

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH CARWASH DEVELOPMENTS (DCA23-00001 AND SPLA23-00003)

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, the City proposes to amend Chapter 16.16.365 (C) of the City of Hesperia Municipal Code which contains specific land use standards for vehicle wash facilities; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and preserving the peace and quiet of the neighborhoods within the City by regulating the establishment and expansion of car washes within City limits; and

WHEREAS, the City is responsible for adopting and implementing land use regulations within its boundaries; and

WHEREAS, the City has no other development standards or regulations applicable to the operation of Cash Washes; and

WHEREAS, the City's permissive policy towards car washes could result in a proliferation or oversaturation of said uses within the City; and

WHEREAS, developable land becomes scarcer in the City, there is concern that the proliferation of car washes without due consideration presents an immediate threat to public health, safety, or welfare because car washes generate undesirable conditions for adjacent properties as a result of noisy, large-scale industrial equipment including vacuums, pumps, pressurized sprayers, and dryers; and

WHEREAS, the oversaturation of car washes in the City provides little economic benefit to the City or City residents; and

WHEREAS, absent clear regulation, the proliferation and oversaturation of car washes in the City poses a threat to the public peace, health, and safety, and, unless the City takes action to regulate, the impacts described above are likely to continue to occur; and

WHEREAS, the City desires to regulate car washes to ensure that public right-of-ways and public property remain free of public nuisances, safe and accessible for all users, and clear of conditions that pose threats to public health, safety, and welfare, to ensure that future development is undertaken in a manner consistent with the City's General Plan, and to ensure that car wash operators comply with State and City regulations that consider the public's health, safety, and welfare; and

WHEREAS, the City finds that it is necessary to amend the development regulations applicable for carwash developments and require that all full service or express carwash facilities be separated by a minimum of 2,000 feet from the nearest standalone carwash facility. In addition, ancillary carwash facilities which are part of a gas station would have to be located 1,000 feet away from the nearest standalone carwash facility (i.e. full service or express carwash). Lastly, any new carwash facility application must submit a market research study supporting the viability of the project in the proposed location; and

WHEREAS, the City finds that it is necessary to amend the development regulations within the Main Street and Freeway Corridor Specific Plan to require a CUP for vehicle wash facilities within the General Industrial (GI) zone. Currently, carwash facilities are allowed as a permitted use within the GI zone but do not require a CUP; and

WHEREAS, on February 7, 2023, the City Council adopted Urgency Ordinance No. 2023-01 establishing a 45-day moratorium on the establishment or expansion of new carwash facilities in the City; and

WHEREAS, on March 21, 2023, the City Council adopted Urgency Ordinance No. 2023-04 extending the moratorium for an additional period of ten (10) months and fifteen (15) days, for a total period of one year; and

WHEREAS, as of the effective date of this ordinance, Urgency Ordinance No. 2023-04 will be repealed and will no longer be in effect; 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 Amendments are 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 Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

WHEREAS, on April 13, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, on June 6, 2023, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed 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 of the facts set forth in this Ordinance are true and correct.

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 Ordinance is consistent with the goals and objectives of the adopted General Plan as it will enhance the quality of life by preserving the peace and quiet of the neighborhoods within the City by regulating the establishment and expansion of car washes within City

limits and will ensure that future development is undertaken in a manner consistent with the City's General .

Section 3. The proposed development code amendment is necessary because the existing regulations do not contain any development standards as to the placement or operational characteristics of carwash facilities. As developable land becomes scarcer in the City, there is concern that the proliferation of car washes without due consideration presents an immediate threat to public health, safety, or welfare because car washes generate undesirable conditions for adjacent properties as a result of noisy, large-scale industrial equipment including vacuums, pumps, pressurized sprayers, and dryers. The Development Code Amendment will provide standards for sites to be eligible for carwash facilities. These development standards address adverse impacts of carwash facilities on vehicular and pedestrian traffic, as well as nearby sensitive uses including residences and are necessary to protect public health, safety and general welfare.

Section 4. Based on the findings and conclusions set forth in this Ordinance, the City Council hereby adopts Development Code Amendment DCA23-00001 and Specific Plan Amendment SPLA23-00003 modifying development standards associated with the establishment of new of car wash facilities as shown on Exhibit "A."

Section 5. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 6. 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 20th day of June 2023.

Brigit Bennington, Mayor

ATTEST:

Erin Baum, Assistant City Clerk