

## ORDINANCE NO. 2024-13

### 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) (DCA24-00002)

**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 adopting development standards associated with Accessory Dwelling Units (ADUs), codifying it in Section 16.12.360 of the Hesperia Development Code (ADU Ordinance); and

**WHEREAS**, on June 1, 2021, the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements; and

**WHEREAS**, on August 16, 2022, the City Council adopted Ordinance No. 2022-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

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

**WHEREAS**, the City proposes to amend the ADU Ordinance to be consistent with State ADU laws via Development Code Amendment DCA24-00002 (Development Code Amendment); and

**WHEREAS**, the City Council finds that the proposed Development Code Amendment relating to the ADU Ordinance 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) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Development Code Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan; and

**WHEREAS**, on October 10, 2024, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and voted 5-0 to forward this item to the City Council with a recommendation for approval; and

**WHEREAS**, on November 19, 2024, the City Council 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 Ordinance have occurred.

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

Section 1. The City Council hereby specifically finds that all the facts set forth in this Ordinance are true and correct and incorporated as findings herein.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, the City Council specifically 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, this City Council hereby adopts Development Code Amendment DCA24-00002, amending the ADU Ordinance as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

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

**ADOPTED AND APPROVED** on this 19<sup>th</sup> day of November 2024.

---

Larry Bird, Mayor

ATTEST:

---

Erin Baum, Assistant City Clerk