

**RESOLUTION NO. 2017-040**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 160 UNIT RESIDENTIAL DEVELOPMENT ON 9 GROSS ACRES LOCATED 1,650 FEET EAST OF MARIPOSA ROAD ON THE NORTH SIDE OF LIVE OAK STREET (SPR16-00006).**

**WHEREAS**, FH II, LLC has filed an application requesting consideration of Site Plan Review SPR16-00006, described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 9 gross acres within the High Density Residential (HDR) Zone of the Main Street and Freeway Corridor Specific Plan located 1,650 feet east of Mariposa Road on the north side of Live Oak Street and consists of Assessor's Parcel Numbers 0405-072-59; and

**WHEREAS**, the Application, as contemplated, proposes a site plan review to construct a 160-unit residential development on 9 gross acres; and

**WHEREAS**, the Application, has also filed 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 High Density Residential (HDR) Zone; and

**WHEREAS**, the subject site is vacant. The land on the opposite side of Live Oak Street to the south is vacant. The properties to the north and west are vacant. A single-family residential neighborhood exists to the east; and

**WHEREAS**, the subject property is currently within the Regional Commercial (RC) of the Specific Plan. The land to the north, south, and west are within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan. The land to the east is within the Low Density Residential (LDR) Zone; and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on June 8, 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 ND-2017-02 was subsequently prepared; and

**WHEREAS**, on July 13, 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**, 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 OF HESPERIA CITY COUNCIL 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 Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2017-02 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Site Plan Review 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 for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on requirements. The site is approximately 9 gross acres and can accommodate the 160 unit multi-family development. On-site improvements required by the Hesperia Development Code can be constructed on the property including 363 parking spaces (160 spaces within carports and 203 open guest parking spaces), minimum 26-foot wide drive aisles, and landscaping. The complex also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The development is designed with an on-site underground retention/detention system to accommodate the required capacity of a 100-year storm. The development will preserve Joshua trees that will be transplanted within the development's landscaping.
- (d) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed development is consistent with the City's High Density Residential (HDR) Zone District as part of the Main Street and Freeway Corridor Specific Plan. The development is designed with an on-site retention/detention system to accommodate the required capacity of a 100-year storm. The City has established a Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.
- (e) The proposed development is consistent with the goals, policies, standards and maps of the adopted Specific Plan, Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed development is permitted in the High Density Residential (HDR)

Zone District. The development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, and loading areas. The development complies with Americans with Disabilities Act (ADA) by providing 11 accessible parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and recreational structures. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the development's conditions of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.

- (f) Granting approval of the development will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disabilities Act (ADA) by providing four accessible parking spaces with loading areas and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings.
- (g) The site for the proposed use will have adequate access based upon the site's current accessibility to Live Oak Street. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The developer is required to pay all applicable City development impact fees towards these improvements.
- (h) The proposed development is consistent with and promotes the goals and policies of the General Plan. The development will help bring the City into compliance with state housing mandates and the City's Housing Element.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves SPR16-00006 subject to the conditions of approval as shown in Attachment "A," and Mitigated Negative Declaration ND-2017-02 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** on 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