

ATTACHMENT 4

RESOLUTION NO. PC-2022-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP22-00004, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S DENIAL OF TENTATIVE TRACT EXTENSION TTE22-00005, A THIRD EXTENSION OF TIME FOR TENTATIVE TRACT NO. 17655 LOCATED ON THE SOUTHWEST CORNER OF VERDE AVENUE AND TOPAZ AVENUE (APP22-00004)

WHEREAS, Pacific Communities Builder has filed an application requesting approval of Appeal APP22-00003, to overturn the Development Review Committee's denial of Tentative Tract Extension TTE22-00005, a third extension of time for Tentative Tract No. 17655 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a third extension of time for Tentative Tract No. 17655 to subdivide 20 gross acres into 118 single-family residential lots and consists of Assessor's Parcel Numbers 0405-052-03 & 27 thru 30; and

WHEREAS, TT-17655 was originally approved by the City Council on June 17, 2008 in conjunction with a zone change to change the zoning from RR-2 ½ to R1; 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 June 29, 2016, the Development Review Committee (DRC) approved the first extension of time for TT-17655 that extended the tract for an additional 2 years; and

WHEREAS, on September 04, 2019, the Development Review Committee (DRC) approved the second extension of time for TT-17655 that extended the tract for an additional 3 years; and

WHEREAS, TT-17655 was set to expire on July 31, 2022; and

WHEREAS, on August 10, 2022, the DRC denied a third extension of time for TT-17655; and

WHEREAS, this Application, as contemplated, proposes to appeal the DRC's denial of the extension of time for TT-17655; and

WHEREAS, the 20 gross acre site is currently vacant. Single-family residences exist to the east and the properties to the north, south and west are vacant; and

WHEREAS, the subject property is currently within the Low Density Residential (LDR) and Office Park zones of the Main Street and Freeway Corridor Specific Plan. The existing Office Park zoning is an administrative error and will be corrected in the future to reflect LDR zoning; 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 Planning Commission 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 September 8, 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, 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 Planning Commission during the above-referenced September 8, 2022 hearing, including public testimony and written and oral staff reports, this Commission 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 Planning Commission 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, this Commission hereby denies Appeal APP22-00004, denying Tentative Tract Extension TTE22-00005, causing Tentative Tract 17655 to expire.

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

ADOPTED AND APPROVED on this 8th day of September 2022.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission