosecution under California law”.

ISSUES/ANALYSIS

West Coast Patients Group (WCPG) has applied for a Development Code Amendment to change the City's current ordinance to allow the establishment of medical marijuana dispensaries. As part of their submittal, a sample ordinance, as well as copies of the Compassionate Use Act of 1996 (Attachment 1) and SB420 (Attachment 2) were submitted for staff to review. WCPG believes that the City is required by these laws and guidelines to allow dispensaries. While these laws discuss the use and access to medical marijuana without fear of criminal prosecution, the laws do not prohibit a jurisdiction from regulating or restricting the establishment of these facilities. Specifically, Health and Safety Code Section 11362.768(f) states in part: *“Nothing in this section shall prohibit a city, county, or city and county from adopting ordinances or policies that further restrict the location or establishment of a medical marijuana cooperative, collective, dispensary, operator, establishment, or provider”* (Attachment 2).

Part of the applicants submittal was an ordinance which defines collectives, proposes a 1000 foot separation from sensitive areas and uses, such as residents, schools and day care facilities, and limits the number of valid permits within the City (Attachment 4). Although the ordinance proposes to create separations between dispensaries as well as limit the number of dispensaries that could be established within the City, the proposed ordinance does not provide regulations on how to address facilities that have been established illegally and whether existing facilities will be allowed to remain in business or if these will be subject to the regulations set forth in the proposed ordinance. The ordinance does not operate well with the City's Municipal Code in that it includes construction problems such as inconsistencies with review periods, appeals, and approval bodies.

According to the San Bernardino County staff report on medical marijuana dispensaries, of the 24 incorporated cities and towns within the county, four have moratoria currently in place (Barstow, Big Bear, Loma Linda, and Needles) and 20 have permanently prohibited dispensaries. The cities of Victorville and Adelanto, as well as the Town of Apple Valley all have ordinances prohibiting medical marijuana dispensaries. Furthermore, there is evidence indicating that separating and limiting the number of dispensaries has not worked, as it is likely that the proliferation of illegal dispensaries/collectives will still occur. This is the case in the City of Los Angeles and as a result, Los Angeles has now passed an ordinance banning any new medical marijuana dispensaries.

The City has experienced a large number of requests to establish these facilities within the past year. Some do not fully disclose the nature of the business. These businesses have been described as alternative health medicine establishments, vitamin shops, medical offices, hydroponic equipment sales, herbal treatment establishments, and alternative pain management facilities. As part of this research, staff visited a website that includes a map of any city in which medical marijuana dispensaries occur. The dispensaries are shown by name and location, and contact information is also provided. The business address of dispensaries that only make deliveries is not provided. Therefore, it is suspected that many more operate from residential properties.

As of March 24, 2011, 27 dispensaries were listed within the High Desert, all of which are illegal, and 26 are identified on the map for the cities of Hesperia, Apple Valley, and Victorville, (Attachment 7). Of the 26, 11 are located in Hesperia, 9 in Victorville, and 6 in Apple Valley. Hesperia has seen an increase of 3 dispensaries/collectives since March 15, 2011.

On April 14, 2011, a public hearing was held where sixty people attended the public hearing of which 16 spoke for an ordinance to allow medical marijuana dispensaries. The Planning Commission continued the Development Code Amendment in order to allow staff to do further research, specifically on crime data, issues with medical and science facts and directed staff to draft an ordinance that would permit medical marijuana dispensaries within the City limits.

Data/Research

In an effort to gather statistical crime data as it relates to dispensaries, staff contacted the City of San Diego, Santa Clara, Sacramento, Whittier and Rancho Mirage. The City of San Diego provided information on their current ordinance; however no crime statistics were available in the report. The County of Santa Clara has allowed dispensaries since 1998 and is currently working on updating their ordinance to include all of the most recent guidelines set forth in the Attorney General Guidelines adopted in 2008. Staff contacted the County in an effort to attain statistical crime data, but was unsuccessful. Although the County has allowed dispensaries since 1998, they do not have any legal dispensaries established. They did however have 2 dispensaries establish illegally which the County shut down. As a result, no crime statistics were collected that shows an increase or decrease in crime surrounding medical marijuana dispensaries.

The County's ordinance was based on San Bernardino's current findings that the proliferation of medical marijuana dispensaries creates negative secondary effects on the public health, safety, and welfare. This information was cited as part of the 2009 California Police Chiefs Association's "White Paper on Marijuana Dispensaries" (Attachment 5).

Staff has also researched available statistical data and has found marijuana related crime data in a report called Arrestee Drug Abuse Monitoring Program II (ADAM II), sponsored by the Office of National Drug Control Policy (ONDCP). This report is based on drugs used by arrestees and not on the location of dispensaries. According to ADAM II, Marijuana continues to be the most commonly used illegal substance among booked arrestees in 2009. Denver and Portland are cities where medical marijuana has been legalized. ADAM II did a survey of these two cities between 2000 and 2009. In Denver, the percent of arrestees testing positive for marijuana increased from approximately 42% to 45%. In Portland, arrest increased approximately from 35% to 40%. The report also stated that "failed buys" had dropped significantly from 35% to 19% in Chicago and from 37% to 25% in Sacramento, suggesting easier access and greater availability in those areas. Also in Sacramento, 77% of the marijuana obtainers who reported a non-cash transaction, 12% reported growing it themselves. No other cities in the report had detectable levels of self-reported marijuana cultivation and the report suggests that it could be due to the legal statutes governing marijuana in California (Attachment 6).

Ordinance

The ordinance drafted by staff follows the requirements set forth in the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. The ordinance includes the following:

- Defines Collective/Cooperatives.
- Defines Sensitive uses.
- Defines Dispensaries as not being recognized or permitted.
- Requires of a Conditional Use Permit for all collective/cooperatives.
- Prohibits cooperatives/collectives within 500 feet of sensitive uses including residents and residential zones, 600 feet from K-12 schools, and 1,000 feet from Main Street, Interstate 15 and Bear Valley Road.
- Provides Medical Marijuana allowances for collectives/cooperatives- 8 oz of dried marijuana per qualified patient of caregiver and no more than 6 mature and 12 immature plants per qualified patient.
- Establishes that a Medical Marijuana Collective/Cooperative Conditional Use Permit is non-transferable.
- Prohibits collectives/cooperatives from cultivating medical marijuana in the City.

This ordinance addresses the establishment of a cooperative/collective for the purposes of providing access to medical marijuana to its members not for the cultivation of medical marijuana. This does not apply to the cultivation of marijuana by a qualified patient at that patient's home, so long as the patient is only growing for his or her own personal medical needs in a manner consistent with state law.

Conclusion. Staff believes it has prepared an operable ordinance. However any development code amendment must address the public health, safety and welfare. In this case, maintaining the current prohibition of medical marijuana dispensaries will not subject the City to the negative secondary impacts that these dispensaries have had on other communities. The City's current ordinance does not infringe upon the provisions of state law and is consistent with the prohibition of marijuana under federal law. Based on the above, staff recommends denial of the proposed development code amendment.

FISCAL IMPACT

The City is currently expending code enforcement costs, as several medical marijuana dispensaries have been established illegally within the City. Establishing regulations to allow dispensaries may result in additional administrative and enforcement costs to regulate collectives within the City.

ALTERNATIVES

1. The Planning Commission may recommend approval of the ordinance drafted by staff. Due to the secondary impacts documented by other jurisdictions that have allowed dispensaries, this alternative is not recommended.
2. Provide alternative direction to staff.

ATTACHMENTS

1. Compassionate Use Act of 1996
2. Health and Safety Section 11362.768 and 11362.83
3. 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use
4. WCPG's Proposed Ordinance
5. 2009 California Police Chiefs Association White Paper on Marijuana Dispensaries
6. Arrestee Drug Abuse Monitoring Program II (ADAM II)
7. Dispensary Map
8. Resolution No. 2011-15,
9. Resolution No. 2011-27, Exhibit "A"

ATTACHMENT 2

Ordinance No. XX-XX-XXXX

An ordinance of the City Council of the City of Hesperia amending the Hesperia Municipal code by adding chapter XX to implement the State Compassionate Use Act and State Medical Marijuana Program Act.

WHEREAS, California voters approved the Compassionate Use Act (“CUA”) in 1996 to exempt seriously ill patients and their primary caregivers from criminal liability and cultivation of marijuana for medical purposes; and

WHEREAS, the California State Legislature passed, and Governor signed into law, SB 420 to clarify the scope of the application of the Compassionate Use Act; and

WHEREAS, SB 420 allows cities and other governing bodies to adopt and enforce laws consistent with SB 420; and

WHEREAS, it is the desire of the City Council to establish a new section in the municipal code pertaining to the permitted distribution of medical cannabis in the City of Hesperia consistent with SB420; and

WHEREAS, the City of Hesperia has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which medical marijuana collectives operate, and in providing compassionate access to medical marijuana to its seriously ill residents; and

WHEREAS, the City Council desires to establish a permitting process in order to impose regulations that will protect the peace, health, safety, and welfare of patients, and the community as a whole;

NOW, THEREFORE, the City Council of the City of Hesperia ordains as follows:

Section 1. Chapter 5.10 is added to the Hesperia Municipal Code to read as follows:

Chapter 5.10

MEDICAL MARIJUANA COLLECTIVE

Section 5.10.010 Purpose and Intent

A. It is the purpose and intent of this Chapter to regulate medical marijuana Collectives in order to ensure the health, safety and welfare of the residents of the City of Hesperia. The regulations in this Chapter, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, and the California Health and Safety Code (collectively referred to as “State Law”) do not interfere with a patient’s right to use medical marijuana as authorized under State Law, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under State Law. Under State Law, only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively. Medical marijuana Collectives shall comply with all provisions of the Hesperia Municipal Code (“Code”), State Law, and all other applicable local and state laws. Nothing in this article purports to permit activities that are otherwise illegal under state or local law.

Section 5.10.020 Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

- A. "Applicant". A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a Collective.
- B. "Drug Paraphernalia". As defined in California Health and Safety Code Section 11014.5, and as may be amended from time to time.
- C. "Identification Card". As defined in California Health and Safety Code Section 11362.71, and as may be amended from time to time.
- D. "Medical Marijuana Collective". Any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary caregivers are organized to provide education, referral, or network services, and facilitation or assistance in the lawful distribution of medical cannabis. "Collective" shall include any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by an "attending physician" [as that term is defined in Health & Safety Code Section 11362.7(a)] and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq.
- E. "Permittee". The person to whom either a Collective permit is issued by the City and who is identified as a primary caregiver in California Health and Safety Code Section 11362.7, subdivision (d) or (e).
- F. "Person". An individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.
- G. "Person with an Identification Card". As set forth in California Health and Safety Code Section 11362.5 et seq., and as amended from time to time.
- H. "Physician". A licensed medical doctor including a doctor of osteopathic medicine as defined in the California Business and Professions Code.
- I. "Primary Caregiver". As defined in subdivision (d) of California Health and Safety Code Section 11362.7, and as it may be amended from time to time.
- J. "Qualified Patient". As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.
- K. "School". An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle, or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.
- L. "Edible Medical Marijuana" as used in this Chapter is defined to mean any article of food, drink, confectionery, condiment or chewing gum by human beings whether such article is simple, mixed or compound, which contains quantities of Medical Marijuana.
- M. "Medical Marijuana" means Marijuana used for medical purposes in accordance with California Health and Safety Code Sections 11362.5, et seq.
- N. "Reasonable Compensation" means compensation commensurate with the reasonable wages and benefits paid to employees of IRS-qualified non-profit organizations who have similar job descriptions and duties, required level of education and experience, prior individual earnings history, and number of hours worked. The payment of a bonus shall not be considered "Reasonable Compensation".

Section 5.10.030 Medical Marijuana Collective - Permit Required

No Medical Marijuana Collective, Management Member, or member shall carry on, maintain or conduct any Medical Marijuana Collective related operations in the City without first obtaining a Medical Marijuana Collective Permit from the department of TBA.

The City Manager and/or his/her designee shall issue no more than (XX) valid permits for the operation of Dispensary's in the City of Hesperia.

Section 5.10.040 Medical Marijuana Collective – Permit Application Process

Any Medical Marijuana Collective desiring a Permit required by this Chapter shall, prior to initiating operations, complete and file an application on a form supplied by the Department of TBA, and shall submit with the completed application payment of a nonrefundable processing and notification fee, as established by the City Council by resolution. The Medical Marijuana Permit application is established to provide a review process for each proposed Medical Marijuana Collective operation within the City.

A. Filing. The Medical Marijuana Collective shall provide the following information:

1. The address of the Property or Properties where the proposed Medical Marijuana Collective will operate.
2. A site plan describing the property with fully dimensioned interior and exterior floor plans including electrical, mechanical, plumbing, and disabled access compliance pursuant to Title 24 of the State of California Code of Regulations and the federally mandated Americans with Disabilities Act.
3. If the Property is being rented or leased or is being purchased under contract, a copy of such lease or contract. Also required is written proof that the Property owner, or landlord if applicable, were given notice that the Property will be used as a Medical Marijuana Collective, and that the Property owner, and landlord if applicable, agree(s) to said operations.
4. The name, address, telephone number, title and function(s) of each Management Member.
5. For each Management Member, a fully legible copy of one (1) valid government issued for of photo identification.
6. Written confirmation as to whether the Medical Marijuana Collective previously operated in this or any other county, city or state under a similar license/permit, and whether the Collective applicant ever had such a license/permit revoked or suspended and the reason(s) therefore.
7. If incorporated, a certified copy of the Collective's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information and a copy of the Collective's By Laws.
8. The name and address of the applicant's current Agent for Service of Process.
9. A copy of the Medical Marijuana Collective Operating Conditions, listed in section 5.10.050, containing a statement dated and signed by each Management Member, under penalty of perjury, that they read, understand and shall ensure compliance with the aforementioned operating conditions.
10. A copy of the Prohibited Activity, listed in Section 5.87.100, containing a statement dated and signed by each management Member, under penalty of perjury, that they read, understand and shall ensure that neither the Collective nor its members and Management Members shall engage in the aforementioned prohibited activity.
11. A statement dated and signed by each Management Member, under penalty of perjury, the Management Member has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the Management Members.
12. The Property address where any and all collectively cultivated Medical Marijuana will be distributed to the Collective members and Management Members.

B. The Director of the regulating department shall ensure that the application is complete as follows:

1. Within ten (10) business days of receipt of a Medical Marijuana Collective Permit application, the Director of the regulating department shall determine whether the application is complete.

2. If it is determined the application is incomplete, the applicant shall be notified in writing within ten (10) business days of the date the application is determined to be incomplete and the reasons therefore, including any additional information necessary to render the application complete.

3. The Collective shall have thirty (30) calendar days from the date of notice set forth above in Subsection 5.10.040(B), Subsection (2) to complete the application. Failure to do so within the thirty (30) days shall render the application null and void.

4. Once the application is found to be complete, the applicant shall be notified within ten (10) business days.

C. On Receipt of the completed Medical Marijuana Collective Permit application, the Director of the regulating department shall refer the application to all concerned City departments, including, but not limited to, Police, Fire, Health, Development Services and Code Enforcement for investigation. Such departments shall file a report providing recommendations regarding the approval or denial of the permit with the Director of the regulating department within sixty (60) days from the date the complete permit application was submitted, and shall cause the owners of property located within five-hundred feet (500') of the proposed Property to be sent advance notice of the date, time, and place of the hearing. The applicant shall be given at least ten (10) business days written notice of such hearing.

D. The Director of the regulating department shall render her/his decision not later than fifteen (15) days after the hearing is closed. The report shall be in writing and shall include findings of fact, including but not limited to each operating condition set for in Section 5.10.050, a summary of the relevant evidence, a statement of the issues, a resolution of the credibility of witnesses where there is conflicting testimony and a recommended decision. A copy of the report shall be served on all parties.

E. The decision of the Director of the regulating department may be appealed to the City Council within fifteen (15) calendar days from the date the written notice of Permit decision was mailed. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of the regulating department.

F. The City Council shall conduct a hearing on the appeal or refer the matter to a hearing officer within thirty (30) business days from the date the completed request for appeal was received by the Director of the regulating department. The hearing and rules of evidence shall be conducted pursuant to Code. The determination of the City Council on the appeal shall be final.

Section 5.10.050 Medical Marijuana Permit approval and operating conditions

The Director of the regulating department shall approve and issue a Medical Marijuana Collective Permit if the application and evidence submitted in the hearing sufficiently demonstrate that:

A. The Property is not located in an area zoned in the City for exclusive residential use.

Medical Marijuana Collectives are not permitted to operate in exclusive residential zones.

B. The Medical Marijuana Collective is not located within a one thousand foot (1,000') radius of a public or private kindergarten, elementary, middle, junior high, or high school. The distances specified in this subdivision shall be determined by the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the Medical marijuana Collective is located, without regard to intervening structures.

C. The Medical Marijuana Collective is not located within one thousand foot (1,000') radius of any other Medical Marijuana Collective. The distances are listed in Section 5.10.050(B)

D. Any exterior or interior sign visible from the exterior of the Property shall be unlighted.

E. The Property provides sufficient sound absorbing insulation so that noise generated inside the premises is not audible anywhere on the adjacent property or public rights-of-way, or within any other building or other separate unit within the same building as the Medical Marijuana Collective.

F. The Property provides a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Property is not detected outside the Property, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the Medical Marijuana Collective.

G. The Property is monitored at all times by a closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on the Property. The recordings shall be maintained at the Property for a period of not less than thirty (30) days.

H. The Property has a centrally-monitored fire and burglar alarm system.

I. A sign is posted in a conspicuous location inside the Property advising:

1. "The diversion of marijuana for non-medical purposes is a violation of State law.
2. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.
3. Loitering at the location of a Medical Marijuana Collective for an illegal purpose is prohibited by California Penal Code Section 647(h).
4. This Medical Marijuana Collective is permitted in accordance with the laws of the City of Hesperia.
5. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State Law."

J. The Medical Marijuana Collective meets all applicable state and local laws to ensure that the operations of the Collective are consistent with the protection of the health, safety and welfare of the community, Qualified Patients and their Primary Caregivers, and will not adversely affect surrounding use.

K. No Collective shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by Management Members and members towards the Collective's actual expenses of the growth, cultivation, and provision of Medical Marijuana shall be allowed provide that they are in strict compliance with State Law. All cash and in-kind amounts and items shall be fully document in accordance with Section 5.87.070 of this chapter.

L. Collective cultivation of Medical Marijuana shall be limited to the Medical Marijuana Collective members and Management Members.

M. Every Medical Marijuana Collective shall maintain, on site at the Property, cultivation records, signed under penalty of perjury by each Management Members, identifying the location within the City of Hesperia at which the Medical Marijuana was cultivated, and the total number of said plants cultivated at each location.

N. Any Medical Marijuana provided to Collective members shall be properly labeled in strict compliance with state and local laws.

O. Medical Marijuana Collectives my possess no more than 8 ounces of dried marijuana per qualified patient of caregiver, and maintain no more than 6 mature and 12 immature marijuana plants per qualified patient, except if a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's needs.

P. Signage for the establishment shall be limited to one wall sign not to exceed ten (10) square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated.

Q. Medical Marijuana Collectives shall provide state-licensed and uniformed security guard patrol for the location during all hours of operation. Security guards shall not possess firearms or tasers.

Section 5.10.060 Medical Marijuana Permit – Non-Transferable

A Medical Marijuana Collective Permit issued pursuant to this Chapter shall become null and void upon the cessation of the Collective and/or relocation of the Collective to a different Property. The holder of a Medical Marijuana Collective shall not allow others to use or rent the permitted Property.

Section 5.10.070 Maintenance of Records

A. A Medical Marijuana Collective shall maintain the following accurate and truthful records on the Property.

1. The full name, address, and telephone numbers of the owner, landlord and/or lessee of the property.
2. The full name, address, and telephone number(s) and a fully legible copy of a government issued form of identification of each Collective member engaged in the management of the Collective and a description of the exact nature of the participation in the management of the Collective.
3. The full name, address, and telephone number(s) of each Collective member and Management Member who participates in the Collective cultivation of Medical Marijuana.
4. A written accounting of all cash and in-kind contributions, reimbursements, and reasonable compensation provided by the Collective Management members to the Collective, and all expenditures and costs incurred by the Collective.
5. Proof of a valid Medical Marijuana Collective Permit issued by the City of Hesperia in conformance with this chapter.
6. A list of Prohibited Activity, set forth in Section 5.10.100, containing a statement dated and signed by each Collective Member and Management Member, under penalty of perjury, that they read, understand and shall not engage in the aforementioned prohibited activity.
7. These records shall be maintained by the Medical marijuana Collective for a period of five (5) years and shall be made available by the Collective to the City upon request, subject to the authority set forth in Section 5.10.080.

Section 5.10.80 Inspection Authority

City representatives may enter and inspect the Property of every Medical Marijuana Collective between the hours of ten o'clock (10:00) A.M. and eight o'clock (8:00) P.M., to ensure compliance and enforcement of the provisions of this Chapter, except that the inspection and copying of private medical records shall be made available to the Police Department only pursuant to a properly executed search warrant, subpoena, or court order. It is unlawful for any Property owner, landlord, lessee, Medical Marijuana Collective member or Management Member or any other person having any responsibility over the operation of the Medical Marijuana Collective to refuse to allow, impede, obstruct or interfere with an inspection.

Section 5.10.090 Existing Medical Marijuana Operations

Any existing Medical Marijuana Collective, dispensary, operator, establishment, or provider business that does not comply with the requirements of this Chapter must immediately cease operation until such time, if any, when it complies fully with the requirements of this Chapter. No Medical Marijuana Collective, dispensary, operator, establishment, or provider that existed prior to the enactment of this Chapter shall be deemed to be a legally established use or a legal non-conforming use under the provisions of this Chapter or the Code.

Section 5.10.100 Prohibited Activity

A. It is unlawful for any person to cause, permit or engage in the cultivation, possession, distribution, exchange or giving away of Marijuana for medical or non-medical purposes except as provided in this Chapter, and pursuant to any and all other applicable local and state law.

B. It is unlawful for any person to cause, permit or engage in any activity related to Medical Marijuana except as provided in this Chapter and in Health and Safety Code Sections 11362.5 *et seq.*, and pursuant to any and all other applicable local and state law.

C. It is unlawful for any person knowingly to make any false, misleading or inaccurate statement or representation in any form, record, filing or documentation required to be maintained, filed or provided to the City under this Chapter.

D. No Medical Marijuana Collective, Management Member or member shall cause or permit the sale, distribution or exchange of Medical Marijuana cultivated at the Property or of any Edible Medical Marijuana product manufactured at the Property to any person who is not a member or a Management Member of the Collective.

E. No Medical Marijuana Collective, Management Member or member shall allow or permit the commercial sale of any product, good or service, including but not limited to drug paraphernalia identified in Health and Safety Code Section 11364, on or at the Medical Marijuana Collective, in the parking area of the Property. An exception shall be made for persons who are not Collective members or Management Members and who possess a valid City issued business license which authorizes the “place to place” sale of materials (other than seed stock) the collective cultivation of Medical Marijuana by Management Members and members of the Collective.

F. No cultivation of Medical Marijuana at the Property shall be visible with the naked eye from any public or other private property, nor shall cultivated Medical Marijuana or dried Medical Marijuana be visible from the building exterior. No cultivation shall occur at the Property unless the area devoted to the cultivation is secured from public access by means of a locked gate, and any other security measures necessary to prevent unauthorized entry, and has been inspected and approved by the City of Hesperia Fire and Building Departments.

G. No manufacture of Concentrated Cannabis in violation of California Health and Safety Code Section 11379.6 is allowed.

H. No Medical Marijuana Collective shall be open to or provide Medical Marijuana to its members or Management Members between the hours of eight o’clock (8:00) P.M. and ten o’clock (10:00) A.M.

I. No person under the age of eighteen (18) shall be allowed at the Property, unless that minor is a Qualified Patient and is accompanied by his or her licensed Attending Physician, parent(s) or documented legal guardian.

J. No Medical Marijuana Collective shall possess Marijuana that was not cultivated by its Management Members or members either at the Property or at a location fully documented and inspected in accordance with this Chapter.

K. No Medical Marijuana Collective, Management Member or member shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the Property or in the parking area of the Property.

L. No dried Medical Marijuana shall be stored at the Property in structures that are not completely enclosed, in an unlocked vault or safe, in any other unsecured storage structure, or in a safe or vault that is not bolted to the floor of the Property.

M. Medical Marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed on the Property, in the parking areas of the Property, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.79, which include:

- a. Any place where smoking is prohibited by law;
- b. Within one thousand feet (1,000') of the grounds of a school, recreation center, or youth center;
- c. While on a school bus;
- d. While in a motor vehicle that is being operated; or
- e. While operating a boat.

N. No person who is currently charged with or has been convicted within the previous ten (10) years of a crimes of moral turpitude (such as theft, fraud, or assault), or who is currently on parole or probation for the sale or distribution of a controlled substance, shall be engaged directly or indirectly in the management of the Medical Marijuana Collective nor, further, shall manage or handle the receipts and expenses of the Collective.

O. No Medical Marijuana Collective shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages.

Section 5.10.110 Violation and Enforcement

A. Any violation of the terms and conditions of the Medical Marijuana Collective permit, of this Chapter, or of applicable local or state regulations and laws shall be grounds for permit suspension or revocation.

Section 5.10.120 Appeal process.

A. If a City department determines that the permittee failed to comply with any provision of this Chapter, or with any other provision or requirement of law, the Chief of Police shall revoke or suspend the Medical Marijuana Collective Permit.

B. The Chief of Police shall notify the permittee of the permit revocation or suspension by dated written notice. Said notice shall advise the permittee of the right to appeal the decision to the Public Safety/Public Services Committee within fourteen (14) days from the date the notice. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Chief of Police.

C. The appeal shall be considered by the Public Safety/Public Services Committee in accordance with Section 7.102.040(F) and (G). The decision of the Public Safety/Public Services Committee shall be final.

D. Whenever a Medical Marijuana Collective Permit has been revoked or suspended, no permit application by any of the Managing Members of that Collective shall be considered for a period of three (3) years from either the date notice of the revocation or suspension was mailed, or the date of the final decision of the Public Safety/Public Services Committee, whichever is later.

Section 5.10.130 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 5.10.140 Effective Date, Review and Implementation.

This Ordinance becomes effective thirty (30) days following its passage and adoption. Within thirty (30) days after adoption, the ordinance shall be reviewed by the Public Safety/Public Services Committee, and within thirty (30) days after passage adoption, the ordinance shall be reviewed in conjunction with all stakeholders. The ordinance shall be implemented no later than sixty (60) days after passage and adoption.

Section 5.10.150 Accompanying Fee Resolution

No later than 30 days before the implementation of this Ordinance, the City Council shall adopt a resolution establishing fees calculated to recover one-hundred percent of the costs of administering and enforcing this ordinance, including but not limited to the costs of processing applications, issuing permits, and conducting inspections.

Section 5.10.160 Review of Regulations.

On or before the six-month anniversary of the effective date of this Ordinance, the City Council shall review the effectiveness of these regulations, and shall enact modifications, if necessary.

ATTACHMENT 3

RESOLUTION NO. PC-2011-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL DENY THE PROPOSED DEVELOPMENT CODE AMENDMENT REGARDING MEDICAL MARIJUANA DISPENSARIES (DCA11-10103)

WHEREAS, on November 2, 2005, the City Council of Hesperia adopted Ordinance No. 2005-12, prohibiting medical marijuana dispensaries; and

WHEREAS, on November 5, 1996, California voters passed Proposition 215, which decriminalized the cultivation and use of marijuana by seriously ill individuals upon a physician's recommendation; and

WHEREAS, Proposition 215, was enacted to "ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana," and "ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction"; and

WHEREAS, on January 1, 2004 Senate Bill No. 420, the Medical Marijuana Program Act became law and was codified in sections 11362.7 to 11362.83 of the California Health and Safety Code; and

WHEREAS, the Department of Justice of the State of California in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, has opined that neither Proposition 215, nor the Medical Marijuana Program Act conflicts with Federal Controlled Substance Act, since "California did not 'legalize' medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law when a physician has recommended its use to treat a serious medical condition; and

WHEREAS, West Coast Patients Group has filed an application requesting adoption of Development Code Amendment DCA11-10103 described herein (hereinafter referred to as "Application"); and

WHEREAS, the application, as contemplated, proposes to allow for the establishment of medical marijuana dispensaries; and

WHEREAS, it is the City's intent to comply with State and Federal laws as they pertain to medical marijuana dispensaries; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15061(b)(3); and

WHEREAS, on April 14, 2011, July 14, 2011, and again on September 8, 2011 the Planning Commission of the City of Hesperia conducted a hearing on this 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 the Commission, including written and oral staff reports, the Commission specifically finds that the proposed development code amendment is inconsistent with the goals and objectives of the adopted General Plan based in part on the following:

- (a) Granting of this development code amendment will likely result in the proliferation of medical marijuana dispensaries within the City.
- (b) Based on evidence from other jurisdictions, secondary negative effects are likely to occur resulting in adverse impacts upon the public health, safety, and welfare. Crimes such as loitering, theft, burglary, robbery, homicide and the sale of illegal drugs have been documented in the immediate vicinity of these facilities.
- (c) The proposed development code amendment does not present compelling evidence that the current ordinance violates the provisions of Proposition 215, the Compassionate Use Act of 1996, or other state laws regarding the distribution of medical cannabis and is consistent with the prohibition of marijuana under federal law.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council deny Development Code Amendment DCA11-10103.

