

ORDINANCE NO. 2426

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ADOPTING THE ZONE CHANGE PORTION OF CASE NO. PLAN20-00009, A ZONE CHANGE TO RECLASSIFY APPROXIMATELY TWO ACRES OF A 12 ACRE PROJECT SITE FROM C-2 GENERAL COMMERCIAL TO R-4 VERY HIGH DENSITY RESIDENTIAL WITH A MITIGATED NEGATIVE DECLARATION ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BALSAM ROAD AND THE LOGICAL EXTENSION OF WINONA STREET

WHEREAS, Pursuant to Article XI, Section 7 of the California Constitution, the City of Victorville (the "City") is authorized to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Pursuant to Title 7, Division 1, Chapter 4, Article 2, Section 65850 of the Government Code of the State of California, the City may adopt by ordinance regulations affecting the use of buildings, structures and land; and

WHEREAS, Pursuant to Section 16-2.01.020 of the Victorville Municipal Code, a property owner has initiated a Zone Change regarding real property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

PARCEL ONE: THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF. AND PARCEL TWO: THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF; and

WHEREAS, the Planning Commission held a public hearing was held on the 9th day of February, 2022, pursuant to Title 7, Division I, Chapter 3 of the Government Code of the State of California, to hear arguments for and against the proposal; and after hearing all testimony offered; the Victorville Planning Commission adopted Resolution No. P-22-011, which

recommended to the City Council the adoption of the Zone Change specified in Planning Case No. PLAN20-00009; and

WHEREAS, the City Council finds that, pursuant to Title 16, Chapter 3, Article 8 of the Victorville Municipal Code the proposed location is adequate in size to accommodate the proposed Zone Change to R-4 Very High Density Residential as the site meets the minimum size requirements of the Development Code; and

WHEREAS, the City Council finds that the proposed Zone Change to Very High Density Residential will have no adverse effect upon abutting property as the Zone Change will be consistent with the abutting development to the east and consistent with the larger ten acre portion of the project to the north of and abutting the subject parcel; and

WHEREAS, the City Council finds that the proposed General Plan Amendment reduces future land use conflicts and results in a higher and better use as the parcel has limited visibility from the adjacent roadways, located behind a fuel station; and

WHEREAS, the City Council finds that the change of 2.36 acres to Very High Density Residential with further the City in reaching the Regional Housing Needs Assessment (RHNA) and City's Affirmatively Furthering Fair Housing (AFFH) goals outlined by the State by increasing the affordable housing units capable of being developed by approximately 45 dwelling units based on the 2.36 acres proposed to be redesignated; and

WHEREAS, the Initial Study, supporting documents, and a Mitigated Negative Declaration for the proposed Site Plan have been presented to the City Council, and after review and consideration of the environmental information the City Council found that the proposal will not have a significant effect on the environment and therefore adopts the Mitigated Negative Declaration; and

WHEREAS, the City Council finds that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis; and

WHEREAS, the City Council finds that the loss of 2.36 acres of commercial zoning will not impact the City's ability to provide adequate retail commercial areas nor negatively impact existing adjacent commercial developments as adequate landscape buffers and setbacks have been provided; and

WHEREAS, the City Council finds that all materials that constitute the record of proceeding upon which its decision is based shall be located with the City of Victorville Clerk, located at 14343 Civic Drive, Victorville, California, and

WHEREAS, Pursuant to Title 7, Division I, Chapter 4, Article 2 of the Government Code of the State of California and Section 16-2.01.060 of the Victorville Municipal Code, a duly noticed Public Hearing was held by the City Council on the 15th day of March, 2022 to hear arguments for and against the Zone Change, and after hearing all verbal and written testimony offered, including the Planning Commission's recommendation and minutes, and after thoroughly reviewing and considering the Zone Change, the City Council approved the recommendation of the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals

The recitals set forth above are true and correct, and are hereby incorporated by this reference as if set forth in their entirety.

Section 2. Severability

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect thirty (30) days after its final passage.

Section 4. Certification

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

Section 5. Staff Update

The City Council instructs City Staff to update the Zoning Map of the City of Victorville to conform to the Zone Change described herein.

ORDINANCE NO. 2426

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT ON MAY 5, 2022.

PASSED, APPROVED AND ADOPTED THIS 5TH DAY OF APRIL 2022.

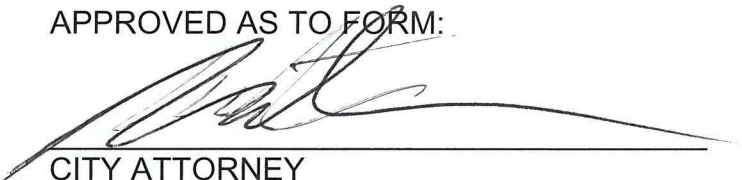

MAYOR OF THE CITY OF VICTORVILLE

ATTEST:


CITY CLERK

4/6/2022
DATE

APPROVED AS TO FORM:


CITY ATTORNEY

I, JENNIFER THOMPSON, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2426 which was introduced at a meeting held on the 15th day of March 2022 and duly adopted at a meeting held on the 5th day of April 2022 by the following roll call vote, to wit:

AYES: Mayor Jones, Councilmembers Becerra, Gomez, and Irving

NOES: None

ABSENT: None

ABSTAIN: None


CITY CLERK OF THE CITY OF VICTORVILLE