

**RESOLUTION NO. 2017-37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, TO AMEND THE OFFICIAL GENERAL PLAN LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIMITED AGRICULTURAL WITH A MINIMUM LOT SIZE OF 2.5 ACRES (A1-2<sup>1/2</sup>) TO GENERAL COMMERCIAL (C2) ON 3.5 GROSS ACRES LOCATED ON THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE (GPA16-00002)**

**WHEREAS**, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

**WHEREAS**, Harp Verma filed an application requesting approval of GPA16-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 3.5 gross acres within the Limited Agricultural with a minimum lot size of 2.5 acres (A1-2<sup>1/2</sup>) designation located on the northwest corner of Rancho Road and Seventh Avenue and consists of Assessor's Parcel Number 0412-172-01; and

**WHEREAS**, the Application, as contemplated, proposes to change the General Plan Land Use designation of the subject property and the expanded application from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2<sup>1/2</sup>) to General Commercial (C2); and

**WHEREAS**, Harp Verma has also filed an application requesting approval of Conditional Use Permit CUP16-00009 to construct a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant, a detached 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building on 3.5 gross acres located at the northeast corner of Rancho Road and Seventh Avenue (APN: 0412-172-01); and

**WHEREAS**, the subject site is currently occupied by a single family residence which will be demolished as a part of the project. Single-family residences exist to the north, east and west. The property to the south is also vacant; and

**WHEREAS**, the subject property is currently within the A1-2<sup>1/2</sup> designation, which is proposed to be changed to C2. The properties to the north and east are also within the A1-2<sup>1/2</sup> designation, the properties to the west are designated Limited Agricultural with a minimum lot size of 1 acre (A1), and the properties to the south are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on May 15, 2017, 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 ND16-00013 was subsequently prepared; and

**WHEREAS**, on June 27, 2017, 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 15, 2017, 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 Resolution have occurred.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HESPERIA AS FOLLOWS:

Section 1. The City Council 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 City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND16-00013 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the 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 area of the proposed General Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. The proposed General Commercial (C2) designation is appropriate at this location as the site is located at a prominent intersection and fronts Rancho Road, which is designed to link local traffic with Interstate 15. The proposed commercial uses will serve pass-by traffic along Seventh Avenue and Rancho Road and are considered appropriate land uses.
- (d) The proposed General Plan Amendment is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (e) The proposed General Plan Amendment is capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.
- (f) The development within the proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically Land Use Goal L.G.10 that promotes policies that will ensure maximum utilization of existing facilities and infrastructure within the City because the proposed development will utilize the streets and services available to existing development in the area.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves General Plan Amendment GPA16-00002, amending the General

Plan map of the City of Hesperia as shown on Exhibit "A," and Negative Declaration ND16-00013, which is attached to the staff report for this item.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**ADOPTED AND APPROVED** this 15<sup>th</sup> day of August 2017.

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Paul Russ, Mayor

ATTEST:

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Melinda Sayre  
City Clerk