

# ATTACHMENT 9

## RESOLUTION NO. PC-2017-13

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 186-UNIT MULTI-FAMILY DEVELOPMENT REPLACING TWO SINGLE-FAMILY RESIDENCES ON 22.8 GROSS ACRES WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTH SIDE OF OLIVE STREET BETWEEN THIRD AVENUE AND HESPERIA ROAD (SPR15-00012)**

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

**WHEREAS**, Olivetree Apartments, LP has also filed an application requesting approval of Variance VAR16-00001, which is needed to allow a reduction in the allowable street side yard setback and distance between buildings; 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 site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 23 gross acres and can accommodate 372 parking spaces within garages and 116 uncovered spaces, including 10 accessible (handicap) parking spaces. On-site improvements required by the Hesperia Development Code can be constructed on the property including, minimum 26-foot wide drive aisles. The parking lot also meets all of the San Bernardino County Fire Prevention Department standards including fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development also complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The project is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed project is consistent with the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan. The proposed apartments are a permitted use in the MDR zone and are consistent with the density range of the MDR Zone, which allows between 8 and 15 dwelling units per gross acre. The project will be developed with 186 units, resulting in a density of 8.2 units per gross acre. The project is also designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also meets all of the development standards of the MDR Zone except the minimum 25-foot street side yard and the minimum 15-foot building separation regulations. The project proposes a 15-foot street side yard building setback and a minimum 10-foot building separation. While the Development Code does not enable these deviations in the building setback and separation requirements with a minor exception, the reviewing authority believes that the proposed deviation does not have a cumulative effect greater than the exceptions listed within the Development Code.
- (c) The proposed project 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 because the uses envisioned under the proposed project are permitted in the MDR zone. The development complies with standards for driveway aisles, parking stall dimensions, and fire lanes. The development complies with ADA by providing four handicap parking spaces with loading areas and a four-foot-wide path of travel to the street, and parking spaces. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the project's condition of approval for off-site and on-site improvements required prior to grading.

- (d) The site for the proposed use will have adequate access based upon the site's access from Olive Street and Third Avenue, which will be constructed to City standards. The development also provides emergency access from Hesperia Road.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia with adoption of General Plan Amendment GPA16-00003, which will eliminate the extension of Joshua Street west of Caliente Road. The project site is within the CIBP Zone, which allows the proposed use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Site Plan Review SPR15-00012 subject to the conditions of approval as shown in Attachment "A".

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

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

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission