

# ATTACHMENT 9

## RESOLUTION NO. 2019-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A DENSITY BONUS & INCENTIVE AGREEMENT AND A SITE PLAN REVIEW TO CONSTRUCT A TWO-STORY, 50-UNIT MULTI-FAMILY DEVELOPMENT FOR SENIORS ON 2.3 GROSS ACRES LOCATED 250 FEET SOUTH OF MAIN STREET, ON THE WEST SIDE OF ELEVENTH AVENUE (DA18-00001 & SPR18-00010)**

**WHEREAS**, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

**WHEREAS**, Hickory Tree II, L.P has filed an application requesting consideration of Density Bonus Agreement DA18-00001 and Site Plan Review SPR18-00010, described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to a 2.3 gross acre site within the Low Density Residential (LDR) District of the Main Street and Freeway Corridor Specific Plan (Specific Plan), located 250 feet south of Main Street, on the west side of Eleventh Avenue and consists of Assessor's Parcel Numbers 0410-192-56 and 61; and

**WHEREAS**, Hickory Tree II, L.P has also filed an application proposing to change the zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from the Low Density Residential (LDR) Zone to High Density Residential (HDR) Zone; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 50-unit senior multi-family development, including a 4-unit density bonus and 10 low income units; and

**WHEREAS**, State Housing Law requires the City to consider such design concessions to encourage affordable housing; and

**WHEREAS**, the subject site is vacant. Two commercial buildings and a bank are located to the north of the project site. The land to south is vacant. There is a shopping center on the opposite side of Eleventh Avenue to the east. A church exists to the west; and

**WHEREAS**, the subject property is currently within the Low Density Residential (LDR) Zone of the Specific Plan. The properties to the north are within the Office Commercial (OC) Zone of the Main Street and Freeway Corridor Specific Plan. The property to the east is within the Pedestrian Commercial (PC) Zone. The properties to the south and west are within the Low Density Residential (LDR) Zone of the Specific Plan; and

**WHEREAS**, an environmental Initial Study for the proposed project was completed on December 18, 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-2018-06 was subsequently prepared; and

**WHEREAS**, on January 10, 2019, 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 this Commission during the above-referenced January 10, 2019 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND-2018-06 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Site Plan Review and Density Bonus Agreement will have a significant effect on the environment;
- (b) The Planning Commission had independently reviewed and analyzed the Mitigated Negative Declaration, and finds that it reflects the independent judgement of the Planning Commission, 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 proposed Density Bonus and Incentive Agreement will allow a 4-unit density bonus and deviation from specified development standards in exchange for creation of 10 units that will be reserved for low income households. These affordable housing units will contribute towards meeting the City's affordable housing goals as mandated by the State of California and supported by the City's General Plan Housing Element.
- (d) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (e) 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, with the exception to two development code concessions. As part of concessions, the City will accept 69 parking spaces, instead of 79 parking spaces. The City will accept a front yard setback of 15-feet, instead of a front yard setback of 25-feet. The Density Bonus Program allows deviations from standards, consistent with state law.
- (f) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances or hazards.
- (g) 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. Further, the project is

consistent with the regulations authorizing residential densities exceeding that allowed under the General Plan through the density bonus program.

- (h) The site for the proposed use will have adequate access based upon the site's current access to Eleventh Avenue.
- (i) The granting of the density bonus will not be detrimental to the public health, safety, or welfare.
- (j) The proposed Density Bonus and Incentive Agreement is consistent with and promotes the goals and policies of the General Plan, specifically Land Use Policy LU-2.3 and Housing Policy 1.2.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby recommends that the City Council approve Density Bonus Agreement DA18-00001 and Site Plan Review SPR18-00010, subject to the Conditions of Approval as shown in ATTACHMENT "A," and Negative Declaration ND-2018-06 which is attached to the staff report for this item.

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

**ADOPTED AND APPROVED** on this 10<sup>th</sup> day of January 2019.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Cecilia Alonzo, Planning Commission Secretary