

# Responses to Comments Received During the HVCC Meeting of August 15, 2022

Presentation to the Homestead Valley Community Council on the proposed Flamingo 640 Camping project. The project site is located at 2107 Old Woman Springs Road in the community of Flamingo Heights, San Bernardino County.

The following comments were received from the residents attending the meeting and require further research/explanation. Other comments and/or questions were answered during the presentation and are not reflected in this summary.

## Written Comments

### 1. *Does the project include right and left turn pockets on Old Woman Springs Road?*

The proposed project requires an Encroachment Permit from Caltrans to access Old Woman Springs Road (SR 247). The Conceptual Site Plan submitted to the County of San Bernardino depicts the two proposed access points from Old Woman Springs Road to the project site. These are conceptual and were developed during the CUP application process with the County Fire Department who provided the requirements for the on-site road including road width, path of travel through the campsite, and the provision of two access points for ingress/egress. Access to the project site is subject to review and approval by Caltrans, because the project would gain access from Old Woman Springs Road.

A Condition of Approval of the Conditional Use Permit (CUP) is that the applicant must complete the Encroachment Permit process with Caltrans and provide a copy of the Permit and Permit Conditions (i.e., design of the site access), prior to issuance of any building permits. Caltrans will require design drawings for access to the site and may require that the applicant include a deceleration/acceleration lane on the project site along the frontage of Old Woman Springs Road, or other improvements to OWS Road such as turn pockets. The Caltrans Permit process does not begin until such time as the County has adopted the CEQA Mitigated Negative Declaration and approved the CUP. As part of its review, Caltrans will consider the speed limit, number of lanes, number of accidents, etc., in determining the ultimate requirements for improvements associated with ingress/egress of the project site.

On the 24<sup>th</sup> of August we participated in a conference call with County staff (Planning and Traffic) and Caltrans. Caltrans engineers confirmed their process for review and approval of any improvements to Old Woman Springs Road. In consideration of the project's proposal and anticipation of the project's permitting process, Caltrans has determined that the driveway(s) will need to be evaluated or an assessment of the turning lanes and warrant analysis will be necessary.

### 2. *How do you see the success of the development affecting the surrounding area and community in the next ten years?*

Market studies are not something we circulate; however, we see an opportunity to develop a very successful private campground which will not adversely affect our neighbors or surrounding community. Moreover, we believe this will protect the 640 acres from higher intensity uses in the

future (i.e., residential development). Once built, the project will leave more than 600 acres undisturbed.

According to a National Park Service (NPS) report prepared by economists from the US Geological Survey (USGS) and NPS in June 2021, there were approximately 2.4 million visitors to Joshua Tree National Park. Visitors spent over \$122 million in local communities in 2020. These expenditures supported a total of 1,510 jobs, \$60.1 million in labor income, \$102 million in value-added, and \$164 million in economic output in gateway economies. The largest sectors of visitor spending are on lodging and restaurants, with \$46 million on local accommodations and \$18 million on local restaurants. Local economies are considered those within 60 miles of Joshua Tree National Park and include, but are not limited to: Yucca Valley, Joshua Tree, and Twentynine Palms.

<https://www.nps.gov/jotr/learn/news/2020visitorspending.htm#:~:text=A%20new%20National%20Park%20Service,in%20local%20communities%20in%202020>.

This is a truly unique property which requires special consideration, and we estimate it could take several years before the campground is open. Once completed, it may restore some sanity to the local real estate market which has been negatively impacted by short-term rentals (STRs). The campground would provide 75 campsites with a total estimated 300 visitors at full capacity. It will cater to larger groups (i.e., class field trip), small groups (i.e., yoga retreat) as well as individual travelers from all over SoCal and the world. The profile(s) of our guests will vary widely according to season (i.e., summer guests, winter guests, etc.). The campground will recruit from the local workforce community whose expertise will be invaluable ensuring the proper care and maintenance of the land and wildlife, along with educating/hosting our guests.

3. *Why not take the substantial resources invested in lost revenue going against environmental protections and the considerable objections of educated, informed locals? Sell to conservationists and invest in a commercial zoned area which will still bring substantial business and achieve the aims of the development proposal.*

The CUP Application included a number of special studies prepared for the proposed project including Biological Resources, Cultural Resources, Geotechnical, Air Quality, Noise and Traffic. These reports were utilized to prepare the CEQA Initial Study which concluded that the relatively small project footprint within the larger 640-acre site, combined with the proposed mitigation measures would not result in any significant unavoidable impacts to the environment. The County has indicated that a Mitigated Negative Declaration based on the findings of the Initial Study, including all special studies prepared as part of the CUP application is the appropriate CEQA document for the project.

The County has accepted the CUP application for a campground project in a Rural Living area as allowed under its Planning regulations. The County's Development Code (CDC) states that campgrounds are allowed in the Rural Living Zone (see CDC Table 82-7, Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts) but are not allowed in a Commercial Land Use Zoning District (see CDC Table 82-11). Tables have been included at the end of this pdf document.

We believe that using a small portion (< 6%) of the 640-acre site for a private campground will have positive effects for the subject property, neighborhood, outlying local community, and visitors. By placing the area of activity toward the center of the property away from existing residences, activities on the campground should be undetected by our neighbors.

4. *How will the project utilize local laborers and contractors to build the project?*

The permanent workforce and nearby qualified contractors would be our first choice where all else is equal; ( i.e., two similarly qualified people or companies will compete but if one is a local entity then the advantage would shift to the local party).

5. *How does the potential listing of the western Joshua Tree effect how this project will move forward? There are hundreds of Joshua trees in the proposed area.*

The CUP application package includes a Protected Plant Preservation Plan as required by the County. Based on the findings of the Biological Resources Assessment prepared for the project, there are 2,734 Joshua trees located on the project site. The proposed project is to develop a campground with related small structures (camp store, small restaurant and bar, small workshops) on a portion of the site along the west side of Pipes Canyon Wash.

No disturbance is proposed within Pipes Canyon Wash or the east side of the wash where both areas contain a significant number of Joshua trees.

Subsequent to the approval of the CUP, a civil engineer will prepare construction drawings. Avoidance of Joshua trees is preferred however, some trees may require relocation. A review of the Conceptual Site Plan completed for the preparation of the Protected Plant Protection Plan (Plan) identified approximately 34 Joshua trees that would require relocation to provide an area for the parking lot, retention basin and septic system. These trees will be evaluated in a subsequent assessment to be completed once design drawings are available, to determine a final number of trees, their health, and the likelihood they can be successfully replanted.

With the exception of the 34 Joshua trees that require relocation, the remaining Joshua trees will be retained in place. Prior to commencing with the excavation of the 34 trees, suitable locations to transplant them will be identified by a qualified biologist. Because relocation of trees is problematic and the success rate varies with each project, it is our intent to minimize the number of trees requiring relocation. The Plan also calls for the development and maintenance of a nursery for Joshua trees to be used to replace trees that do not survive transplanting, or to replace dying trees within the project site due to climate change. A watering regimen will be established and a monitoring program implemented for the transplanted trees. Avoidance measures and/or maintenance requirements, in addition to those outlined in the Plan, tailored to the project site may be identified during consultation with CDFW via during the Incidental Take Permit (Section 2081 of the Fish and Game Code) application process, should the Joshua tree be listed by the California Fish and Game Commission.

Should the California Fish and Game Commission determine that the western Joshua tree should be listed, we would be required to apply for an Incidental Take Permits (ITP). Section 2081 subdivision (b) of the Fish and Game Code allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. Mitigation to offset any impacts identified by CDFW staff would be determined during consultation under the 2081 application process. Mitigation may include setting aside the remainder of the property for conservation; and/or the purchase of land in a mitigation bank at a ratio (tree/acre) based on the number of trees that CDFW staff determines to be impacted.

6. *How will you ensure your customers will observe burn bans.*

A code of conduct will be strictly enforced. There will be an education process at initial contact with electronic reservations and again at campground check-in (intake) and reminders from security and staff. Our guests will know the Do's & Don'ts and violations will be remedied and may result in removal from the premises and/or other legal remedies.

7. *It's already been shown how strongly even low-level noise carries/travels down the canyon wash area. How will you prevent the sounds from your last-indicated guest count of close to 300 people and 30-50 employees from disturbing the residents... both human and wildlife in the area?*

Our neighbors and wildlife are of paramount importance. Though our neighbors may infrequently or avoid the campground altogether, our goal will remain that of being a good neighbor and good steward of the land. We will exceed their expectations wherever possible and adapt ways to eliminate noise travel. This will include the use of headphones/ear buds for music listeners. We will also use noise monitoring devices on the perimeters on the western, northern, and southern boundaries of the Flamingo 640 site. There will also be noise curfews.

8. *Why do you feel it's appropriate to position a large commercial venue that only caters to those from out of town in the middle of a longstanding residential rural living zone containing larger acreage properties and spanning a vital wildlife corridor.*

According to a National Park Service (NPS) report prepared by economists from the US Geological Survey (USGS) and NPS in June 2021, there were approximately 2.4 million visitors to Joshua Tree National Park. Visitors, other than day-trippers require lodging in the local area. Currently, the area is adversely affected by short-term rentals. It has been estimated that there are 1,800 STRs in the local area, an area sparsely populated so that the loss of these dwelling units that could previously be rented by long-term occupants or bought for owner-occupancy have been taken off the market. The campground would provide 75 campsites with a total estimated 300 visitors at full capacity. In the absence of these campsites, visitors would likely be booking an STR for their vacation stay.

This plan for a private campground will benefit the surrounding undeveloped portion of the 640-acre site, immediate neighborhood, the local community, the County, and visiting campground guests.

9. *You need to do another environmental impact study. It missed tortoise who live there. Location of property in monsoon could get flooded. Traffic on OWS – increased guests. More chances for wildfire. Concerts – increased noise. We moved here for peaceful environment. MDLT has offered to buy it.*

No further environmental studies are required for the proposed project at this time. The Biological Resources Assessment was conducted at the appropriate time of year, under USFWS and CDFW established protocols for field surveys. The biologists recognized that the area was habitat for desert tortoise as well as other desert species, however, no individuals were encountered during the surveys. Under these circumstances the Biological Resources Assessment included recommendations for subsequent surveys prior to any ground disturbing activities, and that a Worker Environmental Awareness Program (WEAP) be implemented so that every construction worker would be required to complete the program prior to construction.

In addition, a qualified biological monitor would also be on site during construction. Further, on-going during operation of the campground, the applicant has committed to a visitor education program whereby information about the desert habitat on-site would be provided, including what to do if individual wildlife species are encountered.

With regard to flooding, we have submitted a drainage study to the County Land Development Division for their review/approval. County engineers will determine if additional grading/drainage work is required.

With regard to traffic, the project traffic engineer utilized the Institute of Traffic Engineers (ITE) *Trip Generation Manual* to determine the trip generation rate (the number of trips that begin and end at the project site) for a campground. The traffic engineer used the land use Campground/Recreational Vehicle Ground to determine the project trip generation rate. Inherent in the rate are visitors and employees. A typical traffic study evaluates the number of trips associated with a project that would occur during the morning and evening peak hours, to determine the change in the level of service on roadways in the area. Although the proposed project would contribute additional trips on Old Woman Springs, the number of trips that would occur during the morning (generally considered to be between 7-9 am) and evening peak hours (generally considered to be between 4-6 pm) would be minimal with 16 trips during the morning peak hour and 20 during the evening peak hour. Therefore, the County Traffic Division determined that a "full blown" traffic impact analysis was not required.

With regard to concerts, there is no proposed concert venue associated with the CUP application for the Flamingo 640 campground project.

Regarding MDLT, it has not offered to purchase the site. We have had two separate e-mail conversations with MDLT staff, the first in Winter 2021, and the second in Winter 2022 when we provided our Conceptual Site Plan and a copy of the draft Protected Plant Protection Plan. In each instance MDLT staff indicated that they would get back to us. Aside from these two short email exchanges, I am unaware of any recent outreach from them.

10. *Why is there a helipad? There is no other hotel in the area that has one. Why put a hotel in the middle of a residential neighborhood?*

The helipad was suggested or driven by the applicant purely as an amenity for emergency services for the neighborhood, local area. It is not part of campground service. It is not intended for non-emergency services.

11. *With all the detailed + researched objections to this Flamingo 640 proposal sent in public comment to the County, why are you still asking us what the community objections are?*

Public dialogue is not compulsory however we believe that it is important to conduct a community outreach meeting in order for residents to voice their concerns within the context of the Homestead Valley Community Council public meeting in order to ensure that they are being heard. Community members are free to abstain from further conversations about the proposal. The County has been giving us comprehensive feedback for years on this project and no item, or party will be left ignored. Development in California is an arduous process, and we understand that there may be fatigue on the part of our neighbors.

12. *What will be done for traffic congestion? Concerned about additional traffic on a two-lane road.*

Any CUP issued by the County will be accompanied by Conditions of Approval which will consider/address matters of traffic.

Oral Comments

13. *Why is there a music venue proposed and how do you think this will affect the local residents?*

We eliminated the music venue from the site plan. It was not a suitable idea.

14. *This is not a private campground it is a commercial campground and should be in a commercial zone.*

The proposed project is a private campground, and we are devoting a fraction (less than 6%) of the site to sleeping areas and campground amenities. The balance of the site will be undisturbed.

The County has accepted the CUP application for a campground project in a Rural Living area as allowed under its Planning regulations. The County's Development Code (CDC) states that campgrounds are allowed in the Rural Living Zone (see CDC Table 82-7, Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts) but are not allowed in a Commercial Land Use Zoning District (see CDC Table 82-11). Tables have been attached for convenience.

15. *Does the project include right and left turn pockets on Old Woman Springs Road?*

Old Woman Springs Road is a highway and Caltrans will condition the encroachment permit in accordance with their safety standards. A Condition of Approval of the Conditional Use Permit (CUP) is that the applicant must complete the Encroachment Permit process with Caltrans and provide a copy of the Permit and Permit Conditions (i.e., design of the site access), prior to issuance of any building permits. Caltrans will require design drawings for access to the site and may require that the applicant include a deceleration/acceleration lane on the project site along the frontage of Old Woman Springs Road, or other improvements to OWS Road such as turn pockets. The Caltrans Permit process does not begin until such time as the County has adopted the CEQA Mitigated Negative Declaration and approved the CUP. As part of its review, Caltrans will consider the speed limit, number of lanes, number of accidents, etc., in determining the ultimate requirements for improvements associated with ingress/egress of the project site.

16. *This is a wildlife corridor and the project would be displacing wildlife.*

Both the Biological Resources Assessment and Initial Study prepared for the project acknowledged that wildlife movement and the fragmentation of wildlife habitat are recognized as critical issues that must be considered in assessing impacts to wildlife. Habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. The project site is located within a modeled habitat linkage as identified on the San Bernardino County Policy Plan Map NR-2 *Parks and Open Space Resources*. Furthermore, Pipes Canyon Wash was identified as a wildlife corridor according to the Biological Resources

Section of the Environmental Impact Report prepared for the San Bernardino Countywide Policy Plan. Understanding the importance of maintaining wildlife corridors, we are proposing a split-rail or similar type fence around the perimeter of the project site to discourage unauthorized off-road vehicle use in the future. This would ensure the continuation of wildlife movement through the project site as currently occurs with the exception of the approximately 25-acre area that would be utilized for campsites and related amenities. Wildlife could continue to move through the area as under existing conditions such as where commercial and residential uses in the immediate vicinity of the project site exist.

17. *This project needs a full environmental impact report. You have not done enough and the report is not adequate.*

See response to written comment No. 9 above.

18. *What other properties do you have up here – are you invested in the community?*

We are Americans, Californians, and lovers of the desert. Some properties in our portfolio are on our website – [www.robottland.com](http://www.robottland.com). The Flamingo 640 represents a clear investment in the community.

19. *How many campsites are already in the area and what does your campground add?*

According to the NPS Joshua Tree National Park website, there are 500 campsites within the boundary of the park within 8 dedicated campgrounds. In addition, the Park allows back country camping, however, currently the Park does not require a permit for this activity, so the actual number of campers is unknown. In addition, according to a map of the Joshua Tree Land and Campground, there are 137 campsites at that location that includes tent and RV camping. There are a number of unpermitted campgrounds in the area so the number of campsites is unknown. A review of the website HipCamp showed a number of small sites that could accommodate from one to seven tents, RV's (with no hookups), or combination of the two. The proposed project would add an additional 75 campsites to the area.

20. *What are the economic benefits of the project and what sorts of fees (e.g. schools) are you paying?*

The project applicant is required to pay Development Impact Fees at rates current at the time of the issuance of building permits. In addition, Flamingo 640 will provide jobs, tax revenue, an emergency helipad facility, along with the likelihood of increased funding for education, biological/cultural resources.

21. *What's your water source and what sort of sewage treatment will you use?*

The project will annex into the Bighorn Desert View Water Agency's service area. There is an existing well site at the northwest corner of the project site near the intersection of Old Woman Springs Road and Luna Vista Road. The project includes the development/operation of an on-site septic system that includes a leach field.

22. *How will visitors be educated on the natural features (plants and wildlife) of the area?*

There will be education offered online at the time of reservation/registration and at check-in. The proposed plan calls for visitors to enter the campground and park their car. A

camp coordinator will escort the guest(s) from the car to their sleeping area in a golf cart or on foot. Aside from entering or exiting the campsite, guests will not be permitted to drive their vehicles.

*23. What does the permit process look like for this project?*

It's a slow and challenging process. Applicant began this process by hiring a geologist, a project manager, and an engineering firm in early 2019. California has one of the toughest standards for real estate development in the United States. Unlike many other California counties, San Bernardino County thus far has been responsive and cooperative though the pandemic slowed an already slow process. We submitted our completed application in September 2021 and look forward to receiving the entitlement or CUP from the County.

The County is the first agency to review and act on the project. Once the CUP has been approved and the Mitigated Negative Declaration has been adopted, the applicant can then apply for an Encroachment Permit from Caltrans, and the Bighorn Desert View Water Agency can begin the annexation process through the Local Agency Formation Commission (LAFCO).

In addition, the project also requires a permit to construct from the State's Department of Housing and Community Development (HCD) as a Special Occupancy Park.

Finally, should the California Fish and Game Commission determine that the western Joshua tree should be listed, we would be required to apply for an Incidental Take Permits (ITP). This permit must be approved prior to the County issuing any permits to construct.

*24. The project will be detrimental to ecosystems.*

This project will be designed and constructed in accordance with San Bernardino County guidelines, laws, rules, etc. Once operational it will employ many of the well know philosophies that focus on "leaving no trace" or limited footprints. We want our visitors to be comfortable and free to do as they wish with the caveat that a code of conduct will be enforced.

The Biological Resources Assessment prepared for the project included a number of recommendations that have been included in the CEQA Initial Study as mitigation measures to ensure that no significant unavoidable impacts would occur to biological resources (plants or wildlife). The campground would disturb approximately 25 acres within a larger approximately 50-acre area generally located between the Pipes Canyon Wash and Old Woman Springs Road. The remaining approximately 590 acres would remain in its present condition. Wildlife would continue to access the 640-acre site as the applicant is considering constructing a split rail fence that would not block access to the site by wildlife.

*25. The project will create too much noise. Sound carries and the project will disturbing nearby residents.*

The campground will avail itself of all noise cancelling or monitoring technology and will also inform guests if they are being too noisy. Noise disturbances to wildlife or nearby residents will not be tolerated. The nearest residence to the campground area is a quarter mile away.



26. *Who's going to operate the site?*

This remains to be determined though we have many qualified operators who are interested in obtaining the design and management assignment.

27. *Have you done market research on "glamping" to determine whether this project is even viable?*

Yes. According to the National Park Service, Joshua Tree National Park receives in excess of 2.5 million visitors. Due to its location, visitors may travel several hours to get to the park. For those traveling these distances, it is likely that they look for local accommodations rather than making their visit a day trip. The park currently has 500 campsites and also allows some back country camping. There are a few private campgrounds in the area such as the Joshua Tree Lake campground. There are also a number of local residents who allow a small number of campers to use their property (see [www.hipcAMP.com](http://www.hipcAMP.com)). However, according to the New York Times, there are upwards of 1,800 short term rentals in the area.

28. *What are you doing to give back to the community?*

We are providing jobs both during construction and operation. In addition, our guests will likely shop locally resulting in increased sales in local shops and restaurants.

29. *Everyone says no, why are you still moving forward with this project?*

As a private land owner of a site in an RL zone we are allowed to propose a campground project on our property and are required to apply for a Conditional Use Permit (CUP) that gives the County the authority to impose conditions of approval to ensure that the project is operated in a manner so the site does not become a nuisance. As part of the CUP application we were required to have a number of special studies conducted to identify areas of concern. For example, the geotechnical studies conducted at the site showed a fault traversing the project site parallel to OWS Road. In such a case, the County requires a setback from the fault and our civil engineer designed the site to accommodate the required distance from the fault. Other issues are addressed elsewhere in these responses to comments.

30. *Residents in the community have no where to live now, where will employees live?*

Employees of the campground will make a decent wage and will be able to afford housing.

31. *The traffic memo is a joke. No traffic counts were done. This project should be considered a resort and not a campground.*

The proposed project is not a resort since resorts provide much more elaborate amenities than what we are proposing for our site. Resorts can have multiple swimming pools, ballrooms, golf courses, tennis courts, etc. This is a private campground and is being developed in accordance with San Bernardino County standards for a campground.

32. *The project should include dedicated ingress and egress lanes to the site.*

Caltrans will require an encroachment permit for the project. Caltrans will decide the conditions that must be met to pull a building permit which will only occur after the entitlement of the project.

33. *Are these good jobs that pay?*

At this nascent stage, it's hard to estimate pay offered or exact job responsibilities, however we believe you get what you pay for, and we see the need for a good staff who can wear many hats – one part, park ranger, and one part greeter. We believe these jobs will pay above average or be high paying, but also enriching jobs.

34. *What is being proposed for shade?*

The desert can be a dangerous environment and shaded structures and water stations will be strategically placed throughout the property. These features will be identified during the design phase of the project.

**Table 82-7**  
**Allowed Land Uses and Permit Requirements for Residential Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL <sup>(1)</sup>	RS	RM	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>				
Accessory crop production	A <sup>(2)</sup>	A <sup>(2)</sup>	A <sup>(2)</sup>	84.01
Agricultural accessory structure - 1,000 sf max.	A	A	A	
Agricultural accessory structure - up to 10,000 sf max. on 5 ac. or less	A	—	—	
Agricultural accessory structure - greater than 10,000 sf. on 5 ac. or less	M/C	—	—	
Agricultural support services	CUP	—	—	
Animal keeping	S	S	S	84.04
Crop production, horticulture, orchard, vineyard, nurseries	A	—	—	
Livestock operations	CUP	—	—	84.04
Natural resources development (mining)	CUP	—	—	88.03
Nature preserve (accessory uses)	M/C	—	—	
Lake	M/C	CUP	—	
Pond	A	A	M/C	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>				
Composting operations	CUP	—	—	
Recycling facilities – reverse vending machine, accessory	S	—	—	84.19
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</b>				
Agritourism enterprises	S	—	—	84.03
Campgrounds <sup>(3)</sup>	CUP	—	—	
Commercial entertainment - Indoor <sup>(3)</sup>	CUP	—	—	
Conference/convention facility <sup>(3)</sup>	CUP	—	—	
Equestrian facility <sup>(3)</sup>	M/C	S <sup>(4)</sup>	—	
Golf course <sup>(3)</sup>	CUP	—	—	
Library, museum, art gallery, outdoor exhibit <sup>(3)</sup>	M/C	M/C	M/C	
Meeting facility, public or private <sup>(3)</sup>	CUP	CUP	CUP	
Park, playground <sup>(3)</sup>	P	P	P	
Places of worship	CUP	CUP	CUP	
Rural sports and recreation <sup>(3)</sup>	M/C	—	—	
School – College or university	CUP	CUP	—	
School – Private	CUP	CUP	—	
School – Specialized education/training	CUP	—	—	
Sports or entertainment assembly <sup>(3)</sup>	CUP	—	—	
<b>RESIDENTIAL<sup>(11)</sup></b>				
Accessory structures and uses	A	A	A	84.01
Caretaker housing	M/C <sup>(5)</sup>	M/C	M/C	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	—	—	M/C	
Guest housing	A	A	A	84.01
Mobile home park/manufactured home land-lease community	CUP	CUP	CUP	84.14
Multiple dwelling, 2 to 3 units, attached or detached	—	—	A	84.16
Multiple dwelling, 4 to 19 units, attached or detached	—	—	A	84.16
Multiple dwelling, 20 to 49 units, attached or detached	—	—	MUP	84.16
Multiple dwelling, 50 or more units, attached or detached	—	—	CUP	84.16
Parolee and/or probationer home	—	—	CUP	
Accessory dwelling unit	A <sup>(6)</sup>	A <sup>(6)</sup>	—	84.01

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	RL <sup>(1)</sup>	RS	RM	
Single dwelling	A	A	PD <sup>(7)</sup>	
<b>RETAIL</b>				
Produce stand	A <sup>(8)</sup>	A <sup>(8)</sup>	A <sup>(8)</sup>	
<b>SERVICES - GENERAL</b>				
Cemetery, including pet cemeteries	CUP	CUP	—	84.06
Child care - Small family day care home	A	A	A	
Child care - Large family day care home	MUP	MUP	MUP	
Child care - Day care center	M/C	M/C	M/C	
Commercial Kennels and Catteries - min lot 2.5 acres (over 15 animals)	M/C/S	—	—	84.04
Emergency shelter	—	—	CUP	84.33
Home occupation	SUP	SUP	SUP	84.12
Licensed Residential Care Facility of 6 or fewer persons	A	A	A	84.23
Licensed Residential Care Facility of 7 or more persons	—	—	CUP	84.23
Lodging - Bed and breakfast inn (B&B)	SUP <sup>(9)</sup>	SUP <sup>(9)</sup>	SUP <sup>(9)</sup>	84.05
Public safety facility	M/C	M/C	M/C	
Short-Term Residential Rentals	SUP	SUP	SUP	84.28
Unlicensed Residential Care Facility with 6 or fewer persons	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility with 7 or more persons	—	—	CUP	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>				
Broadcasting antennae and towers	M/C	—	—	
Electrical power generation	CUP	—	—	
Pipelines, transmission lines, and control stations <sup>(10)</sup>	<sup>(10)</sup>	<sup>(10)</sup>	<sup>(10)</sup>	
Renewable Energy Generation Facilities	CUP	—	—	84.29
Sewage treatment and disposal facility	CUP	CUP	CUP	
Solid waste disposal	CUP	CUP	CUP	
Telecommunications facility	S	S	S	84.27
Transportation facility	M/C	M/C	M/C	
Utility facility	CUP	CUP	CUP	
Wind energy accessory	S	S	S	84.26
Wireless telecommunications facility	S	S	S	84.27
<b>OTHER (continued)</b>				
Accessory structures and uses	A	A	A	84.01
Temporary special events	TSP	TSP	TSP	84.25
Temporary structures and uses	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
		TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) For projects within the Oak Glen Community Plan Area, all non-agritourism uses shall comply with the agritourism hours of operation standard [Subsection 84.03.030(b)(3)] and the agritourism noise/amplified sound regulations [Subsection 84.03.030(b)(5)].
- (2) Use allowed as an accessory use only with standards, on the same site as a residential use allowed by this table.
- (3) For projects within the Oak Glen Community Plan Area, these uses shall comply with the agritourism development standards provided in Table 84-1 in Section 84.03.030. The permit requirements presented this table shall prevail over any permit requirement listed in Table 84-1.
- (4) A boarding facility only with a Home Occupation Permit.
- (5) For parcels that are 10 acres or greater, a Site Plan Permit is all that is needed.

- (6) Use allowed as an accessory use only, on the same site as a residential use allowed by this table. A Special Use Permit is required for an accessory dwelling unit used as a short-term rental in the Mountain Region.
- (7) Single dwellings will only be allowed within an RM Land Use Zoning District when it is part of a Planned Residential Development that has been designed to meet the goals and densities of the RM zone.
- (8) In the Phelan/Pinon Hills Community Plan area on lots greater than 10,000 sq. ft. with a maximum 200 sq ft structure for storage and sales and a maximum 6 sq. ft. advertising sign; in RS and RM, can only operate for 72 hours per month.
- (9) A CUP shall be required for three or more rooms.
- (10) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Chapter 85.02.
- (11) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4057 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4162 (2012); Amended Ordinance 4230 (2014); Amended Ordinance 4251 (2014); Amended Ordinance 4304 (2016); Amended Ordinance 4331 (2017); Amended Ordinance 4342 (2018)

**Table 82-11  
Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>AGRICULTURAL, RESOURCE &amp; OPEN SPACE USES</b>							
Agriculture support services	P <sup>(2)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(2)</sup>	—	
<b>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</b>							
Construction contractor storage yard	M/C	—	—	—	M/C	—	
Firewood contractor	P <sup>(2)</sup>	—	—	—	P <sup>(2)</sup>	—	84.09
Manufacturing Operations I	M/C <sup>(3)</sup>	—	—	—	P <sup>(2)</sup>	—	
Motor vehicle storage/Impound facility	CUP	—	—	—	CUP	CUP	
Recycling facilities - Small collection facility	SUP	SUP	SUP	SUP	SUP	SUP	84.19
Recycling facilities - Large collection facility	CUP	—	CUP	CUP	CUP	CUP	84.19
Recycling facilities - Light processing facility	CUP	—	—	CUP	CUP	—	84.19
Recycling facilities, reverse vending machine (accessory only)	A	A	A	A	A	A	84.19
Salvage operations - within enclosed structures	M/C <sup>(4)</sup>	—	—	—	M/C	—	
Storage - Personal storage (mini-storage)	M/C	—	—	—	P <sup>(2)</sup>	—	
Storage - Recreational vehicles	CUP	—	—	—	CUP	CUP	
Storage - Warehouse, Indoor Storage	M/C	—	—	—	—	—	
Wholesaling and distribution	M/C <sup>(4)</sup>	—	—	P <sup>(1,2)</sup>	P <sup>(2)</sup>	—	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY</b>							
Adult business	—	—	—	ABP	—	—	84.02
Commercial entertainment – Indoor	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Commercial entertainment - Outdoor	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Conference/convention facility <sup>(4, 5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
Equestrian facility	M/C	—	M/C	M/C	M/C	M/C	
Fitness/health facility <sup>(5)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Golf course	M/C	—	—	—	M/C	M/C	
Library, museum, art gallery, outdoor exhibit <sup>(5)</sup>	M/C	—	—	M/C	M/C	M/C	
Meeting facility, public or private <sup>(5)</sup>	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university <sup>(5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
School - Private <sup>(5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training <sup>(5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater <sup>(5)</sup>	M/C	—	—	M/C	M/C	M/C	
<b>RESIDENTIAL<sup>(10)</sup></b>							
Accessory dwelling (caretakers residence, etc.)	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P <sup>(6,7)</sup>	P <sup>(6,7)</sup>	P <sup>(6,7)</sup>	P <sup>(6,7)</sup>	P <sup>(6,7)</sup>	84.01
Group residential (sorority, fraternity, boarding house, private residential club, etc.)	M/C	—	—	M/C	M/C	M/C	
Guest housing	P <sup>(7)</sup>	—	—	—	—	—	84.01
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Parolee and/or probationer home	CUP	—	—	CUP	CUP	CUP	
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.16
Accessory dwelling unit	A	—	—	—	—	—	84.01

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
Single dwelling	A	—	—	—	—	—	
<b>RETAIL</b>							
Auto and vehicle sales and rental	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Bar, tavern	P <sup>(2)</sup>	M/C	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Building and landscape materials sales - Indoor	M/C	—	—	M/C	M/C	—	
Building and landscape materials sales - Outdoor	M/C	—	—	M/C	M/C	—	
Construction and heavy equipment sales and rental	M/C	—	—	—	M/C	—	
Convenience store	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Fuel dealer (propane for home and farm use, etc.)	M/C	—	—	—	M/C	—	
General retail	M/C	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Groceries, specialty foods	M/C	M/C	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Manufactured home, boat, or RV sales	P <sup>(2)</sup>	—	—	M/C	M/C	—	
Night club	P <sup>(2)</sup>	M/C	—	M/C	P <sup>(2)</sup>	—	
Restaurant, café, coffee shop	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Service station	M/C	M/C	—	M/C	M/C	M/C	
Second hand stores, pawnshops	P	—	—	P	P	—	
Shopping center	M/C	M/C	—	M/C	M/C	M/C	
Swap meet, outdoor market, auction yard	M/C	—	—	M/C	M/C	—	
Warehouse retail	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
<b>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</b>							
Medical services - Hospital	—	—	CUP <sup>(5)</sup>	—	—	—	
Medical services - Rehabilitation center	—	—	CUP	—	—	—	
Office - Accessory	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	
Professional services	P <sup>(2)</sup>	P <sup>(2)</sup>	P	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
<b>SERVICES - GENERAL</b>							
Bail bond service within 1 mile of correctional institution	P	—	P	P	P	P	
Cemetery including pet cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	84.06
Child care - Day care center	M/C	M/C	M/C	M/C	M/C	—	
Convenience and support services	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Emergency shelter	CUP	CUP	CUP	A	A	CUP	84.33
Equipment rental	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Kennel or cattery - 2.5-acre minimum lot area	M/C/S	—	—	—	M/C/S	—	84.04
Licensed Residential Care Facility of 6 or fewer persons	M/C	—	—	M/C	M/C	M/C	84.23
Licensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	84.23
Lodging - Bed and breakfast inn (B&B)	SUP	—	—	—	—	—	84.05
Lodging - Hotel or motel - 20 or fewer guest rooms	P <sup>(2)</sup>	—	—	P <sup>(2,8)</sup>	P <sup>(2,8)</sup>	P <sup>(2)</sup>	
Lodging - Hotel or motel - More than 20 guest rooms	M/C	—	—	M/C	M/C	M/C	
Personal services	P <sup>(2)</sup>	P <sup>(2)</sup>	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Public safety facility	M/C	M/C	—	—	M/C	M/C	
Unlicensed Residential Care Facility of 6 or fewer persons	RCP	—	—	RCP	RCP	RCP	84.32
Unlicensed Residential Care Facility of 7 or more persons	M/C	—	—	M/C	M/C	M/C	
Vehicle services - Major repair/body work	M/C	—	—	—	M/C	M/C	
Vehicle services - Minor maintenance/repair	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	
Veterinary clinic, animal hospital	M/C	—	—	M/C	M/C	—	
<b>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</b>							
Ambulance, taxi, or limousine dispatch facility	P <sup>(2)</sup>	—	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	
Broadcasting antennae and towers	M/C	—	—	M/C	M/C	—	
Broadcasting studio	P <sup>(2)</sup>	—	—	P <sup>(2)</sup>	P <sup>(2)</sup>	—	
Parking lots and structures, accessory	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	
Pipelines, transmission lines, and control stations <sup>(9)</sup>	<sup>(9)</sup>	<sup>(9)</sup>	<sup>(9)</sup>	<sup>(9)</sup>	<sup>(9)</sup>	<sup>(9)</sup>	
Renewable Energy Generation Facilities	CUP	CUP	CUP	CUP	CUP	CUP	84.29
Sewage treatment and disposal facility	CUP	—	—	—	—	CUP	
Transportation facility	M/C	M/C	M/C	M/C	M/C	M/C	
Truck Stop	M/C	—	—	—	M/C	M/C	
Truck Terminal	—	—	—	—	M/C	—	
Utility facility	CUP	—	—	—	CUP	—	

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
Wind energy system, accessory	S	S	S	S	S	S	84.26
Wireless telecommunications facility	S	S	S	S	S	S	84.27

**OTHER**

Accessory structures and uses	P	P	P	P	P	P	84.01
Off-Site Signs	—	—	—	CUP	—	CUP	83.13.060
Off-Site Signs (Freeway Oriented)	—	—	—	CUP	—	CUP	83.13.060
Temporary special events	TSP	TSP	TSP	TSP	TSP	TSP	84.25
Temporary uses and activities	TUP	TUP	TUP	TUP	TUP	TUP	84.25

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
ABP	Adult Business Regulatory Permit	SUP	Special Use Permit required (Chapter 85.14)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	S	Permit requirement set by Specific Use Regulations (Division 4)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	TSP	Temporary Special Events Permit required (Chapter 85.16)
		RCP	Unlicensed Residential Care Facilities Permit (Chapter 85.20)
CUP	Conditional Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
MUP	Minor Use Permit required (Chapter 85.06)	—	Use not allowed

**Notes:**

- (1) Not allowed in the Phelan planning area.
- (2) CUP required if maximum building coverage exceeds 10,000 sq. ft., the use will have more than 20 employees per shift, or if not exempt from CEQA; may qualify for a MUP in compliance with Section 85.06.020 (Applicability).
- (3) The use shall be allowed in Lucerne Valley with a Site Plan Permit.
- (4) The use is allowed in Lucerne Valley with a MUP.
- (5) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (6) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (7) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (8) A CUP shall be required for this use in the Phelan planning area.
- (9) These uses are regulated and approved by the Public Utilities Commission. See alternate review procedures in Section 85.02.050.
- (10) Supportive housing or transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two- or multi-family dwelling units, group residential, parolee-probationer home, residential care facilities, or boarding house uses under this Code.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4085 (2009); Amended Ordinance 4098 (2010); Amended Ordinance 4230 (2014); Amended Ordinance 4239 (2014); Amended Ordinance 4245 (2014); Amended Ordinance 4251 (2014); Amended Ordinance 4341 (2018)