

ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM REGIONAL COMMERCIAL (RC) TO LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY ON 6 ACRES LOCATED 430 FEET WEST OF MESA LINDA AVENUE ON THE NORTH SIDE OF MAIN STREET (SPLA14-00005)

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, Chirco-Mancinelli has filed an application requesting approval of SPLA14-00005 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 6 acres within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan located 430 feet west of Mesa Linda Avenue on the north side of Main Street and consists of Assessor's Parcel Numbers 3064-441-01, 02, and 03; and

WHEREAS, the Application, as contemplated, proposes to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Regional Commercial (RC) Zone to Low Density Residential (LDR) Zone; and

WHEREAS, Chirco-Mancinelli has also filed applications requesting approval of a Site Plan Review SPR14-00006 to construct a 200-unit residential development on 50 acres within the Low Density Residential Zone; and

WHEREAS, the subject site is vacant. The project is bounded by Main Street to the south and the Oro Grande Wash to the northwest. The properties to the north, south, and west are vacant. A mobile home park exists to the east; and

WHEREAS, the subject property is currently within the Regional Commercial (RC), Low Density Residential (LDR), Wash Protection Overlay, and Commercial/Industrial Business Park (CIBP) Zones of the Specific Plan. The land to the north is zoned Commercial/Industrial Business Park (CIBP), a portion of which is within the Wash Protection Overlay. The land to the south on the opposite side of Main Street is within the Regional Commercial (RC) Zone. The land to the east is zoned Low Density Residential (LDR). The land to the west is zoned CIBP and Neighborhood Commercial (NC); and

WHEREAS, an environmental Initial Study for the proposed project was completed on June 5, 2015, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND-2015-04 was subsequently prepared; and

WHEREAS, on July 9, 2015, 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 August 18, 2015, 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. Based upon substantial evidence presented to the City Council during the above-referenced August 18, 2015 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND-2015-04 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Specific Plan Amendment will have a significant effect on the environment;
- (b) The City Council had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the City Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site of the proposed amendment to the Specific Plan is suitable for any of the land uses permitted within the proposed Zone District, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.
- (d) The current Regional Commercial (RC) Zone District within the Specific Plan does not permit residential developments and the proposed Low Density Residential (LDR) Zone District provides for the proposed uses. The two-story units will be approximately 35 feet tall and the LDR Zone allows buildings up to 35 feet in height. Therefore, the proposed Specific Plan Amendment is reasonable and beneficial at this time, because it will facilitate the planning and development of this area that is needed to support the well-planned growth of Hesperia.
- (e) The proposed Specific Plan Amendment will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to the City's policies governing design and the mitigation measures for ND-2015-04.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Specific Plan Amendment.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA14-00005, amending the Official General Plan and Zoning Map of the City of Hesperia as shown on Exhibit "A." and Negative Declaration ND-2015-04 which is attached to the staff report for this item.

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

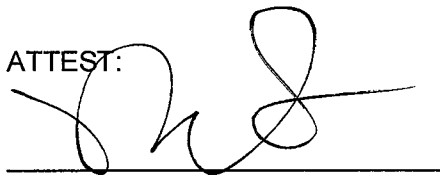
Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED this 1st day of September 2015.



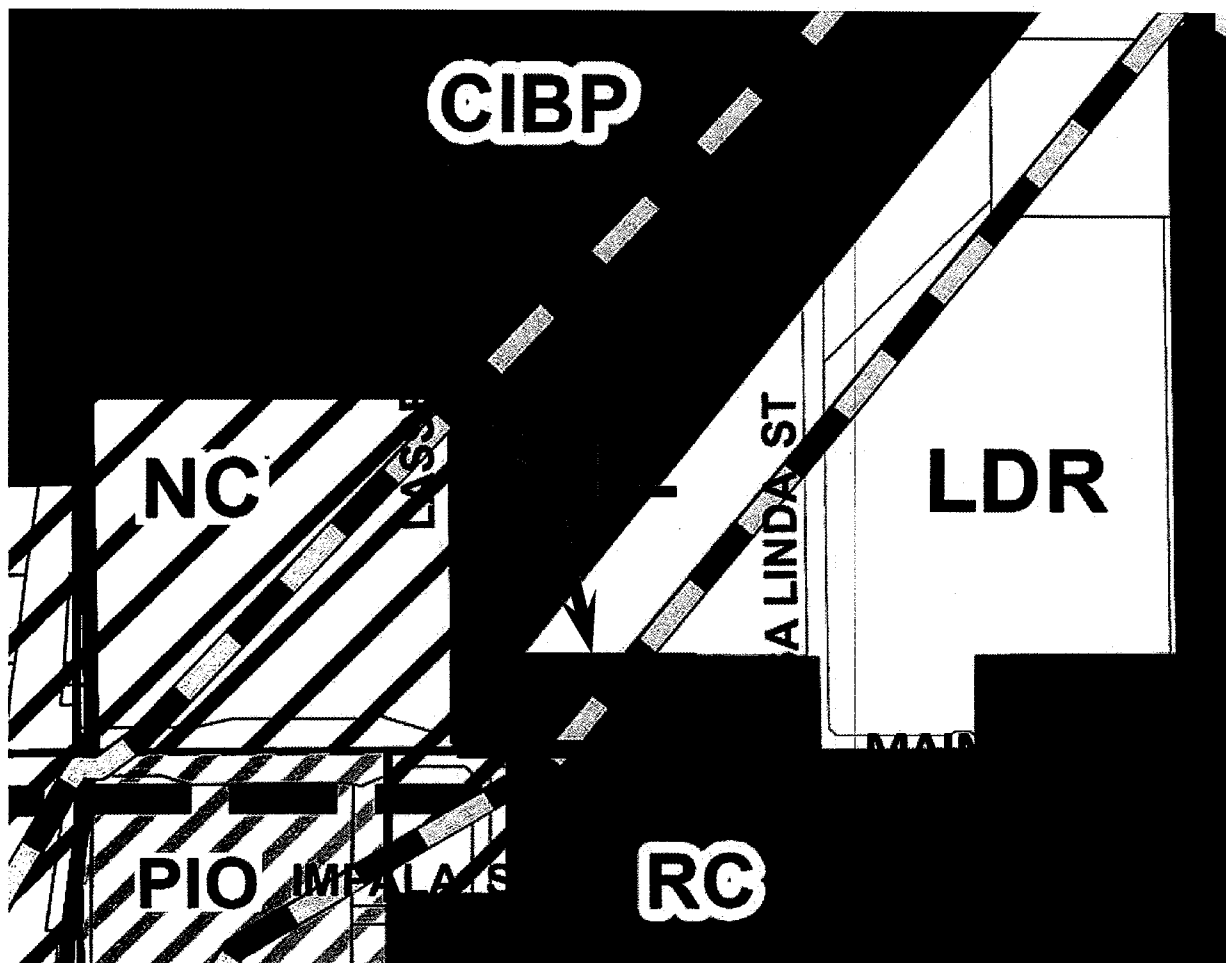
Eric Schmidt, Mayor

ATTEST:



Melinda Sayre-Castro
City Clerk

Exhibit "A"



SPLA14-00005

A SPECIFIC PLAN AMENDMENT FROM REGIONAL COMMERCIAL (RC) TO
LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 6 ACRES

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF HESPERIA)

I, Melinda Sayre-Castro, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2015-09 was introduced at a Regular Meeting of the City of Hesperia City Council held on the 18th day of August, 2015 by the following vote to wit:

AYES: Blewett, Holland, Russ
NOES: None
ABSTAIN: None
ABSENT: Leonard, Schmidt



A handwritten signature in black ink, appearing to be "MS", written over a horizontal line.

Melinda Sayre-Castro
City Clerk

Seal

I, Melinda Sayre-Castro, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2015-09 was duly and regularly adopted at a Regular Meeting of the City of Hesperia City Council held on the 1st day of September, 2015 by the following vote to wit:

AYES: Blewett, Holland, Russ, Leonard, and Schmidt
NOES: None
ABSTAIN: None
ABSENT: None



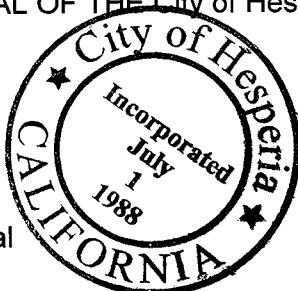
A handwritten signature in black ink, appearing to be "MS", written over a horizontal line.

Melinda Sayre-Castro
City Clerk

Seal

I, _____, City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2015-09 is a full, true and correct copy of that now in file in this office.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this _____ day of _____.



Seal

Melinda Sayre-Castro
City Clerk