

RESOLUTION NO. 2018-37

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 14 UNIT APARTMENT COMPLEX ON 2.1 GROSS ACRES LOCATED AT THE SOUTHWEST CORNER OF HESPERIA ROAD AND HERCULES STREET (SPR17-00016).

WHEREAS, 9980 Hesperia LLC has filed an application requesting consideration of Site Plan Review SPR17-00016, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.1 gross acres within the Neighborhood Commercial Zone of the Main Street and Freeway Corridor Specific Plan located at the southwest corner of Hesperia Road and Hercules Street and consists of Assessor's Parcel Numbers 0407-061-11; and

WHEREAS, the Application, as contemplated, proposes a site plan review to construct a 14-unit apartment complex on 2.1 gross acres; and

WHEREAS, the Application, has also filed to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Neighborhood Commercial (NC) Zone to Medium Density Residential (MDR) Zone; and

WHEREAS, the subject site is vacant. The project site is bounded by Hercules Street to the north and Hesperia Road to the east, followed by the BNSF railroad tracts. The properties on the opposite sides of Hercules Street and Hesperia Road are vacant. The property to the south is built with a church. The property to the west is built with an apartment complex; and

WHEREAS, the subject property is currently within the Neighborhood Commercial (NC) Zone of the Specific Plan. The land to the north and south are within the Neighborhood Commercial (NC) zone. The land to the west is within the Medium Density Residential (MDR) Zone of the Specific Plan. The rail road tracts are to the east followed by land that is within the General Industrial (GI) Zone of the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on April 9, 2018, 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 ND-2018-01 was subsequently prepared; and

WHEREAS, on May 10, 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, on June 19, 2018, the City Council 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 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 June 19, 2018 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND-2018-01 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Site Plan Review will have a significant effect on the environment;
- (b) The City Council had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the City Council, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, without infringing on requirements. The site is approximately 2.1 gross acres and can accommodate the 14 unit multi-family development. On-site improvements required by the Hesperia Development Code can be constructed on the property including 42 parking spaces (28 spaces within garages and 14 open guest parking spaces), minimum 26-foot wide drive aisles, and landscaping. The complex also meets all of the San Bernardino County Fire Department standards for fire lanes, two-points of access, fire truck turn-around, fire department connections/post indicator valves (FDC/PIV) and fire hydrants. The proposed development complies with all state and federal regulations, including the Americans with Disabilities Act (ADA). The development is designed with an on-site underground retention/detention system to accommodate the required capacity of a 100-year storm.
- (d) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof because the proposed development is consistent with the City's Medium Density Residential (MDR) Zone District as part of the Main Street and Freeway Corridor Specific Plan. The development is designed with an on-site retention/detention system to accommodate the required capacity of a 100-year storm.
- (e) The proposed development is consistent with the goals, policies, standards and maps of the adopted Specific Plan, Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. The proposed development is permitted in the Medium Density Residential (MDR) Zone District. The development complies with standards for landscaping, driveway aisles, parking stall dimensions, building heights, fire lanes and turn-arounds, and loading areas. The development complies with Americans with Disabilities Act (ADA) by providing 1 accessible parking

space with a loading area and a 4-foot-wide path of travel to the streets, parking spaces, and recreational structures. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development must comply with the development's conditions of approval for off-site and on-site improvements required prior to grading and building construction and prior to issuance of a Certificate of Occupancy.

- (f) Granting approval of the development will not be detrimental to the public health, safety, or welfare as the development will be constructed pursuant to the California Building and Fire Codes and adopted amendments. The development complies with Americans with Disabilities Act (ADA) by providing an accessible parking space with a loading area and a 4-foot-wide path of travel to the streets, parking spaces, and all buildings.
- (g) The site for the proposed use will have adequate access based upon the site's current accessibility to Hesperia Road and Hercules Street. The City has established a Traffic Impact Mitigation Fee Program as part of the Development Impact Fee (DIF) to fund the construction of traffic improvements to maintain adequate levels of service. The developer is required to pay all applicable City development impact fees towards these improvements.
- (h) The proposed development is consistent with and promotes the goals and policies of the General Plan. The development will help bring the City into compliance with state housing mandates and the City's Housing Element.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby recommends approval of SPR17-00016 subject to the conditions of approval as shown in Attachment "A," and Mitigated Negative Declaration ND-2018-01 which is attached to the staff report for this item.

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 19th day of June 2018.

William J. Holland, Mayor

ATTEST:

Melinda Sayre, City Clerk