

## **ORDINANCE NO. NO. 2017-17**

**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 VERY LOW DENSITY RESIDENTIAL (VLR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 49.5 GROSS ACRES GENERALLY BOUNDED BY MAPLE AVENUE, TAMARISK AVENUE, AND YUCCA STREET (SPLA17-00002)**

**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 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 of Hesperia has filed an application requesting approval of SPLA17-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 49.5 gross acres within the Very Low Density Residential (VLR) Zone of the Main Street and Freeway Corridor Specific Plan generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north and consists of Assessor's Parcel Numbers 3057-131-36 through 57; 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 Very Low Density Residential (VLR) Zone to the Medium Density Residential (MDR) Zone; and

**WHEREAS**, the affected area includes vacant land, and single-family residences on one and two-and-a-half acre parcels. The land to the north includes vacant land and an apartment complex. A church exists to the south. To the east, on the opposite side of Maple Avenue, a neighborhood of single-family residences exist on half-acre, one acre, and two and half acre lots. A mobile home park and single-family subdivisions with lot sizes below 7,200 square feet exist to the west; and

**WHEREAS**, the properties to the north are within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The land to the south is zoned Single-Family Residence (R1). The land to the east is zoned Limited Agricultural (A1). The properties to the west are within the Low Density Residential (LDR) Zone of the Specific Plan; and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on July 11, 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-2017-03 was subsequently prepared; and

**WHEREAS**, on August 10, 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 October 3, 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 October 3, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND-2017-03 and the initial study which supports the 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 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) 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.
- (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 SPLA17-00002, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND-2017-03 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 3<sup>rd</sup> day of October 2017.

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Paul Russ, Mayor

ATTEST:

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Melinda Sayre  
City Clerk