

# **ATTACHMENT 8**

## **RESOLUTION NO. PC-2017-12**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, ALLOWING A 15-FOOT STREET SIDE YARD SETBACK AND A MINIMUM 10-FOOT DISTANCE BETWEEN BUILDINGS INSTEAD OF THE 25-FOOT STREET SIDE YARD SETBACK AND 15-FOOT BUILDING SEPARATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR15-00012 (VAR16-00001)**

**WHEREAS**, Olivetree Apartments, LP has filed an application requesting approval of Variance VAR16-00001 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 22.8 gross acres located on the south side of Olive Street between Third Avenue and Hesperia Road and consists of Assessor's Parcel Numbers 0413-162-09, 10, 35 & 36; and

**WHEREAS**, the Application, as contemplated, proposes to allow a 15-foot street side yard setback and a 10-foot building separation on the subject property; and

**WHEREAS**, Olivetree Apartments, LP has also filed an application requesting approval of Site Plan Review (SPR15-00012), to construct a 186-unit multi-family development replacing two single-family residences on the subject property; and

**WHEREAS**, the subject property contains two single-family residences. The surrounding properties to the north contain single-family residences and apartments, the properties to the south and east contain mobile home parks, and the properties to the west contain a school; and

**WHEREAS**, the subject property as well as the properties to the north, south and east are currently within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The property to the west is within the Public/Institutional Zone; and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on March 26, 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 ND16-00010 was subsequently prepared; and

**WHEREAS**, on May 11, 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**, 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 May 11, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the 25-foot street side yard setback and the 15-foot building separation restriction would reduce the residential density due to the site's frontage on three streets. In addition, the minimum building separation regulation within the Specific Plan is more restrictive than the building separation standard for the Multiple-family Residence (R-3) designation;
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because there are few sites which contain frontage along three streets and other properties within the R-3 Zone which will be subject to the 10-foot building separation requirement;
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same designation because other lots in the surrounding area also front upon three streets. The limitations of the property dictate the location, orientation, and size of the new accessory building;
- (d) The granting of the variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because there have been two similar developments which were constructed under the R-3 Zone District standards, allowing the 15-foot street side yard setback and the 10-foot building separation regulations.
- (e) The granting of the variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, as the facility is required to comply with the Main Street and Freeway Corridor Specific Plan and the 2013 California Building Code.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR16-00001.

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

**ADOPTED AND APPROVED** this 11<sup>th</sup> day of May 2017.

ATTEST:

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Tom Murphy, Chair, Planning Commission

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Denise Bossard, Secretary, Planning Commission