

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO HIGH DENSITY RESIDENTIAL (HDR) ON APPROXIMATELY 9 GROSS ACRES LOCATED 1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET (SPLA16-00004)

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 September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, FH II, LLC has filed an application requesting approval of SPLA16-00004 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 9 gross acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located 1,650 feet east of Mariposa Road on the north side of Live Oak Street and consists of Assessor's Parcel Numbers 0405-072-59; and

WHEREAS, the Application, as contemplated, proposes to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Regional Commercial (RC) Zone to High Density Residential (HDR) Zone; and

WHEREAS, FH II, LLC has also filed an application requesting approval of Site Plan Review SPLA16-00004 to construct a 160-unit residential development; and

WHEREAS, the subject site is vacant. The land on the opposite side of Live Oak Street to the south is vacant. The properties to the north and west are vacant. A single-family residential neighborhood exists to the east; and

WHEREAS, the subject property is currently within the Regional Commercial (RC) Zone of the Specific Plan. The land to the north, south, and west are within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan. The land to the east is within the Low Density Residential (LDR) Zone; and

WHEREAS, an environmental Initial Study for the proposed project was completed on June 8, 2017, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2017-02 was subsequently prepared; and

WHEREAS, on July 13, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on August 15, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, 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 of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND-2017-02 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Specific Plan Amendment will have a significant effect on the environment;
- (b) The City Council had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the City Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed Zone District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.
- (d) Although the current RC Zone within the Specific Plan supports residential densities between 15 and 25 dwelling units per acre (du/ac), the HDR Zone, which allows a density between 15 and 20 du/ac is more appropriate for the proposed standalone multi-family residential development. The two-story units will be approximately 30 feet tall and the HDR Zone allows buildings up to 35 feet in height. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (e) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design and the mitigation measures for ND-2017-02.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA16-00004, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A." and Negative Declaration ND-2017-02 which is attached to the staff report for this item.

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 15th day of August 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk