

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 4.1 GROSS ACRES, OF A 4.9 GROSS ACRE SITE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO RURAL ESTATE RESIDENTIAL (RER) (SPLA19-00001)

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, Guillermo Calixto has filed an application requesting approval of SPLA19-00001 described herein (hereinafter referred to as the "Application"); and

WHEREAS, the application proposes to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER); and

WHEREAS, the application consists of two parcels totaling approximately 4.9 gross acres. Approximately 4.1 gross acres of the site is zoned Regional Commercial (RC) within the Main Street and Freeway Corridor Specific Plan (Specific Plan) and approximately 0.8 gross acres is zoned Rural Estate Residential within the Specific Plan; and

WHEREAS, single-family residences are located to the south and east of the site. The properties to the north and west are vacant; and

WHEREAS, the project 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 exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Specific Plan Amendments are exempt if they do not propose to increase the density or intensity allowed by the General Plan; and

WHEREAS, on March 14, 2019, 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 April 16, 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. The site of the proposed Amendment is suitable for the land uses allowed in the Rural Estate Residential zoning classification, and a single family residence can meet the standards for setbacks, height, lot coverage, parking and circulation within the proposed Specific Plan designation.

Section 3. The proposed change in zone will not have a significant adverse impact on surrounding properties or the community in general, because the majority of the surrounding properties are already developed with existing single-family residences. Zone J currently serves the residences in the surrounding area and has issued a will-serve letter for the subject site.

Section 4. 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. The subject site is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.

Section 5. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA19-00001, to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER) as shown on Exhibit "A."

Section 6. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 7. 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 7th day of May 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk