

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO ALLOW VEHICLE FUEL STATIONS AND ANCILLARY VEHICLE WASH FACILITIES IN THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (SPLA18-00003)

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 finds it necessary to amend the uses within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan to allow vehicle fuel stations and ancillary vehicle wash facilities; and

WHEREAS, the Pedestrian Commercial zone includes a portion of Main Street between Fifth Street and Eleventh Avenue. This section of Main Street is nearly built-out and many of the existing uses do not comply with the current standards or allowable uses in the Pedestrian Commercial zone; and

WHEREAS, the intent of the Pedestrian Commercial zone is inconsistent with the development potential of the area as there are very few vacant parcels; and

WHEREAS, vehicle fueling stations and ancillary vehicle wash facilities are compatible with the existing development and existing uses in the Pedestrian Commercial zone; and

WHEREAS, the proposed Specific Plan 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 Specific Plan 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 proposed Ordinance does not significantly expand the allowable uses, change densities, or grant entitlements not already permitted by the Specific Plan; and

WHEREAS, on December 13, 2018, 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 January 22, 2019, 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 during the above referenced January 22, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds that the proposed Ordinance 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 Council hereby adopts Specific Plan Amendment SPLA18-00003, amending the Pedestrian Commercial zone uses 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 22nd day of January 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk