

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT RETURNING THE MINIMUM APARTMENT SIZE TO PRE-2016 SIZES AND AMENDING THE MINIMUM SEPARATION DISTANCE BETWEEN APARTMENT BUILDINGS AND CLARIFYING THAT THE LOW DENSITY RESIDENTIAL ZONE IS NOT INTENDED FOR MULTIPLE-FAMILY DWELLING UNITS (DCA19-00001 & SPLA19-00004)

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 proposes to amend Article V of Chapter 16.16 of the City of Hesperia Development Code regulations and Chapter 7 of the Main Street and Freeway Corridor Specific Plan, which pertain to procedures and development regulations for multiple-family developments; and

WHEREAS, the City finds that the reductions in apartment sizes were done for the benefit of the developers and could be detrimental to the residents and families that choose to live in them, and that inadequate space can lead to emotional distress amongst a family; and

WHEREAS, lowering the minimum separations and setbacks reduces the amount of open space between units and in the complex as a whole, puts living areas closer together, and decreases the amount of privacy, all of which can add to distress for the residents and potentially detract from the aesthetics of the entire project; and

WHEREAS, prior direction was given to allow multiple family development in the Low Density Residential zone of the Main Street and Freeway Corridor Plan based on language in the opening paragraph, even though multiple family development is not listed as a permitted or conditionally permitted use; and

WHEREAS, the proposed Development Code Amendment and Specific Plan Amendment are 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 Amendments are 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 Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

WHEREAS, on April 16, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments 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 Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan, specifically Goal LU-1 Regulate development so that the intensity of development is appropriate to the property, surrounding properties, and the neighborhood; and LU-2 Protect and enhance the quality of life by ensuring development is visually pleasing and compatible with existing neighborhoods and the natural environment.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA19-00001 and Specific Plan Amendment SPLA19-00004, amending development regulations regarding apartments and one procedural standard pertaining to multiple-family in a single family zone as shown on Exhibits "A" and "B".

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 21ST day of May 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk