

## ORDINANCE NO. 2025-01

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (Junior ADUs) (DCA25-00001)

**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**, on May 19, 2020, the City Council adopted Ordinance No. 2020-04, establishing development standards associated with Accessory Dwelling Units (ADUs), codified in Section 16.12.360 of the Hesperia Development Code (the "ADU Ordinance"); and

**WHEREAS**, on June 1, 2021, the City Council adopted Ordinance No. 2021-01, modifying various sections of the ADU Ordinance to improve clarity and ensure consistency with State requirements; and

**WHEREAS**, on August 16, 2022, the City Council adopted Ordinance No. 2022-13, further updating the ADU Ordinance to align with State law; and

**WHEREAS**, on May 23, 2024, the City received a letter from the California Department of Housing and Community Development (HCD) stating that the City's existing ADU Ordinance does not comply with certain State ADU laws; and

**WHEREAS**, on November 19, 2024, the City Council adopted Ordinance No. 2024-13 to make additional updates to the ADU Ordinance in response to State requirements; and

**WHEREAS**, the City now proposes to amend Section 16.12.360 of the Hesperia Development Code to further revise regulations pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (Junior ADUs); and

**WHEREAS**, the City Council finds that this Development Code Amendment provides necessary updates to bring the City's Development Code into compliance with State law; and

**WHEREAS**, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), as it can be seen with certainty that there is no significant effect on the environment. The amendment is also exempt under Section 16.12.415(B)(10) of the City's CEQA Guidelines, which exempts Development Code Amendments that do not increase the density or intensity allowed under the General Plan; and

**WHEREAS**, on March 13, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing on the proposed Development Code Amendment and voted 4-0 to recommend approval to the City Council; and

**WHEREAS**, on May 6, 2025, the City Council of the City of Hesperia conducted a duly noticed public hearing on the proposed Development Code Amendment and concluded said hearing on that date; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:**

Section 1. The City Council hereby finds and declares that all of the foregoing recitals are true and correct and incorporates them herein by this reference.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, the City Council finds that the proposed Development Code Amendment is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, the City Council hereby adopts Development Code Amendment DCA25-00001, amending the ADU Ordinance as shown in Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days after its adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be posted in three (3) public places within the City of Hesperia pursuant to Resolution No. 2007-101.

**ADOPTED AND APPROVED** on this 20<sup>th</sup> day of May 2025.

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Allison Lee, Mayor

ATTEST:

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Jessica Giber, Assistant City Clerk