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

ADOPTED AND APPROVED this 8th day of September 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine
Secretary, Planning Commission

ATTACHMENT 4

RESOLUTION NO. PC-2011-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE PROPOSED DEVELOPMENT CODE AMENDMENT REGARDING MEDICAL MARIJUANA DISPENSARIES (DCA11-10103)

WHEREAS, on November 2, 2005, the City Council of Hesperia adopted Ordinance No. 2005-12, prohibiting medical marijuana dispensaries; and

WHEREAS, on November 5, 1996, California voters passed Proposition 215, which decriminalized the cultivation and use of marijuana by seriously ill individuals upon a physician's recommendation; and

WHEREAS, Proposition 215, was enacted to "ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana," and "ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction"; and

WHEREAS, on January 1, 2004 Senate Bill No. 420, the Medical Marijuana Program Act became law and was codified in sections 11362.7 to 11362.83 of the California Health and Safety Code; and

WHEREAS, the Department of Justice of the State of California in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, has opined that neither Proposition 215, nor the Medical Marijuana Program Act conflicts with Federal Controlled Substance Act, since "California did not 'legalize' medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law when a physician has recommended its use to treat a serious medical condition; and

WHEREAS, West Coast Patients Group has filed an application requesting adoption of Development Code Amendment DCA11-10103 described herein (hereinafter referred to as "Application"); and

WHEREAS, the application, as contemplated, proposes to allow the establishment of medical marijuana cooperatives/collectives; and

WHEREAS, it is the City's intent to comply with State and Federal laws as they pertain to medical marijuana dispensaries; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act by Section 15061(b)(3); and

WHEREAS, on April 14, 2011, July 14, 2011, and again on September 8, 2011 the Planning Commission of the City of Hesperia conducted a hearing on this 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 the Commission, including written and oral staff reports, the Commission specifically finds that the proposed development code amendment is consistent with the goals and objectives of the adopted General Plan based in part on the following:

- (a) Granting of this development code amendment will allow the regulation medical marijuana dispensaries within the City.
- (b) The proposed development code amendment is needed for the protection of the public health, safety, and welfare, as this proposed ordinance will provide a framework or regulations that will define locations, separation of sensitive uses, permit requirements, and operational regulations.
- (c) The proposed development code amendment is consistent with Proposition 215, the Compassionate Use Act of 1996, Attorney General Guidelines, or other state laws regarding the distribution of medical cannabis.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Development Code Amendment DCA11-10103, amending Section 16.08.513 and Section 16.16.073 as shown on Exhibit "A."

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

ADOPTED AND APPROVED this 8th day of September 2011.

Chris Elvert, Chair, Planning Commission

ATTEST:

Kathy Stine
Secretary, Planning Commission

EXHIBIT "A"

Remaining text is shown underlined, eliminated text is shown with a ~~strikeout~~, and additions are shown in black.

Section 16.08.513 Medical Marijuana Dispensary, Collective and Cooperative
"Medical marijuana dispensary, collective and cooperative" means any facility or location, where medical marijuana is made available to and/or distributed to three or more persons within the following classifications: primary caregivers, qualified patients, or a person with an identification card, and as defined in the 2008 Attorney General Guidelines for the Security and Non-Diversion Marijuana grown for Medical Use in sections IV, A, 1-2.

Section 16.16.073 Medical Marijuana Dispensary, Collective and Cooperative
~~—A medical marijuana dispensary, as defined in Section 16.08.513, is prohibited within the city of Hesperia.~~

Purpose and Intent

A. It is the purpose and intent of this Chapter to regulate medical marijuana Collectives/Cooperatives in order to ensure the health, safety and welfare of the residents of the City of Hesperia. The regulations in this Chapter, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, the California Health and Safety Code (collectively referred to as "State Law"), and the 2008 Attorney General Guidelines for the Security and Non-Diversion Marijuana grown for Medical Use, do not interfere with a patient's right to use medical marijuana as authorized under State Law, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under State Law. Under State Law, only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively. Medical marijuana Collectives shall comply with all provisions of the Hesperia Municipal Code ("Code"), State Law, and all other applicable local and state laws. Nothing in this article purports to permit activities that are otherwise illegal under state or local law.

B. Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

"Medical Marijuana Dispensary, Collectives and Cooperatives" means any facility or location, where medical marijuana is made available to and/or distributed to three or more persons within the following classifications: primary caregivers, qualified patients, or a person with an identification card, and as defined in the 2008 Attorney General Guidelines for the Security and Non-Diversion Marijuana grown for Medical Use in sections IV, A, 1-2.

"Drug Paraphernalia". means all equipment, products, and materials of any kind which are intended for use or designed for uses in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,

testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance

“Edible Medical Marijuana” as used in this Chapter is defined to mean any article of food, drink, confectionery, condiment or chewing gum by human beings whether such article is simple, mixed or compound, which contains quantities of Medical Marijuana.

“Medical Marijuana” means Marijuana used for medical purposes in accordance with California Health and Safety Code Sections 11362.5, et seq.

“Physician” A licensed medical doctor including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

“Primary Caregiver” As defined by the 2008 Attorney General guidelines for the security and non-diversion of marijuana grown for medical use.

“Qualified Patient” As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.

“Sensitive Uses” Means and includes residence, residential zones, church, chapel or similar place of worship, any funeral parlor, mortuary or similar facility, any school, licensed day care center, hospital, clinic or medical facility, park, playground or any other recreational facility where large numbers of minors travel or congregate.

C. Conditional Use Permit Required-No Medical Marijuana Dispensary, Collective and Cooperative, Management Member, or member shall carry on, maintain or conduct any Medical Marijuana Collective, and Cooperative related operations in the City without first obtaining a Medical Marijuana Collective, and Cooperative Conditional Use Permit and a business license to operate such facility.

D. Conditional Use Permit Application Process-Any Medical Marijuana Dispensary, Collective and Cooperative desiring a Permit required by this Chapter shall, prior to initiating operations, complete and file an application on a form supplied by the Planning Division, and shall submit with the completed application payment of a nonrefundable processing and notification fee, as established by the City Council by resolution.

1. Filing. The Medical Marijuana Dispensary, Collective or Cooperative shall provide the following information:

i. The address of the Property or Properties where the proposed Medical Marijuana Dispensary, Collective and Cooperative will operate.

ii. A site plan describing the property with fully dimensioned interior and exterior floor plans including electrical, mechanical, plumbing, and disabled access compliance pursuant to Title 24 of the State of California Code of Regulations and the federally mandated Americans with Disabilities Act.

iii. If the Property is being rented or leased or is being purchased under contract, a copy of such lease or contract. Also required is written proof that the Property owner, or landlord if applicable, were given notice that the Property will be used as a Medical Marijuana Collective, and Cooperative, and that the Property owner, and landlord if applicable, agree(s) to said operations.

iv. The name, address, telephone number, title and function(s) of each Management Member.

v. For each Management Member, a fully legible copy of one (1) valid government issued form of photo identification.

vi. Written confirmation as to whether the Medical Marijuana Dispensary or Collective/Cooperative previously operated in this or any other county, city or state under a similar license/permit, and whether the applicant ever had such a license/permit revoked or suspended and the reason(s) therefore.

vii. If incorporated, a certified copy of the Collective's Secretary of State Articles of Incorporation, Certificate(s) of Amendment, Statement(s) of Information and a copy of the Collective's By Laws.

viii. The name and address of the applicant's current Agent for Service of Process.

ix. A copy of the Medical Marijuana Dispensary, or Collective/Cooperative Operating Conditions, listed in section 16.16.073 (E) containing a statement dated and signed by each Management Member, under penalty of perjury, that they read, understand and shall ensure compliance with the aforementioned operating conditions.

x. A statement dated and signed by each Management Member, under penalty of perjury, the Management Member has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the supervision of the Management Members.

xi. The Property address where any and all collectively cultivated Medical Marijuana will be distributed to the Collective members and Management Members.

E. Medical Marijuana Permit approval and operating conditions-

1. The Medical Marijuana Dispensary or Collective/Cooperative shall not be within five hundred foot (500') radius of any sensitive uses including residents or residential zones, six hundred foot (600') radius from K-12 schools, and one thousand foot (1000') radius from Main Street, Interstate 15, and Bear Valley Road. The distances specified in this subdivision shall be determined by the horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot on which the Medical Marijuana Dispensary, Collective or Cooperative is located, without regard to intervening structures.

2. The Property provides a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Property is not detected outside the Property, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the Medical Marijuana Dispensary, Collective or Cooperative.

3. Medical Marijuana Dispensaries, Collectives and Cooperatives should provide adequate security to ensure that patients are safe and that the surrounding businesses are not negatively impacted by nuisance activity such as loitering or crime. Further, to maintain security, prevent fraud, and deter robberies, collectives and cooperatives should keep accurate records and follow accepted cash handling practices, including regular bank runs and cash drops, and maintain a general ledger of cash transaction. The recordings shall be maintained at the Property for a period of not less than thirty (30) days.

4. The Property has a centrally-monitored fire and burglar alarm system.

5. A sign is posted in a conspicuous location inside the Property advising:

i. "The diversion of marijuana for non-medical purposes is a violation of State law.

ii. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery.

iii. Loitering at the location of a Medical Marijuana Dispensary, Collective or Cooperative for an illegal purpose is prohibited by California Penal Code Section 647(h).

iv. This Medical Marijuana Dispensary, Collective or Cooperative is permitted in accordance with the laws of the City of Hesperia.

v. The sale of marijuana and the diversion of marijuana for non-medical purposes are violations of State Law.”

6. The Medical Marijuana Dispensary, Collective or Cooperative meets all applicable state and local laws to ensure that the operations of the Collective are consistent with the protection of the health, safety and welfare of the community, Qualified Patients and their Primary Caregivers, and will not adversely affect surrounding use.

7. No Medical Marijuana Dispensary, Collective or Cooperative shall operate for profit. Cash and in-kind contributions, reimbursements, and reasonable compensation provided by Management Members and members towards the Collective’s actual expenses of the growth, cultivation, and provision of Medical Marijuana shall be allowed provide that they are in strict compliance with State Law.

8. Medical Marijuana Dispensary, Collective or Cooperative may possess no more than 8 ounces of dried marijuana per qualified patient or caregiver, and maintain no more than 6 mature or 12 immature marijuana plants per qualified patient, except if a qualified patient or primary caregiver has a doctor’s recommendation that this quantity does not meet the qualified patient’s needs.

9. A Medical Marijuana Dispensary, Collective or Cooperative shall not have a physician on the property to evaluate patients or provide a recommendation for medical marijuana.

10. A Medical Marijuana Dispensary, Collective or Cooperative shall acquire its supply of medical marijuana only from its members.

11. A Medical Marijuana Dispensary, Collective or Cooperative shall not purchase or otherwise supply itself with medical marijuana from non-members.

12. Medical Marijuana Dispensary, Collective or Cooperatives shall provide state-licensed and uniformed security guard patrol for the location during all hours of operation. Security guards shall not possess firearms or tasers.

13. A Medical Marijuana Dispensary, Collective or Cooperative shall not provide any form of a delivery service. All distribution of medical marijuana must be conducted within the closed building areas of the medical marijuana Collective, and Cooperative property.

14. Medical Marijuana- Packaging and Labeling- Medical Marijuana Dispensaries Collectives and Cooperatives shall ensure that medical marijuana, edible products containing medical marijuana, and concentrates are labeled, packaged, and sold in accordance with equivalent local and state regulations for similar products.

F. Medical Marijuana Conditional Use Permit – Non-Transferable-A Medical Marijuana Dispensary, Collective or Cooperative Conditional Use Permit issued pursuant to this Chapter shall become null and void upon the cessation of the Collective and/or relocation of the Medical Marijuana Dispensary, Collective or Cooperative to a different Property. The holder of a Medical Marijuana Dispensary, Collective or Cooperative shall not allow others to use or rent the permitted Property without first obtaining approval of a Conditional Use Permit.

G. Maintenance of Records-All Maintenance of Records shall be maintained in accordance with State law and the Attorney General Guidelines. The application shall include the following:

1. Applicant Name;
2. Applicant Address;
3. Physician Information and recommendation;
4. Expiration Date of Recommendation or Identification Card (if any).

H. Inspection Authority-City representatives may enter and inspect the Property of every Medical Marijuana Dispensary, Collective or Cooperative between the hours of ten o'clock (10:00) A.M. and eight o'clock (8:00) P.M., to ensure compliance and enforcement of the provisions of this Chapter, except that the inspection and copying of private medical records shall be made available to the Police Department only pursuant to a properly executed search warrant, subpoena, or court order. It is unlawful for any Property owner, landlord, lessee, Medical Marijuana Dispensary, Collective or Cooperative member or Management Member or any other person having any responsibility over the operation of the Medical Marijuana Dispensary, Collective or Cooperative to refuse to allow, impede, obstruct or interfere with an inspection.

I. Existing Medical Marijuana Operations-Any existing Medical Marijuana Dispensary, Collective or Cooperative, operator, establishment, or provider business that does not comply with the requirements of this Chapter must immediately cease operation until such time, if any, when it complies fully with the requirements of this Chapter. No Medical Marijuana Dispensary, Collective or Cooperative, operator, establishment, or provider that existed prior to the enactment of this Chapter shall be deemed to be a legally established use or a legal non-conforming use under the provisions of this Chapter or the Code.

J. Prohibited Activity

1. The cultivation of Marijuana on-site is not permitted as part of this ordinance. This does not apply to the cultivation of marijuana by a qualified patient at that patient's home, so long as the patient is only growing for his or her own personal medical needs in a manner consistent with state law.

2. No manufacture of Concentrated Cannabis in violation of California Health and Safety Code Section 11379.6 is allowed.

3. No Medical Marijuana Dispensary, Collective or Cooperative shall be open to or provide Medical Marijuana to its members or Management Members between the hours of eight o'clock (8:00) P.M. and ten o'clock (10:00) A.M.

4. No person under the age of eighteen (18) shall be allowed at the Property, unless that minor is a Qualified Patient and is accompanied by his or her licensed Attending Physician, parent(s) or documented legal guardian.

5. No Medical Marijuana Dispensary, Collective or Cooperative, Management Member or member shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the Property or in the parking area of the Property.

6. No Medical Marijuana Dispensary, Collective or Cooperative shall hold or maintain a license from the State Department of Alcoholic Beverage Control to sell alcoholic beverages.

7. No dried Medical Marijuana shall be stored at the Property in structures that are not completely enclosed, in an unlocked vault or safe, in any other unsecured storage structure, or in a safe or vault that is not bolted to the floor of the Property.

8. Medical Marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed on the Property, in the parking areas of the Property.

9. No person who is currently charged with or has been convicted within the previous ten (10) years of crimes of moral turpitude (such as theft, fraud, or assault), or who is

currently on parole or probation for the sale or distribution of a controlled substance, shall be engaged directly or indirectly in the management of the Medical Marijuana Dispensary, Collective or Cooperative nor, further, shall manage or handle the receipts and expenses of the Medical Marijuana Dispensary, Collective or Cooperative.

K. Medical Marijuana Dispensary or Collectives/Cooperatives Should Acquire, Possess, and Distribute Only Lawfully Cultivated Marijuana-Medical Marijuana Dispensary, Collectives or Cooperatives should acquire marijuana only from their constituent members, because only marijuana grown by a qualified patient or his or her primary caregiver may lawfully be transported by, or, distributed to, other members of a medical marijuana Dispensary, Collective or Cooperative (Health and Safety Code 11362.765, 11362.775). The medical marijuana Dispensary, Collective or Cooperative may then allocate it to other members of the group. Nothing allows marijuana to be purchased from outside the medical marijuana Dispensaries, Collectives and Cooperatives for distribution to its members. Medical Marijuana Dispensary, Collectives and Cooperatives should document each member's contribution of labor, resources or money to the enterprise and track and record the source of their marijuana.

L. Distribution and Sales to Non-Member are Prohibited-State law allows primary caregivers to be reimbursed for certain services (including marijuana cultivation), but nothing allows individuals or groups to sell or distribute marijuana to non-members. A collective or cooperative may not distribute medical marijuana to any person who is not a member in good standing of the organization. A dispensing Medical Marijuana Dispensary, Collective or Cooperative may credit its members for marijuana they provide to the medical marijuana Collective, and Cooperative, which it may then allocate to other members (Health and Safety Code 11362.765 (C)). Members also may reimburse the dispensary, collective or cooperative for marijuana that has been allocated to them. Any monetary reimbursement that members provide to the medical marijuana Dispensary, Collective or Cooperative should only be an amount necessary to cover overhead costs and operating expenses.

M. Violation and Enforcement-Any violation of the terms and conditions of the Medical Marijuana Dispensary, Collective or Cooperative permit, of this Chapter, or of applicable local or state regulations and laws shall be grounds for permit suspension or revocation.



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 17, 2011**

A. PROPOSALS:

1. SELENE DE LEON (CUP11-10236)

Proposal: A revised conditional use permit to establish a 1,407 square foot dialysis school.

Location: 17888 Main Street (APN: 0408-183-11)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval

2. EAGLE ROCK SERVICES, LLC (CUP11-10233)

Proposal: A conditional use permit to construct a two-story, 41-bay, 105,094 square foot semi-truck and trailer repair business with driver convenience facilities and a restaurant with the on-site sale of beer, wine, and liquor on 10 gross acres within the Commercial Industrial Business Park District of the Main Street and Freeway Corridor Specific Plan.

Location: West side of Caliente Road, approximately 660 feet south of Muscatel Street (APN: 3039-321-08)

Planner: Daniel Alcayaga

Action: Forwarded to October 13, 2011 Planning Commission Meeting



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 31, 2011**

A. PROPOSALS:

1. GLEN MIDDLETON (SPR11-10160)

Proposal: A revised site plan review to construct a 4,207 square foot Chase Bank.

Location: 12731 Main Street (APN: 3064-611-18)

Planner: Daniel Alcayaga

Action: Administrative Approval

2. MR. AND MRS. ROCKY HUMPHREY (SPR11-10239)

Proposal: A revised site plan review to allow a personal weight/conditioning training business.

Location: 17216 Lilac Street, Unit 1 (APN: 0415-244-15)

Planner: Lisette Sanchez-Mendoza

Action: Administrative Approval

3. APOSTOLIC ASSEMBLY (SPR11-10240)

Proposal: A revised site plan review to construct a 1,064 square foot addition for a church.

Location: 11022 Eleventh Avenue (APN: 0406-082-21)

Planner: Lisette Sanchez-Mendoza

Action: Continued to September 14, 2011 DRC

4. PASTOR JOAN PARKS (SPR11-10241)

- Proposal:** A revised site plan review to establish a church.
- Location:** 6566 Caliente Road, Suite G (APN: 0357-611-15)
- Planner:** Daniel Alcayaga
- Action:** Administrative Approval

5. JEFF RANDALL (SPR11-10242)

- Proposal:** A minor exception to allow a parking space deficiency to convert an existing 7,056 square foot development constructed for use as a retail plumbing fixture installation and supply business into a multi-tenant retail, office and service facility.
- Location:** 15833 Bear Valley Road (APN: 0414-011-09)
- Planner:** Stan Liudahl
- Action:** Administrative Approval