

# ATTACHMENT 4

## RESOLUTION NO. PC-2018-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP18-00001, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S DECISION TO ISSUE CERTAIN CONDITIONS OF APPROVAL FOR SPRE17-00005 PERTAINING TO TIMELINES ON CODE ABATEMENT ACTIVITIES AND STREET IMPROVEMENTS LOCATED ON THE WEST SIDE OF TOPAZ AVENUE, 300 FEET NORTH OF LIVE OAK STREET (APP18-00001)**

**WHEREAS**, Cal Earth has filed an application requesting approval of Appeal APP18-00001, overturning the Development Review Committee's decision to issue certain conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to an extension of time for SPR16-00005, to construct a Cal Earth Research and Educational Facility on 7.5 acres located on the west side of Topaz Avenue, 300 feet north of Live Oak Street and consists of Assessor's Parcel Number 0405-261-24 & 70; and

**WHEREAS**, on January 10, 2018, the Development Review Committee (DRC) of the City of Hesperia approved the extension of time for SPR16-00005 with certain conditions of approval; and

**WHEREAS**, this Application, as contemplated, proposes to appeal the DRC's decision to issue conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements. The conditions of approval require: i) that civil plans be resubmitted to the City by February 5, 2018; ii) that improvements plans be approved by June 23, 2018; and iii) that street improvements along entire street frontage of Topaz Avenue be constructed by August 23, 2018; and

**WHEREAS**, the Applicant, as contemplated, proposes to complete a portion of the street improvements along Topaz by February 23, 2019. The second change that Cal Earth seeks to make includes constructing the proposed driveway that extends to Topaz along with street improvements not to exceed ten feet on either side of the driveway curb return onto Topaz Avenue (includes curb, gutter and sidewalk improvements).

**WHEREAS**, the 7.5 gross acre site is partially developed with upwards of 20 unpermitted SuperAdobe domes, vaults, buildings, and structures, along with three or four permitted single-family residences. The properties to the north and west are vacant. Single-family residential subdivisions exist to the south and east;

**WHEREAS**, the subject property as well as surrounding properties are currently within the Low Density Residential (LDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

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

**WHEREAS**, on March 8, 2018, 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 March 8, 2018 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed conditions by the Applicant are inconsistent with and contrary to the goals and policies of the General Plan as well as the Main Street and Freeway Corridor Specific Plan (Specific Plan).
- (b) The proposed conditions by the Applicant do not conform to the regulations of the Specific Plan, the Development Code, and all applicable City Policy and Ordinances.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Appeal APP18-00001, upholding the Development Review Committee's decision to issue conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements.

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

**ADOPTED AND APPROVED** this 8<sup>th</sup> day of March 2018.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission