

## **ORDINANCE NO. 2019-07**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 21 GROSS ACRES FROM REGIONAL COMMERCIAL TO COMMERCIAL INDUSTRIAL BUSINESS PARK AND ALLOW UP TO 50 PERCENT LOT COVERAGE WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (SPLA19-00003)**

**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**, Pixior representative Simon Bouzaglou has filed an application requesting approval of SPLA19-00003 described herein (hereinafter referred to as the "Application"); and

**WHEREAS**, the application proposes to change approximately 21 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) and to allow for an increase in floor area ratio from .35 to .50 which will better accommodate a large distribution style building; and

**WHEREAS**, a large industrial distribution building currently exists on the adjacent parcel to the north of the site; and

**WHEREAS**, commercial real estate professionals have stated concerns over the shrinking nature of "brick and mortar" retail businesses and expressed that this site is not desirable for retail purposes due to its distance from the Main Street interchange; and

**WHEREAS**, Pixior is a third party logistics company who believes the site is good for use with a distribution warehouse partially due to its ease of access to Interstate 15; and

**WHEREAS**, the Regional Commercial zoning is typically seen as generating more impacts than Commercial Industrial Business Park due to having store employees, property management employees, delivery truck trips, and customer trips as well; 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 Commercial Industrial Business Park zoning classification, and development will be required to meet the standards for setbacks, height, 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 property to the north is already developed with a distribution warehouse, the property to the west is vacant and the southern boundary is the California Aqueduct.

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 SPLA19-00003, to change approximately 21 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP) 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 21<sup>ST</sup> day of May 2019.

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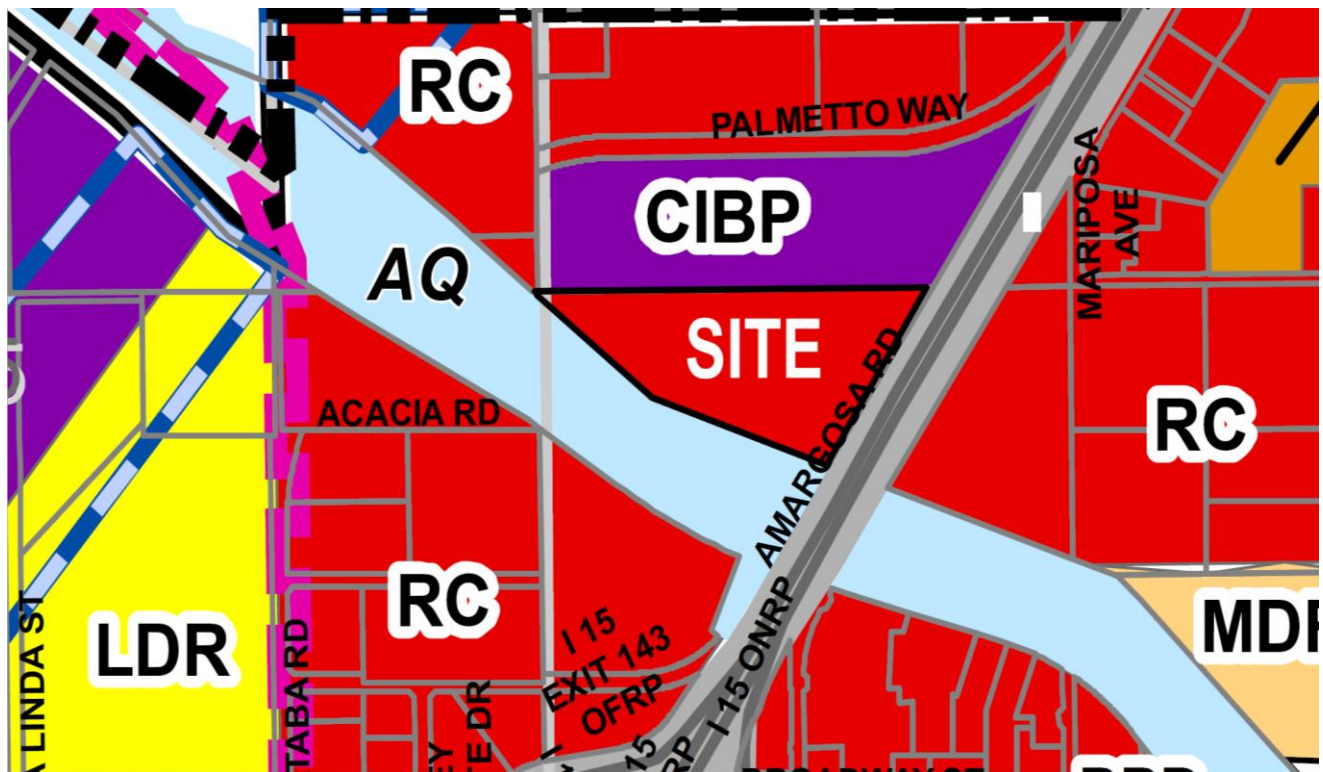
Larry Bird, Mayor

ATTEST:

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Melinda Sayre, City Clerk

# Exhibit “A”



SPLA19-00003

**A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 21 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP)**