

RESOLUTION NO. 2022-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP22-00001, UPHOLDING THE PLANNING COMMISSION'S DENIAL OF TENTATIVE TRACT EXTENSION TTE22-00001, A THIRD EXTENSION OF TIME FOR TENTATIVE TRACT NO. 17243 ON THE NORTH SIDE OF MESA STREET BETWEEN TAMARISK AVENUE AND TOPAZ AVENUE (APP22-00001)

WHEREAS, Pacific Communities Builder has filed an application requesting approval of Appeal APP22-00001, to overturn the Development Review Committee's denial of Tentative Tract Extension TTE22-00001, a third extension of time for Tentative Tract No. 17243 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a third extension of time for Tentative Tract No. 17243 to subdivide 20 gross acres into 125 single-family residential lots and consists of Assessor's Parcel Number 0405-042-23; and

WHEREAS, TT-17243 was originally approved by the Planning Commission on March 13, 2008; and

WHEREAS, in 2009, 2011, and 2013 the California Legislature passed assembly bills AB-333, AB-208 and AB-116 that automatically extended the expiration dates of tentative maps. These automatic extensions amounted to 6 years of automatic State extensions; and

WHEREAS, on April 20, 2016, the Development Review Committee (DRC) approved the first extension of time for TT-17243 that extended the tract for an additional 2 years; and

WHEREAS, On May 2, 2019, the DRC approved the second extension of time that extended TT-17243 for an additional 3 years; and

WHEREAS, on May 18, 2022, the DRC denied a third extension of time for TT-17243; and

WHEREAS, on July 14, 2022, the Planning Commission upheld the DRC's denial of a third extension of time for TT-17243; and

WHEREAS, this Application, as contemplated, proposes to appeal the Planning Commission's denial of the extension of time for TT-17243; and

WHEREAS, the 20 gross acre site is currently vacant. The surrounding properties also consist of vacant land; and

WHEREAS, the subject property is currently within the Low Density Residential (LDR) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

WHEREAS, in November 2020 a majority of voters of the City approved Ballet Measure N which made changes to the City General Plan, Main Street and Freeway Corridor Specific Plan, and City Municipal Code. Among other things, Measure N modified City Municipal Code Section 17.08.040 (E) to state that "no extensions of time are allowed for residential subdivisions." Measure N was approved by a ballot measure and therefore may only be amended by a

subsequent ballot measure. As a result, the City Council does not have the authority to approve any discretionary extensions of time; and

WHEREAS, denial of a project is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on July 14, 2022, the Planning Commission of the City of Hesperia conducted duly noticed public hearings pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on August 16, 2022, the City Council of the City of Hesperia conducted duly noticed public hearings 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 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 16, 2022 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) In November 2020 a majority of voters of the City approved Ballet Measure N which modified City Municipal Code Section 17.08.040 (E) to state that "no extensions of time are allowed for residential subdivisions." Measure N was approved by a ballot measure and therefore may only be amended by a subsequent ballot measure. As a result, the City Council does not have the authority to approve any discretionary extensions of time.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby denies Appeal APP22-00001, denying Tentative Tract Extension TTE22-00001, causing Tentative Tract 17243 to expire.

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 16th day of August 2022.

Brigit Bennington, Mayor

ATTEST:

Melinda Sayre, City Clerk