

## **ORDINANCE NO. 2019-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A SPECIFIC PLAN AMENDMENT TO CHANGE APPROXIMATELY 105 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) (SPLA19-00005)**

**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 initiated an application for SPLA19-00005 described herein (hereinafter referred to as the "Application") for assessor's parcels 3064-581-01 thru 05, 3064-621-01 & 3064-631-01; and

**WHEREAS**, the application proposes to change approximately 105 gross acres within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP); and

**WHEREAS**, there has been very little interest from developers to develop the property with commercial uses due to: 1) a shift in the retail industry as traditional brick and mortar retail uses face stiffening competition from online-only stores, and 2) the subject parcels are not located in close proximity to a freeway interchange; and

**WHEREAS**, it is unlikely the subject parcels would ever be developed with regional-serving commercial uses and are more likely to be developed with a mix of manufacturing, warehousing and light industrial uses that would otherwise be allowed in the Commercial Industrial Business Park (CIBP) zone; and

**WHEREAS**, the Regional Commercial zoning designation is typically seen as creating greater traffic impacts than Commercial Industrial Business Park due to having a higher trip generation factor and creating more traffic demand during peak hours of operation; 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 November 14, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application and concluded said hearing on that date; and

**WHEREAS**, on December 17, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application 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 subject parcels of the proposed Amendment are suitable for the land uses allowed in the Commercial Industrial Business Park zoning classification, and adequate space exists which 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 property is north of and adjacent to Commercial Industrial Business Park zoning to the south, has Highway 395 as a western border and Interstate 15 as an eastern border.

Section 4. 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. The subject parcels are 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 SPLA19-00005, to change approximately 105 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 17<sup>th</sup> day of December 2019.

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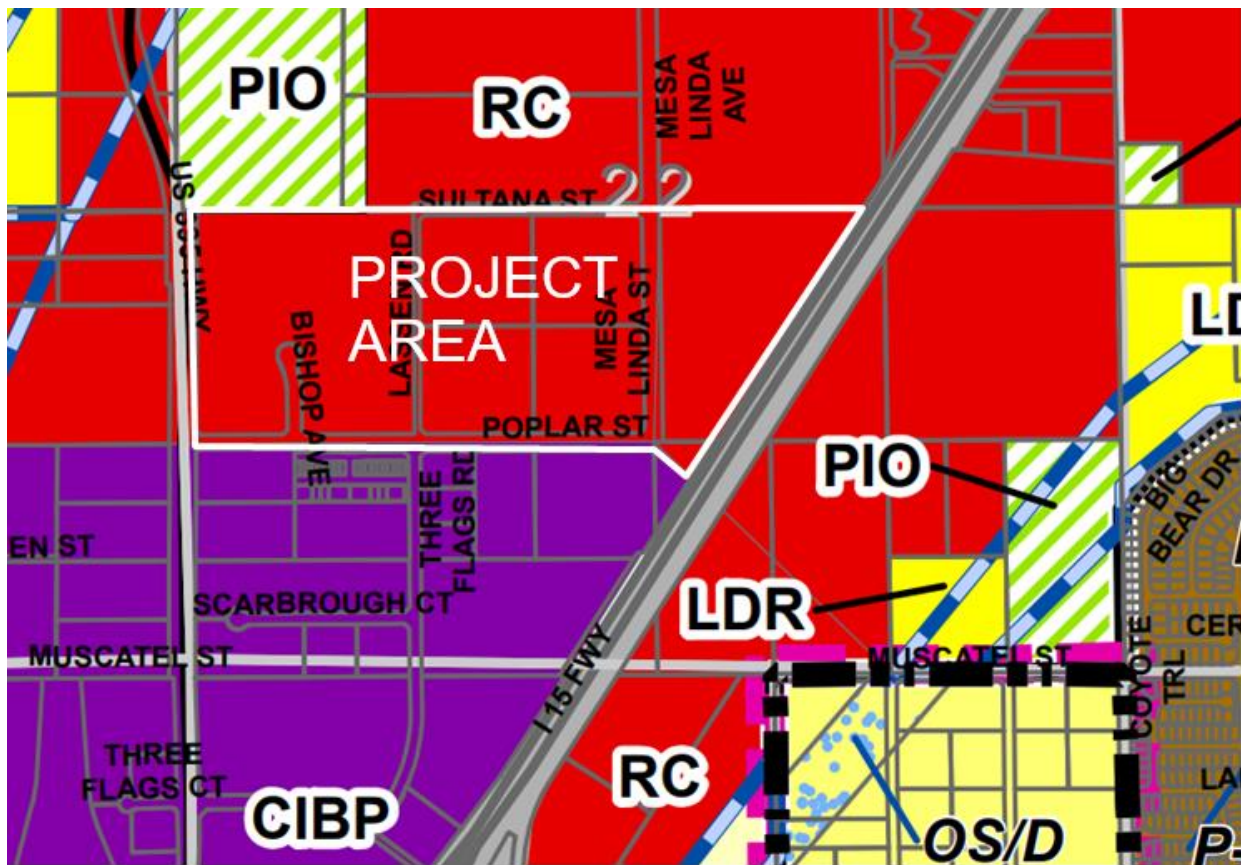
Larry Bird, Mayor

ATTEST:

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Melinda Sayre, City Clerk

# Exhibit “A”



SPLA19-00005

A SPECIFIC PLAN AMENDMENT to CHANGE APPROXIMATELY 105 GROSS ACRES FROM REGIONAL COMMERCIAL (RC) TO COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP)