

CITY COUNCIL ATTACHMENT A

Ordinance No. 2447

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ADOPTING THE ZONE CHANGE PORTION OF CASE NO. PLAN22-00027; A ZONE CHANGE TO REZONE APPROXIMATELY 1.52 ACRES OF GENERAL COMMERCIAL (C-2) DESIGNATED LAND TO INDUSTRIAL PARK DISTRICT (IPD) DESIGNATED LAND ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF DOS PALMAS ROAD AND PARK AVENUE.

WHEREAS, Pursuant to Article XI, Section 7 of the California Constitution, the City of Victorville (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, the location, height, bulk, number of stories and size of buildings, the size of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, the intensity of land use, and requirements for off-street parking and loading and building setback lines; and

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

ALL OF LOT 37, LOT 38, AND LOT 39 OF TRACT NO. 8197, AS PER MAP RECORDED IN BOOK 106, PAGES 59 AND 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; and

WHEREAS, the Planning Commission held a public hearing on the 8th day of November, 2023, pursuant to Title 7, Division I, Chapter 4 of the Government Code of the State of California and Section 16-3.16.060 of the Victorville Municipal Code, to hear arguments for and against the project, and after hearing all verbal and written testimony offered, and after thoroughly reviewing and considering the project, the Planning Commission approved Resolution No. P-23-025, which

recommended to the City Council the adoption of a Zone Change specified in Planning Case No. PLAN22-00027; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the Planning Commission found and the City Council concurs that the proposal is not subject to CEQA pursuant to Section 15061(b)(3) as it can be seen with certainty that the proposed Zone Change will not have a negative effect on the environment because the change will provide an underlying zoning designation that will serve the community with less intense light industrial land uses in accord with existing land use patterns and development in the area; and

WHEREAS, the Planning Commission found and the City Council concurs 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 IPD Industrial Park District as the site meets the minimum size requirements of the Development Code; and

WHEREAS, the Planning Commission found and the City Council concurs that the proposed Zone Change should have no adverse affect upon abutting property as the Zone Change will be consistent with adjacent zoning designations; and

WHEREAS, the Planning Commission found and the City Council concurs that the proposed Zone Change is consistent with the General Plan as the subject parcel has already been designated Light Industrial; and

WHEREAS, the Planning Commission found and the City Council concurs that the purpose of the Zone Change is to remedy the issue of multiple zoning designations on the subject parcel and to accommodate a proposed wholesale facility, which is similar to existing uses in the project site's vicinity; and

WHEREAS, the Planning Commission found and the City Council concurs that the loss of 1.52 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 19th day of December, 2023 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.