Attachment 3

City of Hesperia
STAFF REPORT

DATE: April 13, 2023

TO: Planning Commission

FROM: Rachel Molina, Assistant City Manager

BY: Ryan Leonard, Senior Planner

SUBJECT: Development Code Amendment DCA23-00001 and Specific Plan Amendment SPLA23-00003; Applicant: City of Hesperia; Area affected: City-wide.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2023-14 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA23-00001 and Specific Plan Amendment SPLA23-00003 modifying development standards associated with establishment of new vehicle wash facilities.

BACKGROUND

Within the past year the City has seen in increase in the number of new carwash development applications. In response to the recent expansion of carwash developments, the City Council determined that without further regulation of the location and operation of carwash facilities, there is the potential for significant negative impacts from the development of such uses that cannot be mitigated. To that end, on February 7, 2023 the City Council adopted Urgency Ordinance No. 2023-01 establishing a 45-day moratorium on the establishment or expansion of new carwash facilities in the City. On March 21, 2023 the moratorium was extended for an additional period of ten (10) months and fifteen (15) days, for a total period of one year (Attachment 1).

The purpose of the development moratorium was to allow staff time to study the issues associated with carwash facilities and to present recommendations which would regulate the location of future carwash establishments and the types of development standards that should be imposed on their operation to mitigate any potential impacts.

ISSUES/ANALYSIS

Existing Regulations: Hesperia Municipal Code section 16.16.320 currently allows vehicle wash facilities in the General Commercial (C2), Service Commercial (C3), and the Limited Manufacturing (I1) zones with approval of a Conditional Use Permit (CUP). Vehicle wash facilities are listed as prohibited uses in the Convenience Commercial (C1) and General Manufacturing (I2) zones. The proposed Development Code Amendment would not make any modifications to the above zoning designations.

Additionally, within the Main Street and Freeway Corridor Specific Plan (Specific Plan), carwash facilities are allowed in the Regional Commercial (RC), Auto Sales Commercial (ASC) Neighborhood Commercial (NC) and Commercial Industrial Business Park (CIBP) zones with approval of a CUP. Carwash facilities are listed as a permitted use in the General Industrial (GI)

zone of the Specific Plan. In addition, carwash facilities are listed as a prohibited uses in the Office Park (OP) and Office Commercial (OC) zones of the Specific Plan. Staff is proposing to change the current requirement to require a CUP for vehicle wash facilities within the General Industrial (GI) zone.

Additionally, Section 16.16.365 of the Municipal Code contains specific design and use standards for carwash facilities. This particular section of the Municipal Code is applicable to properties that are located within and outside of the Specific Plan.

Proposed Regulations: There are three common types of carwash facilities: full service, express, and ancillary facilities. Full- service carwash facilities are usually stand-alone facilities where employees either hand wash or detail vehicles. Express carwash facilities are usually fully automated carwash facilities with self- serve vacuum stalls. Ancillary facilities are typically automated facilities that are associated with gas stations, and more commonly called drive- thru carwashes.

Staff is proposing to create specific development standards that would apply to all future carwash facilities. The proposed Development Code Amendment will add new distance and separation requirements that would require that each full service or express carwash facility be separated by a minimum of 2,000 feet from the nearest standalone carwash facility (i.e. full service or express facility). In addition, ancillary carwash facilitates which are part of a gas station would have to be located 1,000 feet away from the nearest standalone carwash facility. However, staff is not proposing a separation requirement from an ancillary carwash facility to another ancillary wash facility. Lastly, any new carwash facility application must submit a market research study supporting the viability of the project in the proposed location.

Carwash facilitates will continue to require a Conditional Use Permit, allowing the Planning Commission final say in determining whether a proposed project is suitable and appropriate

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is 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 Development Code Amendment does not propose to increase the density or intensity allowed in the General Plan.

Conclusion: The Development Code Amendment complies with the General Plan. Ensuring that all future vehicle wash facilities are subject to a conditional use permit and adding minimum separation requirements between full service and express carwash facilities will ensure that future sites are developed in an orderly and quality manner.

FISCAL IMPACT
There are no fiscal impacts identified with this action.

ALTERNATIVE(S)
1. Provide alternative direction to staff.

ATTACHMENT(S)
1. March 21, 2023 City Council staff report
2. Resolution No. PC-2023-14 with Exhibit A.

City of Hesperia
STAFF REPORT

DATE: March 21, 2023

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Rachel Molina, Assistant City Manager
Ryan Leonard, Senior Planner

SUBJECT: Consideration of an Urgency Ordinance Adopting an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 Extending a Moratorium on the Establishment or Expansion of Car Washes for a Period of Ten (10) Months and Fifteen (15) Days.

RECOMMENDED ACTION

It is recommended that the City Council adopt Urgency Ordinance 2023-04 pursuant to California Government Code Section 65858, extending a moratorium for a period of ten (10) months and fifteen (15) days a moratorium on the establishment or expansion of car washes.

BACKGROUND

Pursuant to State law, Government Code Section 65858, a city may enact an interim zoning ordinance on an urgency basis for the protection of public safety, health, and welfare by prohibiting any use(s) that a city is intending to study within a reasonable period of time. In recent years, the City of Hesperia has had several new proposed car wash businesses which negatively impact the quality of life within Hesperia and compromises Hesperia's ability to provide a variety of services and attract new businesses.

On February 7, 2023 the City Council adopted Urgency Ordinance No. 2023-01 establishing a 45-day moratorium on the establishment or expansion of car washes. Pursuant to State law, the adopted urgency ordinance is valid for 45 days and will expire on March 24, 2023, unless extended by the City Council. After holding a public hearing, the City Council can extend the urgency ordinance for up to an additional 10 months and 15 days, for a total period of one year. As with the initial adoption of the urgency ordinance, a four-fifths (4/5) vote is required to extend the urgency ordinance.

Staff intends to present a development code amendment to the Planning Commission on April 13, 2023, that would include additional regulations for the establishment of new car wash facilities. After the Planning Commission hearing, the upcoming development code amendment would be presented to the City Council for a final decision. An extension of the urgency ordinance would allow staff additional time to complete the necessary work to finalize the development code amendment and to present it to the Planning Commission and City Council.

ISSUES/ANALYSIS

There are three common types of car washes: full service, express, and ancillary facilities. Full-service car washes are usually stand-alone facilities where employees either hand wash or detail vehicles. Express car washes are usually fully automated car wash facilities with self- serve

vacuum stalls. Ancillary facilities are typically automated facilities that are associated with gas stations, and more commonly called drive- thru car washes. There are currently no City- wide regulations in effect regarding the operational and locational standards for car washes of any type.

The City currently has 21 car washes including 13 express facilities, three full-service facilities, and five facilities that are attached to gas stations, minimarts, and other business. A table of all facilities citywide and their location is shown below in Table 1. Attachment 1 shows the locations of the facilities that are along Main Street and Bear Valley Road.

Table 1-Carwash Facilities Citywide

No.	Address	Type	Name
1	16002 Main St	Full Service	Shark Sight Hand Car Wash and Hot Wax
2	16701 Main St	Express	Main Street Car Wash
3	13311 Main St	Express	Hesperia Speedwash
4	14076 Main St	Express	Xpress Car Wash Inc
5	14949 Bear Valley Rd	Full Service	Bear Valley Car Wash
6	18659 Bear Valley Rd	Express	Quick Quack Car Wash
7	16028 Main St	Express	E-Z Coin Car Wash
8	17165 Bear Valley Rd	Express	Bear Valley Coin Car Wash
9	17985 Bear Valley Rd	Express	Express Car Wash
10	17465 Main St	Express	Gaius Family Corp
11	13188 Main St	Gas Station	Chevron Travel Center
12	12720 Main St	Gas Station	Sky Marketing Inc
13	Main St	Express	Quick Quack Car Wash
14	16968 Main St	Express	Quick Quack
15	17112 Main St	Express	Mister
16	13100 Main St	Gas Station	Western Refining Retail
17	12675 Main St	Express	Main Street Inc
18	13537 Main St	Express	Sparkys Car Wash
19	16575 Bear Valley Rd	Full Service	Shine Auto Spa
20	15760 Ranchero Rd	Gas Station	Shell
21	12750 Main St	Gas Station	AM PM

As developable commercial land becomes scarcer in the City, there is concern that the proliferation of car washes without due consideration presents an immediate threat to public health, safety, or welfare because car washes generate undesirable conditions for adjacent properties as a result of noisy, large-scale industrial equipment including vacuums, pumps,

pressurized sprayers, dryers, engines, and car stereos. In addition, the use increases vehicle traffic in the immediate vicinity, and can cause runoff of chemicals. Airborne mist, odors from chemicals and vehicle exhaust are also a result of such uses.

Furthermore, the oversaturation of car washes in the City provides little economic benefit to the City or City residents as there are minimal sales tax revenues associated with the use, few employees hired, and typical wages paid would not increase the City's overall median income. Car washes are often noisy due to large industrial sized equipment and cause an increase in vehicular traffic where they are located. Additionally, car washes near residential uses have the potential to expose residents to excessive noise and traffic. The negative impacts frequently associated with operation of car washes will likely increase as car washes continue to proliferate throughout the City, resulting in an unregulated and significant negative impact upon public health, safety, and welfare of the community.

Staff intends to study the issues associated with car washes to determine which locations are most appropriate for the use, and the types of development standards that should be imposed on their operation to mitigate any potential impacts. This includes reviewing land use definitions for car washes to determine if revisions are needed, evaluating all land use districts in which car washes are permitted for suitability and study development standards and best practices from other jurisdictions to determine if they would be appropriate City-wide.

Further, staff believes that continued approval of entitlements, building permits, or other approvals for new or expanded car washes poses a current and immediate threat to the public health, safety or general welfare. Without further regulation of their location and operation, there is the potential for significant negative impacts by the development of new car washes or the expansion of existing car washes that cannot be mitigated.

Pursuant to Government Code Section 65858, a city may adopt an interim ordinance, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time, for the immediate preservation of the general health, safety or welfare, provided the ordinance contains a declaration of the facts constituting the urgency, and is passed by not less than a four-fifths (4/5) vote of the City Council. With adoption of this Ordinance, the City will extend the moratorium for a period of ten (10) months and fifteen (15) days, or until such time as a permanent development code amendment is in full force and effect.

FISCAL IMPACT
There are no fiscal impacts identified with this action.

ALTERNATIVE(S)
1. Deny the extension of the development moratorium and allow the existing 45-day moratorium to expire
2. Provide alternative direction to staff.

ATTACHMENT(S)
1. Carwash locations along Main Street and Bear Valley Road
2. Urgency Ordinance 2023-04

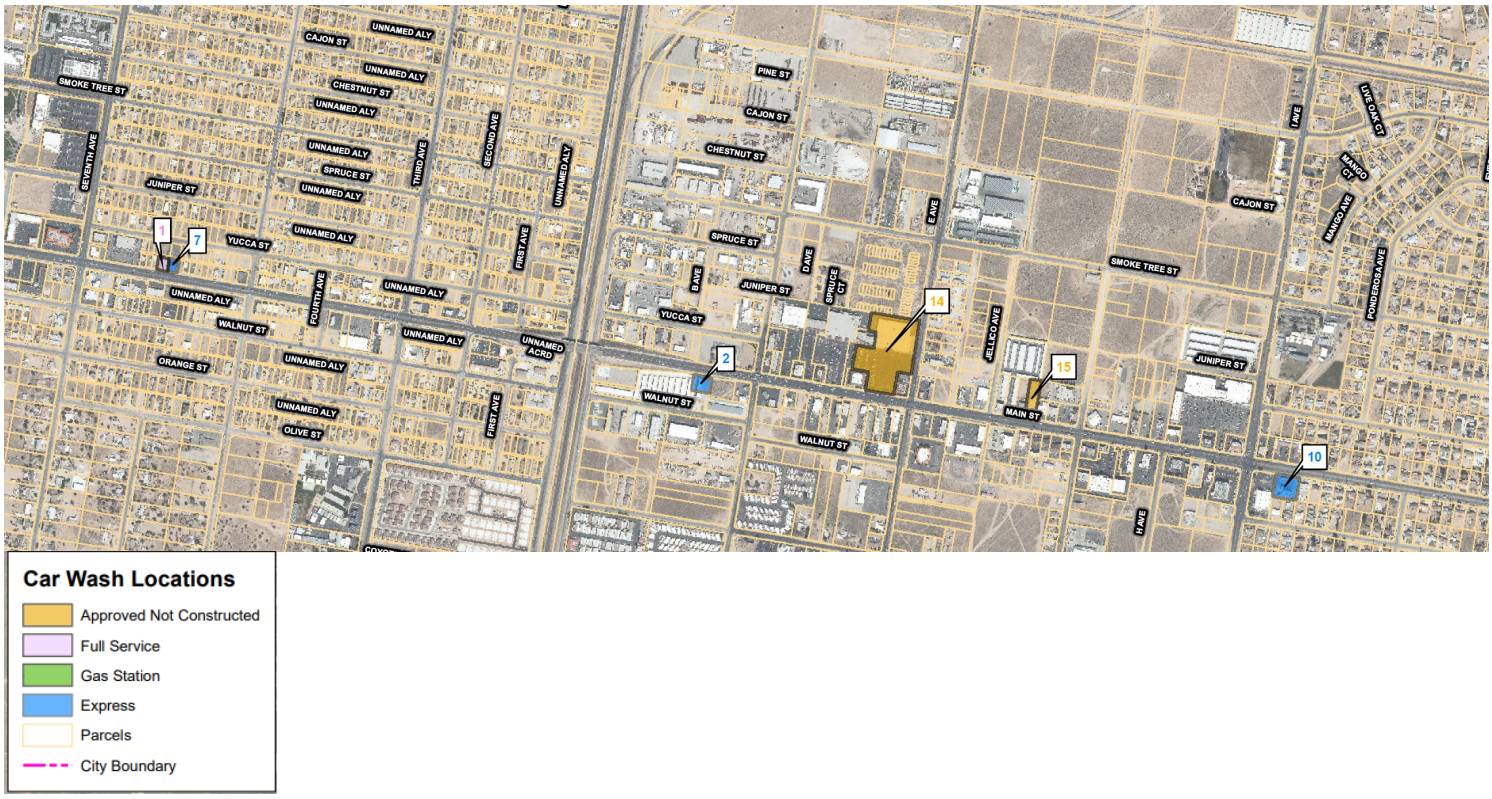
ATTACHMENT 1

Carwash Locations along Main Street from the I-15 freeway to Topaz Avenue

CARWASH LOCATIONS ALONG MAIN STREET FROM THE I-15 FREEWAY TO TOPAZ AVENUE

ATTACHMENT 1A

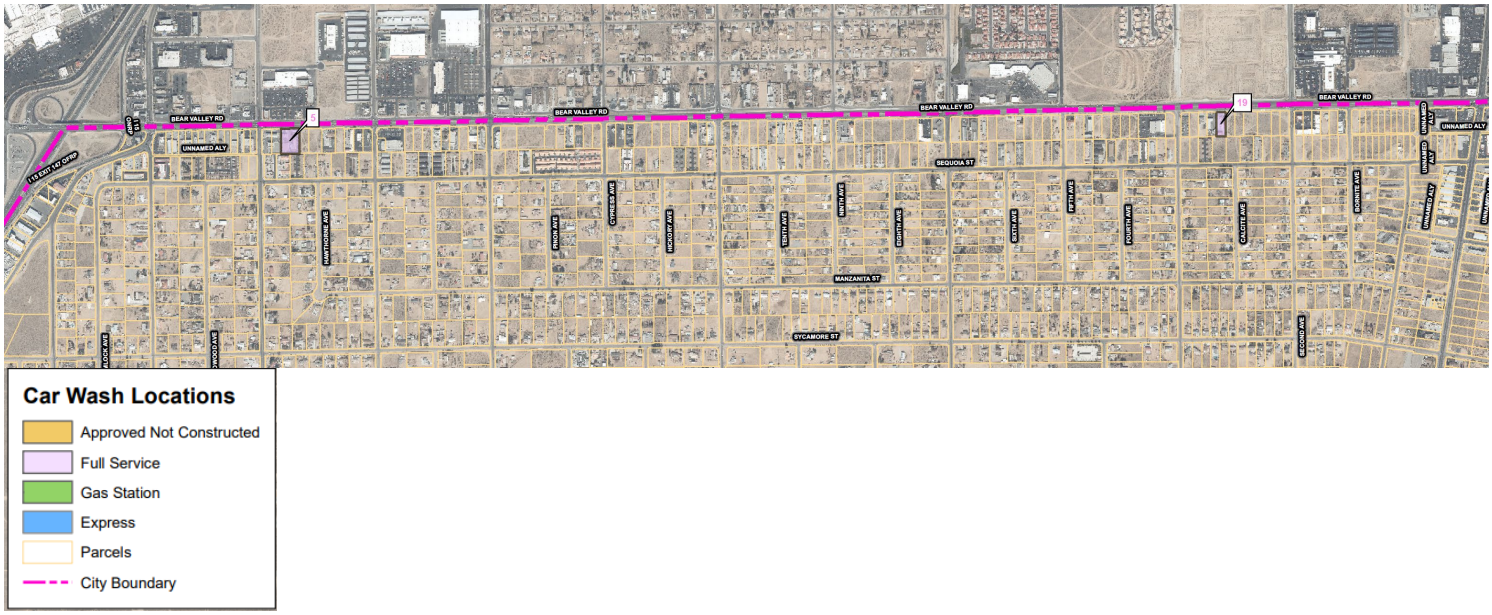
Carwash Locations along Main Street from Seventh Avenue to I Avenue



CARWASH LOCATIONS ALONG MAIN STREET FROM SEVENTH AVENUE TO I AVENUE

ATTACHMENT 1B

Carwash Locations along Bear Valley Road from the I-15 freeway to Hesperia Road



CARWASH LOCATIONS ALONG BEAR VALLEY ROAD FROM THE I-15 FREEWAY TO HESPERIA ROAD

ATTACHMENT 1C

Carwash Locations along Bear Valley Road from Hesperia Road to the eastern City boundary

CARWASH LOCATIONS ALONG BEAR VALLEY ROAD FROM HESPERIA ROAD TO THE EASTERN CITY BOUNDARY

ORDINANCE NO. 2023-04

AN INTERIM URGENCY ORDINANCE OF THE CITY OF HESPERIA, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF CAR WASH FACILITIES WITHIN THE CITY LIMITS FOR TEN MONTHS (10) AND FIFTEEN (15) DAYS.

WHEREAS, the City of Hesperia has the authority and responsibility to protect the public health, safety, and welfare of the City; and

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors and businesses, and preserving the peace and quiet of the neighborhoods within the City by regulating the establishment and expansion of car washes within City limits; and

WHEREAS, the City is responsible for adopting and implementing land use regulations within its boundaries; and

WHEREAS, the City has no other development standards or regulations applicable to the operation of Cash Washes; and

WHEREAS, the City's permissive policy towards car washes could result in a proliferation or oversaturation of said uses within the City; and

WHEREAS, developable land becomes scarcer in the City, there is concern that the proliferation of car washes without due consideration presents an immediate threat to public health, safety, or welfare because car washes generate undesirable conditions for adjacent properties as a result of noisy, large-scale industrial equipment including vacuums, pumps, pressurized sprayers, dryers, engines, and car stereos. In addition the use increases vehicle traffic in the immediate vicinity, and can cause runoff of chemicals. Finally, airborne mist, odors from chemicals and vehicle exhaust are a result of such uses; and

WHEREAS, the oversaturation of car washes in the City provides little economic benefit to the City or City residents; and

WHEREAS, absent clear regulation, the proliferation and oversaturation of car washes in the City poses a threat to the public peace, health, and safety, and, unless the City takes action to regulate, the impacts described above are likely to continue to occur; and

WHEREAS, the City desires to regulate car washes to ensure that public right-of-ways and public property remain free of public nuisances, safe and accessible for all users, and clear of conditions that pose threats to public health, safety, and welfare, to ensure that future development is undertaken in a manner consistent with the City's General Plan, and to ensure that car wash Operators comply with State and City regulations that consider the public's health, safety, and welfare; and

WHEREAS, the City anticipates that car wash operators may seek to establish additional car washes, or desire to expand existing car washes before a non-urgency ordinance would become effective; and

WHEREAS, Government Code Sections 36934, 36937 and 65858 expressly authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety and to prohibit a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, City staff require time to study and develop appropriate regulations for car wash operators consistent with State and federal law; and

WHEREAS, on February 7, 2023 the City Council adopted Ordinance No. 2023-01 establishing a 45-day moratorium on the establishment or expansion of car washes within the City limits. Ordinance No. 2023-01 will expire on March 24, 2023; and

WHEREAS, the City now desires to impose a ten month (10) and fifteen (15) day moratorium on the establishment or expansion of car washes within the City limits in order to complete a proposed development code amendment that will create new development regulations and development standards for car wash facilities; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City Council desires, on an urgency basis, to temporarily prohibit establishment of new, or expansion of existing, car washes within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS.

SECTION 1. FINDINGS

The City Council finds the facts set forth in the recitals in this Urgency Ordinance are true and correct, and are hereby incorporated by reference. Additionally, based on the foregoing, both verbal and written testimony at the public hearing, including the staff report, exhibits, and any materials provided by members of the public, the City Council finds as follows:

A. This Ordinance is being adopted in order to allow the City time to thoroughly study and develop the City's laws, rules, procedures and fees related to the operation and establishment of car washes, to enable the City to adequately and appropriately preserve the health, safety and welfare of the community in the City of Hesperia.

B. For the purposes of this Ordinance the definition of "Car Wash" shall include full service, express, and ancillary facilities. Full-service car washes are usually stand-alone facilities where employees either hand wash or detail vehicles. Express car washes are usually fully automated car wash facilities with self-serve vacuum stalls. Ancillary facilities are typically automated facilities that are associated with gas stations, and more commonly called drive- thru car washes. This ordinance is intended to apply to car washes that are either the primary use or the accessory use of the relevant parcel. Temporary car washes (e.g., fundraising activities generally conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand and the duration of the event is limited to one day) are not part of this definition.

C. For purposes of this Ordinance, “Car Wash Operator” shall mean a person that manages and/or operates a car wash, whether for profit or not.

D. The City finds that in the absence of a regulatory framework to govern car washes, the adverse impacts frequently associated with car washes likely will occur, resulting in unregulated and significant negative impacts upon the public health, safety, and welfare of the community.

E. The City finds that the adverse impacts from car washes include the following:

(1) The proliferation of car washes throughout the City without due consideration presents an immediate threat to public health, safety, or welfare because car washes generate undesirable conditions for adjacent properties as a result of use noisy, large-scale industrial equipment including vacuums, pumps, pressurized sprayers, dryers, engines and car stereos; and

(2) In addition, the use tends to increase vehicle traffic in their immediate vicinity, and can cause runoff of chemicals; and

(3) Also, airborne mist, odors from chemicals and vehicle exhaust are also a result of such uses; and

F. The City also finds that car washes could have a negative economic impact for the City as follows:

(1) The use provides little economic benefit to the City or City residents, as there are minimal sales tax revenues associated with the use, few employees hired, and typical wages paid would not increase the City’s overall median income; and

(2) The continued establishment of car washes will result in the immediate loss of potential revenues to the City and the immediate loss of desirable commercial and/or manufacturing sites throughout the City.

G. The City needs time to draft a proposed text amendment to the Zoning Code to preserve the health, safety and welfare of the community in the City of Hesperia with respect to the operation of car washes.

SECTION 2. AUTHORITY AND EFFECT

The State Planning and Zoning Law (Cal. Gov’t Code Sections 65000, *et seq.*) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

SECTION 3. MORATORIUM

A. During the Effective Period of this Ordinance as specified below, no permit shall be issued, for any development of any new car wash, nor may a permit be issued for the expansion of an existing car wash, within the City. The foregoing shall explicitly prohibit the issuance of any zoning, land use, discretionary permit, building permit, environmental approval, business license or any other entitlement involving businesses defined as a car wash herein, during the Effective Period.

B. Notwithstanding the foregoing, any existing car wash facility shall be allowed to obtain their annual City of Hesperia business license. Additionally, permits may be issued for minor construction, rehabilitation and landscaping or other purposes not involving an expansion of building area. Any car wash facilities under construction with a valid building permit or any car wash facility approved by the Planning Commission on the effective date of this Urgency Ordinance shall be exempt from this Urgency Ordinance.

SECTION 4. STUDY AND DEVELOPMENT

During the period of this Ordinance, the City shall study and develop as necessary City laws, rules, procedures and fees related to car washes, to enable the City to adequately and appropriately preserve the health, safety and welfare of the community in the City of Hesperia. Pursuant to Government Code Section 65858 the Planning Manager will issue a report for the legislative body on what has been accomplished during the moratorium before it expires or is extended.

SECTION 5. URGENCY MEASURE

It is hereby declared that this Ordinance is necessary as an urgency measure for the preservation of the public health, safety and welfare. The City Council finds that current zoning regulations and land use plans do not adequately regulate the establishment and operation of car washes and therefore do not adequately protect the peace, health, safety and general welfare of the residents of the City or in communities around the City. The City Council finds the urgency measure is necessary in order to ensure adequate regulation of the operation of car washes. The facts constituting the urgency are:

The City of Hesperia does not currently have clear standards in the Hesperia Municipal Code related specifically to the establishment and expansion of car washes within the City.

The negative impacts frequently associated with operation of car washes will likely increase as car washes continue to proliferate throughout the City, resulting in an unregulated and significant negative impact upon public health, safety, and welfare of the community.

To permit the proliferation of car washes to continue within the City without being subject to specific regulations that are consistent with the General Plan, and that take into account the impacts that such establishments have, constitutes a threat to the health, safety, and welfare. Car washes generate undesirable conditions for adjacent properties. Airborne mist, odors from chemicals and vehicle exhaust, and noise from vacuums, pumps, pressurized sprayers, dryers, engines and car stereos are examples of common impacts generated by these uses. The impacts can be detrimental to the quality of life for adjacent residents and disruptive to adjacent businesses. Allowing the continued establishment of car washes will result in the immediate potential for disruptions to the quality of life for adjacent residents and businesses.

Car Wash facilities in the community provide the City with little economic benefit as there are minimal sales tax revenues associated with car wash operations.

Car Wash facilities hire few employees and typical wages paid at car wash facilities would not increase the City's overall median incomes. Car washes therefore would not bolster employee densities in commercial and manufacturing zones or increase the per capita median income of the community. Allowing the continued establishment of car washes will result in the immediate loss of

potential income to City residents and reduce potential employment opportunities throughout the City.

Car wash operators are likely to seek to be located in the City based on the lack of explicit regulations, which will further exacerbate the impacts of such businesses.

Absent the adoption of this Interim Urgency Ordinance, the operation of car washes in the City would likely result in the negative and harmful secondary effects, as identified above, including, but not limited to, increased noise, traffic, pollution, and public health and safety concerns, and other impacts identified herein.

As a result of the negative and harmful secondary effects associated with improperly regulated or unregulated operation of car washes, the current and immediate threat such effects pose to the public health, safety and welfare, it is necessary to adopt a temporary, ten month (10) and fifteen (15) day day moratorium on the establishment of new car washes and the expansion of existing car washes in the City.

A moratorium is immediately required to preserve the public health, safety and welfare and should be adopted immediately as an urgency ordinance, to make certain that the establishment and expansion of car washes is prohibited for the period of this Ordinance. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of such activities.

SECTION 6. **SEVERABILITY**

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this Ordinance and as such they shall remain in full force and effect.

SECTION 7. **CEQA COMPLIANCE**

Pursuant to the California Environmental Quality Act Guidelines ("CEQA," California Code of Regulations Title 14, §§ 15000 *et seq*.), this Interim Urgency Ordinance is exempt from CEQA based on the following: (i) this Ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly and (ii) this Ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an Interim Urgency Ordinance establishing a ten month (10) and fifteen (15) day moratorium on the operation of car washes and thus there is no possibility that the proposed ordinance may have a significant effect on the environment.

SECTION 8. **EFFECTIVENESS OF ORDINANCE.**

This Ordinance shall take effect immediately upon its adoption by a 4/5 vote, pursuant to the authority conferred upon the City Council by Government Code Sections 36934, 36937, and 65858. This Ordinance shall be effective during the Effective Period which shall be from its adoption and shall be of no further force and effect ten months (10) and fifteen (15) days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code Section 65858(b).

SECTION 9. **PUBLICATION**

The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hesperia, California, at a regular meeting held on this 21st day of March, 2023.

_____
Brigit Bennington, Mayor

ATTEST:

_____
Erin Baum, Assistant City Clerk

ATTACHMENT 1

RESOLUTION NO. PC-2023-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT AND SPECIFIC PLAN AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH CARWASH DEVELOPMENTS (DCA23-00001 AND SPLA23-00003)

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 Chapter 16.16.365 (C) of the City of Hesperia Municipal Code which contains specific land use standards for vehicle wash facilities; and

WHEREAS, the City proposes to amend Chapter 9 of the Main Street and Freeway Corridor Specific Plan to require that any new vehicle wash facility in the General Industrial (GI) zone require a CUP; and

WHEREAS, the City finds that it is necessary to amend the development regulations applicable for carwash developments and require that all new or expanded carwash facilities meet specified distance limitations between other carwash facilities and that all gas station applications shall submit a market research study; and

WHEREAS, the proposed Development Code Amendment 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 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 13, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA23-

00001 and Specific Plan Amendment SPLA23-00003 modifying development standards associated with establishment of new of car washes and demonstrate compliance with specific criteria and development standards prior to operating in the City as shown on Exhibit "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 13th day of April 2023.

_____
Roger Abreo, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

EXHIBIT "A"
DCA23-00001 and SPLA23-00001

The following are modifications to Chapter 16.16.365 of the City of Hesperia Development Code regulations and Chapter 9 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

1) The following are modifications to Chapter 16.16.365 (C)-Vehicle Wash Facilities of the City Municipal Code

C. Vehicle Wash Facilities.

1. Vehicle wash facilities shall be developed in compliance with the following additional standards:

a. Full service and express vehicle wash facilities (i.e. standalone facilitates) shall be separated by a minimum of 2,000 feet, as measured from property lines.

b. Vehicle wash facilities that are ancillary to a primary use (i.e. a gas station) shall be separated by a minimum of 1,000 feet, as measured from the property line, from the nearest full service or express vehicle wash facility (i.e. standalone facility)

c. All gas station and car wash Conditional Use Permit applications shall include a market research study that analyses the feasibility of the project at the subject location.

d. All lights shall be reflected away from adjacent uses.

e. Premises shall be maintained in a neat, orderly and environmentally safe manner, and all improvements shall be continuously maintained.

f. Noise from vehicle wash activities shall not exceed levels established in Chapter 16.20, Article V (General Performance Standards).

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

Chapter 9, Subsection (I)- General Industrial Zone shall be amended to read:

1. Permitted Uses

The following uses are permitted in the General Industrial zone:

a) Commercial storage facilities (mini-warehouse).

b) Contractor's storage yard.

c) Equipment (large) sales and rental.

d) Equipment (small) sales and rental.

e) Lumber yard and building materials (wholesale).

f) Manufacturing (indoors).

g) Offices (administrative, business, executive and professional, but not including medical or dental).

h) Outdoor storage, incidental to the primary use.

i) Publishing and printing.

j) Retail sales ancillary to a manufacturing use on-site (floor area not to exceed 15% of gross floor area up to a maximum of 7,500 square feet).

k) Truck terminal.

l) Vehicle repair – major.

m) Vehicle repair – minor.

n) ~~Vehicle wash facilities.~~

o) Warehousing and wholesale distribution centers – 200,000 square feet or less.

p) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.

q) Veterinary services- clinics and small animal hospitals (short term boarding).

r) Other similar uses, as interpreted by the Development Services Director or his/her designee

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the General Industrial zone:

a) Bus terminals.

b) Kennels – boarding of domestic animals.

c) Vehicle fuel stations (i.e,. gasoline stations).

d) Warehousing and wholesale distribution centers – 200,000 square feet or more

e) Vehicle wash facilities.

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