

# City of Hesperia

## STAFF REPORT



**DATE:** November 5, 2019

**TO:** City Council

**FROM:** Nils Bentsen, City Manager

**BY:** Chris Borchert, Principal Planner  
Mike Blay, Assistant City Manager

**SUBJECT:** Planned Development PPD18-00001, Conditional Use Permit CUP18-00007 (Americana-Hesperia Retirement Project, LLC; APN: 0405-062-56 & 70) Resubmittal Update

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### RECOMMENDED ACTION:

It is recommended that the City Council review the applicant's proposed changes and determine if they are acceptable for approval. If the proposed changes are acceptable to the City Council, staff recommends that the City Council introduce and place on first reading Ordinance 2019-11 approving Planned Development PPD18-00001, and adopt Resolution 2019-046, approving Conditional Use Permit CUP18-00007 along with a Mitigated Negative Declaration for the development of the project.

### BACKGROUND:

The project consists of a 160-unit senior apartment complex, assisted living facility and two commercial buildings approved through a Planned Development and Conditional Use Permit. At the October 1<sup>st</sup> City Council public hearing, the City Council heard the item and voiced concerns with regard to getting the proposed project closer to meeting municipal code requirements. While a Planned Development allows some deviations from the municipal code, the Council was concerned that the project was not close enough to code compliance for approval.

Items of concern discussed at the public hearing:

- The size of the senior apartment units being below the 650 square foot minimum;
- The density of the project exceeding the 15 dwelling units per acre at 18 du/acre;
- Allowing alcohol ahead of a project; and
- The purchase of water rights for exceeding the density.

There were several other deviations that included:

- The patios were 86 square feet when 100 square feet is the minimum;
- The amount of required parking for the senior apartments was 22 spaces short; and
- Every unit is required to have a covered parking space, it was conditioned to get to 158, or 2 spaces short.

## **ISSUES/ANALYSIS:**

After the October 1<sup>st</sup> hearing, the applicant began immediately working to fix each deviation to make it comply with code requirements. The following changes have been made:

- The senior apartment units have been expanded to a minimum of 650 square feet of living area and 100 square feet of private open space.
- The Assisted Living facility has been lowered from 192 units to 128 units, which brings the overall project into compliance with the 15 dwelling units per gross acre.
- The condition has been amended to require a minimum of 160 covered parking spaces.
- Additional parking is provided on the assisted living parcel which exceeds the amount needed for the senior apartments.
- The ability to have off-site alcohol sales in one of the front commercial buildings was removed from the Planned Development document and will be requested in the future if needed.
- The reduction in units to meet the allowable density removes the need to require the purchase of water rights for the additional units.

## **CONCLUSION:**

The amended project now complies with the underlying zoning of Medium Density Residential and Neighborhood Commercial, and while there is no reason for the Planned Development at this point, the applicant has agreed to keep it. Several benefits for the City include the commercial entry landscaping is above what is required, the amenities and landscaping amounts of the assisted living and senior apartments are well above requirements; and the Planned Development document prohibits uses such as automotive repair, liquor & small scale convenience stores, nightclubs and tattoo parlors that could possibly be allowed through the base zoning.

## **FISCAL IMPACT:**

None.

## **ATTACHMENTS:**

1. Revised floor plan and page 3 of Conditions of Approval
2. City Council Staff Report from 10-1-2019 Meeting
3. Ordinance No. 2019-11
4. Planned Development PPD18-00001 document
5. Resolution No. 2019-046
6. Attachment A - List of Conditions
7. Planning Commission Staff Report
8. Planning Commission Minutes
9. Negative Declaration and Initial Study