

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 109 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM PEDESTRIAN COMMERCIAL (PC) TO NEIGHBORHOOD COMMERCIAL (NC); TO REMOVE ALL DEVELOPMENT STANDARDS THAT PROHIBIT PARKING IN THE STREET SIDE SETBACK FOR COMMERCIAL AND INDUSTRIAL ZONED PROPERTIES; AND TO INCREASE THE FLOOR AREA RATIO IN THE NEIGHBORHOOD COMMERCIAL ZONE (SPLA19-00002)

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 SPLA19-00002 described herein (hereinafter referred to as the "Application"); and

WHEREAS, the application proposes to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and to increase the floor area ratio in the Neighborhood Commercial (NC) zone from 0.23 to 0.35; and

WHEREAS, the Pedestrian Commercial zone includes 169 parcels, and approximately 111 are developed and 58 are vacant. Of the 169 parcels, approximately 71 parcels are located along Main Street, of which 9 are vacant. Many of the developed parcels and existing uses do not comply with the current standards 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, existing development standards in the Specific Plan that restrict parking in the street side setback for commercial and industrial zoned properties have been problematic for staff to implement and have not been applied equally for all development proposals; and

WHEREAS, the removal of parking standards in the street side setback has necessitated that the minimum floor area ratio in the Neighborhood Commercial zone be increased from 0.23 to 0.35; and

WHEREAS, the City finds it necessary to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and to increase the floor area ratio in the Neighborhood 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 proposal will provide an underlying zoning designation that will serve the community with commercial uses that are already allowed in the Neighborhood Commercial zone. Furthermore, as future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance; 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. 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.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA19-00002, to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for commercial and industrial zoned properties; and to increase the floor area ratio in the Neighborhood Commercial zone from 0.23 to 0.35 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 7th day of May 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk