

Vivian Nguyen
Associate Planner
Department of Land Use Services
The County of San Bernardino
&
Simran Malhotra
Principal
Raimi + Associates

RE: Mane Street Historic District Draft

Dear Vivian and Simran,

Thank you for the opportunity to provide comment on the proposed Mane Street Historic District (MHSD). As the principal author of the Community Overlay proposal which precipitated this effort, I am grateful to Land Use Services, Raimi + Associates and the Office of the Third District Supervisor. Without each of you, this important project would not be happening.

The County's proposed MHSD gets much right and is a significant step towards ensuring a future for Pioneertown where independent local businesses, residents and visitors all can enjoy and profit from a preserved historic setting - a setting that is among the last intact western filming environments in the United States. New provisions such as establishing historically consistent setbacks, dirt road standards, trail easements, signage standards, guidance on building form, arrangement and size are all critically needed improvements over the SD-RES development code provisions which currently govern land use in Pioneertown. For purposes of brevity, it is enough to say that items for which no comment is offered here below are appropriate and consistent with what I believe are best practices and community sentiment.

But while this language is within arm's length of its goal, there are still critical and sometimes existential issues that if left uncorrected will mark our eight year collective effort as a failure. I want to be clear that I know how hard this work is and the appearance of these types of issues in drafts is inevitable and precisely what public comments on draft documents are intended to address. At its best, planning is collaboration between government and citizens that informs not just how a community looks and works, but actually improves it as a community - something that is stronger because it is made up of mutually dependent individuals committed and invested spiritually, economically, and emotionally in the place they live and work. These comments are offered in that spirit.

My observations on remaining critical issues that must be corrected follow before this advances for consideration by the Planning Commission follow. Items in *italics* reflect the my emphasis within quotations of text authored by others:

Issue 01 - The Proposed Land Use Tables Enable Excessive Growth

Commentary:

Where community sentiment, the Community Action guide and infrastructure constraints all support limited growth, the County's proposed zoning as written appears to intend to expedite the full build-out with new construction of the Mane Street historic district as one would expect in an urbanized, incorporated city. No distinction is made between the adaptive reuse and rehabilitation of existing structures and new development and construction - both are encouraged equally. This is in direct conflict with the Community Action Guide which noted "The Pioneertown Communities residents value *limited*, sustainable growth and development that increase business opportunities for independent operators while striking a balance between the rights of property owners and the community's desire to maintain the small town character of Pioneertown Communities."

Further, among the Community Action Guide's goals were a "commercial zoning overlay on Mane Street that restricts big box retail, encourages *neighborhood commercial scale* retail and lodging, and establishes flexibility for locally-grown businesses." The County's proposed Land Use table allows for new development of high impact uses larger than any of Pioneertown's existing or historic uses. While the largest chain restaurants in nearby Yucca Valley (Black Bear Diner and IHOP, both located on a major state highway within an incorporated city are 6,085 SF and 5,000 SF respectively) the County proposed language allows Restaurant uses even greater than 7,000 SF, double the size of the Red Dog Saloon. It allows Night Club's larger than Pappy and Harriet's. It cannot be argued that new "neighborhood scale" restaurants and Night Clubs appropriate for Pioneertown's historic district would be larger than highway chains like the Black Bear Diner, IHOP or Applebees, or larger than regionally scaled music venues like Pappy and Harriet's. Even relative to the County's provisions for the Neighborhood Commercial (CN) zone used elsewhere in the Morongo Basin, the proposed review levels for high-intensity uses is inappropriately permissive: The CN zone requirements do not allow any size of Meeting Facilities or Night Clubs by right - it is unclear why that would be the case in a more sensitive area like Pioneertown.

This is also in conflict with the Countywide Plan's EIR that enable this rezoning, which explicitly states that "No growth is projected in the East Desert region areas of Pioneertown CPA, areas outside CPA boundaries in the Twentynine Palms SOI, or unincorporated areas outside a CPA or SOI." In order for the Land Use Element implementation phase (and this zoning revision) to comply with CEQA, it must remain within the assumptions within the EIR of no significant growth.

Recommendation:

The Land Use Table provisions must be revised to differentiate the low-impact restoration and adaptive re-use of existing structures, and higher impact new development and construction that conflicts with the intent of the Community Action Guide and Countywide Plan EIR. Size limits must be established for intensive uses so that new development remains "neighborhood" scale. A revised land use table that addresses these goals is included in Exhibit A.

Issue 02 - The Proposed Land Use Tables Encourage High Intensity Uses with Potential For Residential Conflict

Commentary:

The Land Use Tables propose review levels for high-intensity Uses that are the same as relatively benign and community serving uses. Properly, uses that can be expected to generate low volumes of traffic, parking demand, noise and light impact should be treated separately and more permissively than high intensity uses. High intensity uses with a likelihood for creating conflict with existing uses should be permissible only when it is clear that impacts can be reasonably mitigated. For example, it is uncontroversial that a Restaurant has more potential for community impact than Professional Services and a Meeting Facility hosting weddings and events has more potential for community impact than a pottery studio (Craft Manufacturing). The County's language treats them as equivalent.

Correcting these errors is critical in order for the proposed new zoning to be consistent with the County's Community Action Guide intended to inform this type of policy work. "The Pioneertown Communities residents value the high quality of life provided by the rural setting and established community – a safe environment with fresh, clean air, wide open spaces, *peace and quiet*, and a natural physical buffer between Pioneertown Communities and the more urban areas nearby." Quality of Life, Quiet, [the] Peaceful Setting, and [the community's] Small, Rural character are cited as strengths, while weaknesses and threats are identified as "getting too popular - losing local feel, safety, danger of inappropriate development".

Pioneertown residents have already noted unmanaged traffic, parking and noise from commercial activities as significant impacts on quality of life which have not been addressed by San Bernardino County. It is not responsible to encourage further high impact new development while these issues remain major community concerns.

Recommendation:

The Land Use Table provisions must be revised to differentiate between benign and intensive uses, and constrain all uses to sizes that have historically existed within Pioneertown. Please see Exhibit 1 for the specific adjustments proposed for these land use categories.

Issue 03 - The Proposed Language Provides No Incentives for Historic Preservation or Adaptive Reuse, and Does Not Prevent Capricious Demolition of Historic Resources

Commentary:

As historic properties often have higher maintenance costs and obligations than new construction, it is important that County policies provide incentives for their preservation, maintenance, and adaptive reuse. As written, the proposed zoning includes significant additional requirements on these structures with no equivalent benefits. The Countywide Plan is explicit in numerous Goals that policy must "encourage the rehabilitation, adaptive reuse, and revitalization of existing structures to preserve and celebrate the

unique sense of place, identity, and history of our communities” “...encourage the preservation of archaeological sites and structures of state or national significance in accordance with the Secretary of Interior’s standards...” and “encourage property owners to maintain the historic integrity of resources on their property...”. Where numerous Southern California jurisdictions offer grants, tax and zoning incentives for preservation and reuse of historic structures, San Bernardino County offers nothing.

Many historic districts ultimately lose integrity not because buildings or features are altered, but rather demolished entirely. It is unusual that the County’s proposed language includes no provisions to prevent capricious demolition of historic buildings and resources. This is particularly important as the County language proposes reducing many commercial projects to administrative reviews (Allowed, or Site Plan), meaning there would no longer be any mechanism for impact on historic resources as would be required by CEQA for a discretionary approval (MUP or CUP).

Recommendation:

As suggested in the Community authored Overlay Proposal, the best available mechanism to encourage preservation and re-use is to lower the use review thresholds for qualifying historic structures. This has the benefit of encouraging investment while also not requiring increases in developed land area.

Revise the Land Use Table provisions to encourage restoration and adaptive re-use as a priority above new development and construction. A revised land use table that addresses these goals is included in Exhibit 1.

Revise the proposed language to restrict the demolition of an officially designated historic building or resources to only those cases where the County’s Chief Building Official makes a finding that the resource represents an imminent, severe and otherwise unmitigatable threat to public safety.

Revise the provisions of “Adaptive Reuse of Historic Resources for Allowed Uses” to replace the provision “shall use the provisions in... [the] California Historic Building code” to permissive language (may). It is possible to meet the Secretary of Interiors Standards by using the California Building Code and California Residential Code. Use of the California Historic Building Codes alternative standards should be elective at the discretion of the design professional. Revise the subsequent provision in the same manner.”

Issue 04: The Proposed Language Enables Growth Beyond Infrastructural Capacity

Commentary:

Among the Community Overlay proposal’s goals was aligning the theoretical development potential represented by the County’s development regulations with Pioneertown’s actual infrastructural capability. The Countywide Plan notes:

“New development should be focused in areas where there is potable water, wastewater treatment, roadways, and public services.”

Pioneertown's Mane Street district notably is deficient in each of these areas.

- Water: Mane Street lies within the service boundary of County Service Area CSA-70 W4 which until 2021 maintained a moratorium on new water meters, and even after the water pipeline improvements were completed still maintains a wait list as it is unable to meet current demand.
- Sewer: Pioneertown is not served by any municipal sewer infrastructure, meaning commercial uses are severely constrained by the County's Local Area Management Plan that restricts wastewater discharge to 200 gallons/0.5 acre/day.
- Roads: Pioneertown is served by a single two-lane road that passes through challenging terrain and cannot practically be widened.
- Fire Risk: Pioneertown is located within a zone designated by the State Fire Marshal as a Very High Fire Severity Zone in a State Responsibility Area. Under the State of California planning framework, that designation should influence decisions about:
 - The intensity and density of new development.
 - Availability and reliability of evacuation routes.
 - Adequacy of water supply for firefighting.
 - Emergency response capability.
 - Infrastructure resilience (roads, utilities, communications).
 - Whether the cumulative effect of additional development would increase wildfire exposure.

It is unclear to what extent these practices have been considered in the County's proposal to allow more intensive commercial development.

- Services: The nearest fire station and police stations are 6.3 and 14.3 miles away.
- Electricity: Pioneertown's Mane Street area is additionally served by a single Southern California Edison circuit. Based on the most recent available reliability data (2025), that circuit had a System Average Interruption Duration Index (SAIDI) of 584.8, putting it in the bottom 5% nationally for reliability.

While none of these elements should entirely prevent new construction, they should inform what type of development occurs, and appropriately constrain intensive new development that would create high demand on these services.

Recommendation:

The Land Use Table provisions must be revised to align potential new development and construction with Pioneertown's infrastructural limitations. A revised land use table that addresses these goals is included in Exhibit 1.

Issue 05: Provisions Insufficiently Address Equestrian Uses

Commentary:

Among the goals of the Community Overlay proposal was the protection and enhancement of equestrian features within Pioneertown's historic district. The Community Action Guide notes in Action Statement A.6:

"Protect residential equestrian uses that are part of the Old West heritage." . While the County's proposed language rectifies issues related to inappropriate prohibitions on equestrian uses, it omits language requiring hitching posts as part of new development. Having locations to safely and securely hitch horses at local businesses is critical to maintaining Pioneertown's culture. Additionally, it should be made clear that areas of Pioneertown's Mane Street that were traditionally "Hoof and Foot Only" are open to equestrian use.

Recommendation:

Reinstate hitching rail requirements (equivalent to required parking) as previously proposed. Refer to Exhibit 2.

Revise "Pedestrian-Only Mane Street Segment" as follows: "Pedestrian-Equestrian Mane Street Segment: The trail easement segment along portions of Mane Street, as shown in Figure 82-5, shall remain accessible to pedestrians only. Emergency vehicle access is permitted as necessary."

Issue 06: Provisions Fail to Recognize Importance of Independent/Local Business Address Formula/Franchise Businesses

Commentary:

Pioneertown's historic and contemporary identity relies significantly on its ecosystem of unique local independent businesses and the total absence of formula and franchise retail and restaurants. This was a major point in the Community's Overlay proposal, and appears in multiple locations within the Community Action Guide which was intended to guide future County policy such as rezoning. The Community Action Guide recorded that "The Pioneertown Communities residents value the community feel and unique place that is Pioneertown and surrounding communities..." Recorded comments included ""Non-Commercial " "No franchise or chain stores. No Dollar General either". The Countywide Plan notes:

"Policy LU-4.5 Community identity: We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development..."

As the County relaxes development review standards for Pioneertown, it will also be eliminating one of the few remaining barriers that has prevented formula and chain businesses from displacing independent businesses on Mane Street. This is not a theoretical threat: a multi-location western themed nightclub chain and a multi-location

western wear store have looked at Pioneertown as a possible location. Notably, the County included among its policies for the implementation phase of the Countywide Plan:

“Policy LU-4.11: Businesses in Joshua Tree: We prohibit the establishment of franchise businesses in the commercial focus area/franchise-restricted in Joshua Tree to preserve the unique community character and its value as a year-round, world renowned tourist destination.”

While Joshua Tree certainly deserves this protection, it is notable that Joshua Tree Village already has two chain gas stations, a chain fast food restaurant, a chain dollar discount store, and a multi-location hotel chain. Pioneertown has no businesses with multiple locations, and is an even more sensitive environment.

Recommendation:

Reinstate the prohibitions on multi-location formula businesses that were included in the Community Overlay proposal. Model code language is included in Exhibit 3.

Issue 07: The Proposed Language Fails to Balance Tourism Interests with Residential Interests.

While some erroneously believe that Pioneertown was founded first as a filming location, it is worth noting that Pioneertown was created as both a residential community, filming location and tourism destination, with no one of the three taking precedence over the others. Pioneertown’s original design standards included multiple features to address the interests of residents and ensure commercial activities did not disrupt residents’ quiet enjoyment of the community.

Among the challenges facing Pioneertown today is that recent development has disproportionately been for the benefit of visitors and tourists while offering little to residents and community members in exchange for additional noise, traffic and light pollution. The County’s revised zoning should take steps to correct this inequity by ensuring that barriers to the establishment of community serving uses are lower than high intensity tourism serving uses. The Countywide Plan notes

“Policy HW-3.7 Attracting local-serving businesses We actively work across County departments and agencies to attract businesses that provide desired goods and services in unincorporated communities, especially in environmental justice focus areas, including but not limited to food stores with fresh produce, health care, child care, pharmacies, and other retailers...”

Further, the Land Use table needs to be revised to better prevent uses with high potential for noise impact on the established single family homes and residential parcels that immediately abut each parcel included within the proposed Zone. This aligns with Countywide Plan mandates:

“Policy LU-2.1 Compatibility with existing uses: We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.”

Recommendation:

Revise the Land Use Tables to prioritize community serving uses before new high intensity visitor serving development. Ensure that these revisions also prevent the establishment of large scale, noise and traffic producing uses adjacent to existing residential uses. Refer to Exhibit A.

Issue 08: Proposed Language Does Not Adequately Address Impacts to Traffic and Parking.

Commentary:

Unmanaged and insufficient parking as well as unsafe conditions are frequently cited as primary concerns by Pioneertown community members based on current conditions. Any scheme that proposes lowering the barriers to high intensity uses such as Nightclubs, Bars, Meeting Facilities and Restaurants must both cure these existing problems and make adequate plans for addressing those related to future development. This was addressed the County's Community Action Guide:

“Action Statement C.1: Prepare a traffic and parking plan to better manage traffic and parking issues due to visitors and tourists”

“Action Statement C.5: Advocate with the County to reduce the speed limit on Pioneertown Road.”

While the County's proposed language proposes helpful new flexibility to allow businesses to meet parking demand, it includes nothing addressing traffic management. Additionally, proposed provisions for District Parking and Shared Parking are insufficient in preventing the further unpermitted conversion of open space and native plant areas to convenience parking.

Recommendation:

Add language noting that only legally established parking spaces are eligible for Shared or District parking agreements. Instruct San Bernardino County's Traffic Division to undertake an Engineering and Traffic Survey on the adjacent portion of Pioneertown Road and implement appropriate traffic management and speed limit modifications.

Issue 09: Proposed Language Does Not Address Temporary Special Events

Commentary:

Pioneertown is a location that is frequently considered for Temporary Special Event Permits (TSEPs) and has a long history of hosting small community parades, chili cookoffs, community rodeos, and camping events that are an important part of the community's culture and identity.

Unfortunately standards for these events are flawed. As written, County's Development Code procedures have the unintended effect of allowing large gatherings and events in locations and at sizes that are out of alignment with other Development Code standards. Specifically, the Development Code exempts events below specified sizes from any permit requirements whatsoever. For example:

§ 85.16.030 (3) Procedures. Exemptions. The following temporary events are exempt from the requirements of obtaining a Temporary Special Events Permit in compliance with this Chapter:

(C) Any Class I minor event as defined in [Division 10](#) (Definitions) with an anticipated attendance of less than 500 persons per day. This exemption shall not apply to a staging event as defined in § [28.0401](#) of Title 2 of this Code involving ten or more persons operating off-highway motor vehicles. § [28.0404](#) of Title 2 requires a Temporary Special Event Permit for such staging events.

(D) Any Class II minor event with an anticipated attendance of less than 200 persons per day.

Class II Minor Events include Intensive sporting events such as off-road vehicle races, rodeos, and music events. Class I Minor Events include all other (presumably non-intensive) events under 500 attendees. As written, this language would allow a 499 person food festival on a single family property, or a off-road race on a commercial property so long as it had less than 199 attendees. In both cases, no permits are required - this was clearly not the ordinance's intent. Within Pioneertown, exempt activities have been a point of frustration for residents that correctly believe that they are not held to any standards, and that there are no limitations on frequency.

Recommendation:

While this is an issue of great interest for Pioneertown, it is also relevant and needs to be addressed for the entire County. County staff should assemble a working group to study effective code language from other jurisdictions and conduct workshops with stakeholders to create appropriate standards and limitations.

Issue 09: Land Use Fails to Provide for Adequate Historic Compatibility Review for Some Uses

Commentary:

Ensuring the continued integrity of the Historic District relies on each project to be reviewed for compatibility by County Staff. The County's proposed language suggests a number of new uses that currently require discretionary approvals would be allowed by right with no Planning Review. Functionally, this means that all aspects of Planning compliance with the district's requirements (building form, location, materiality, compliance with the Secretary of Interiors Standards, etc) would be the responsibility of Building and Safety plan reviewers rather than Planning Staff. Building and Safety staff are primarily trained in assessing compliance of project proposals with the various life safety, energy and green building standards, not historic standards, and it is likely that this will result in more difficult and lengthy reviews as well as frustrations for staff.

Recommendation:

Establish Site Plan permit the minimum review level for all non-residential projects. While this would remain an administrative (rather than discretionary) approval and thus exempt

from CEQA complications, it would give the County a better opportunity to assess compliance by putting that review in the hands of qualified staff. Additionally, Site Plan permits require no significant additional design or drafting responsibilities for the applicant beyond the normal site plan, building plans and elevations.

Issue 10: The Proposed Language Fails to Address Pioneertown Road's Scenic Highway Status

Commentary:

Among the Community Overlay Proposal's intentions was to make compliance and review easier for County Staff, and project designers. Among these techniques was ensuring that various regulations addressing planning were easy to find. One of the most frequently overlooked provisions applicable to the district is Pioneertown Road's status as a designated Scenic Highway. This designation comes with specific requirements for setbacks, driveway locations and screening that have frequently escaped notice by architects and County Staff until late in the review process when they are more difficult to integrate.

Recommendation:

Add a section that makes specific mention that projects adjoining Pioneertown Road must comply with the requirements of §82.19.040 Development Criteria within Scenic Areas.

Issue 11: The Development Code Fails to Define "Floor Area"

Commentary:

Both the County's revised Zoning proposal and the County's Development Code generally rely on Floor Area to determine Use review levels, parking requirements, etc. Unfortunately, this term is never defined and in application we have found that the definition varies with the reviewer, sometimes aligning with building code methodologies, sometimes based on area to the exterior wall line, and sometimes based on "leasable area". This leads to a significant swing in calculated area depending on the method used. The Pioneertown district, as well as the County generally require a stable, comprehensive definition in order for regulation to be effective. As an example, Floor Area in other jurisdictions often addresses whether floor area includes:

- Area measured to inside or outside of walls (usable or gross)
- Covered porches and overhangs
- Full or walk out basements
- Shafts and stair openings
- Spaces under a specified height (such as 7'-6" or 6'-8")

Recommendation:

Staff must study Floor Area definitions in other jurisdictions and publish one as part of the next development code update.

Exhibit 1 - Recommended Land Use Table Revisions

As noted, the County proposed Land Use tables have a number of areas in which they fall short of objectives, sentiments and assumptions of the Pioneertown Communities Community Action Guide, Countywide Plan Policies, and Countywide Plan EIR:

1. They Enable Excessive Growth
2. They Enable High Intensity Uses with Potential for Residential Conflict
3. They Fail to Include Incentives for Historic Preservation or Adaptive Reuse
4. They Fail to Balance Residential and Tourism Interests
5. They Fail to Provide for Adequate Mechanisms to Confirm Historic Compatibility

To address these deficiencies, the following changes are proposed to specific uses.:

Live-Work:

Commentary:

Language proposed by the County requires an MUP. This use has historically existed on Mane Street, and substantially similar in intensity and community impact to Single Family Residential and Small Retail which are proposed to be allowed by right.

Recommendation:

Align Live-Work use review thresholds to those for small Retail uses

Outdoor Dining, Licensed Residential Care Facility of 6 or Fewer Persons, Accessory Structures and Uses :

Commentary:

The proposed Allowed (A) review level means there would be no mechanism for Planning to review such Uses for compliance for Zoning and Historic District requirements.

Recommendation:

Revise the review level for these Uses to P (Site Plan)

For more complex Uses in the section below each category of uses includes a column illustrating:

1. The County's proposed Use review levels
2. Recommended Use review levels for new areas and structures
3. Recommended Use review levels for Uses entirely contained within contributing historic buildings as defined by the Pioneertown Mane Street Historic District as accepted by the Department of The Interior and California Department of Historic Preservation.

These recommendations have been made based on ordinary practices but also on my perceptions of specific intensity of these uses in the context of Pioneertown (for example - a Meeting Facility in San Bernardino may be a relatively benign use associated with a fraternal organization or community group. In Pioneertown, that use will almost certainly be a space for weddings, brand buyouts, parties or as a dance hall. These evaluations are qualitative, but as a quantitative proxy it is worth noting how San Bernardino County accounts for use intensity through parking requirements (Development Code Table 83-15). These are arranged from low

to high intensity, and demonstrate how other portions of the County code anticipate relative traffic and parking impact:

Very Low Intensity Uses:

Single Family Homes: 2 per dwelling

Low Intensity Uses:

Retail: 1 per 250 SF
 Specialty Foods: 1 per 250 SF
 Second Hand Stores: 1 per 250 SF
 Pawn Shops: 1 per 250 SF
 Offices: 1 per 250 SF

Moderate Intensity Uses:

Craft Manufacturing: 1 per 250 SF (undefined but a reasonable assumption)
 Library: Undefined
 Restaurant: The greater of 1 for every 100 SF of GLA or 1 for every 50 SF of seating area
 Art Gallery: Undefined
 Outdoor Exhibit: Undefined

High Intensity Uses:

Bars, Taverns: The greater of 1 for every 100 SF of GLA or 1 for every 50 SF of seating area
 Night Clubs: The greater of 1 for every 100 SF of GLA or 1 for every 50 SF of seating area
 Dance Halls: 1 for each 20 SF of dance floor area
 Theater: 1 for every 25 SF of Seating Area
 Meeting Facilities: 1 for every 25 SF of Seating Area

Recommended Revised Permit Requirements:

Low Intensity Uses: General Retail, Specialty Foods, Second hand stores, Pawn Shops, Professional Services

Floor Area (SF)	Recommendation, Review Level for New Structures and Uses	Recommendation: Review Level for Uses Entirely Contained within Contributing Historic Structures
1-1000	Permitted (P)	Allowed (A)
1001-1500	Permitted (P)	Allowed (A)
1501-2000	Permitted (P)	Permitted (P)
2001-3000	Minor Use Permit (MUP)	Permitted (P)
3001-4000	Minor Use Permit (MUP)	Permitted (P)

4001-5000	Minor Use Permit (MUP)	Minor Use Permit (MUP)
5001-6000	Conditional Use Permit (CUP)	Minor Use Permit (MUP)
6001-7000	Conditional Use Permit (CUP)	Minor Use Permit (MUP)
7001-8000	(Not allowable)	Conditional Use Permit (CUP)
8001-9000	(Not allowable)	Conditional Use Permit (CUP)
9001-10000+	(Not allowable)	(Not allowable)

Semi-Intensive Commercial Uses: Craft Manufacturing, Library, Museum, Art Gallery, Outdoor Exhibit, Restaurants,

Floor Area (SF)	Recommendation, Review Level for New Structures and Uses	Recommendation: Review Level for Uses Entirely Contained within Contributing Historic Structures
1-1000	Minor Use Permit (MUP)	Permitted (P)
1001-1500	Minor Use Permit (MUP)	Permitted (P)
1501-2000	Minor Use Permit (MUP)	Permitted (P)
2001-3000	Minor Use Permit (MUP)	Minor Use Permit (MUP)
3001-4000	Conditional Use Permit (CUP)	Minor Use Permit (MUP)
4001-5000	Conditional Use Permit (CUP)	Minor Use Permit (MUP)
5001-6000	Conditional Use Permit (CUP)	Conditional Use Permit (CUP)
6001-7000	(Not allowable)	Conditional Use Permit (CUP)
7001-8000	(Not allowable)	(Not allowable)
8001-9000	(Not allowable)	(Not allowable)
9001-10000+	(Not allowable)	(Not allowable)

High-Intensity Commercial Uses: Bars, Taverns, Night Clubs, Meeting Facility (Public or Private), Theater

Floor Area (SF)	Recommendation, Review Level for New Structures and Uses	Recommendation: Review Level for Uses Entirely Contained within Contributing Historic Structures
1-1000	Minor Use Permit (MUP)	Minor Use Permit (MUP)
1001-1500	Minor Use Permit (MUP)	Minor Use Permit (MUP)
1501-2000	Conditional Use Permit (CUP)	Minor Use Permit (MUP)

2001-3000	Conditional Use Permit (CUP)	Conditional Use Permit (CUP)
3001-4000	(Not allowable)	Conditional Use Permit (CUP)
4001-5000	(Not allowable)	Conditional Use Permit (CUP)
5001-6000	(Not allowable)	(Not allowable)
6001-7000	(Not allowable)	(Not allowable)
7001-8000	(Not allowable)	(Not allowable)
8001-9000	(Not allowable)	(Not allowable)
9001-10000+	(Not allowable)	(Not allowable)

Combined Uses:

Commentary:

By introducing different review levels based on size, it is unclear how one would address parcels or buildings in which multiple uses with different review levels would be applied.

Recommendation:

Include a provision: “Where a multiple Uses are combined on a site or building, the Permit Required shall be determined by using the combined area and the most restrictive Use.”

Exhibit 2 - Hitching Rail Requirements

“Parking: 10 lineal feet of hitching rail for equestrian use shall be provided for every 25 require parking spaces or fraction thereof.”

Exhibit 3 - Formula Businesses

Define formula businesses as follows:

“Formula business: All businesses in the retail trade, accommodation and food services, and other services as defined in the North American Industrial Classification System (NAICS), that have 2 or more establishments worldwide under the same trademark, service mark, or company brand name, regardless of ownership. Such establishments maintain two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a service mark.”

Add a provision to the MSHD to indicate that Formula Businesses are not permitted within the MHSD zone. Staff may wish to reference Formula business ordinances such as those in Coronado, Sebastopol, San Francisco, Ojai or Sebastopol. County Counsel may find it useful to review case law which has found that Formula Business restrictions are a valid use of municipal authority.

Conclusion

Thank you again for the opportunity to offer comments. The core issue where the MSHD proposal stands rests on whether the County will honor the community's vision for "neighborhood commercial scale" or facilitate provisions that favor high-intensity tourism that threatens the very community and historic character that draws visitors to Pioneertown in the first place. With over 2,300 residents and supporters having signed a petition in favor of the community's version, the proposed Overlay serves as a critical test case for whether San Bernardino County can successfully balance residential, business and tourism interests in a way that can provide a template for other areas in our desert region. We aren't there yet - I am keeping my fingers crossed.

Best,

A handwritten signature in dark red ink, appearing to read "K. Ben Loescher". The signature is fluid and cursive, with a prominent initial "K" and a long, sweeping underline.

K. Ben Loescher, AIA
5641 Bronco Road
Pioneertown, California - How the West Was Once