

## **RESOLUTION NO. 2019-046**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 2-STORY, 160-UNIT SENIOR APARTMENT DEVELOPMENT, A 2-STORY, 192-UNIT SENIOR ASSISTED LIVING FACILITY INCLUDING KITCHEN AND DINING FACILITIES WITH THE SALE OF BEER AND WINE, AND TWO COMMERCIAL RETAIL BUILDINGS OF APPROXIMATELY 28,000 SQUARE FEET ON 21.5 GROSS ACRES LOCATED ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT (CUP18-00007)**

**WHEREAS**, Americana-Hesperia Retirement Project, LLC has filed an application requesting approval of CUP18-00007 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to 21.5 gross acres which the western portion is currently PPD15-00001 and the eastern portion is within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct and consists of Assessor's Parcel Number 0405-062-56 & 70; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 2-story, 160-unit senior apartment development, a 2-story, 192-unit senior assisted living facility including kitchen and dining facilities with the sale of beer and wine, and approximately 28,000 square feet in two commercial buildings with on-site and off-site alcohol sales allowed, in six phases; and

**WHEREAS**, Americana-Hesperia Retirement Project, LLC has also filed an application requesting approval of Planned Development PPD18-00001, which will replace the existing zoning to provide specific development standards allowing this unique mix of senior uses at the proposed intensity/density of development; and

**WHEREAS**, the subject property as well as the properties to the north and east, are currently vacant. A restaurant and a multi-tenant retail building exist to the south and a commercial mini-storage exists to the west; and

**WHEREAS**, approximately 10 acres of the subject property is currently within the Medium Density Residential (MDR) Zone of the Specific Plan. The properties to the north and east are within the Low Density Residential (LDR) and the properties to the south are within the Regional Commercial (RC) Zone of the Specific Plan; and

**WHEREAS**, the review period for the environmental Initial Study for the proposed project was completed on March 20, 2019, 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 ND18-02 was subsequently prepared; and

**WHEREAS**, on July 11, 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, the unanimous approval to recommend to the City Council the adoption and approval of both cases; and

**WHEREAS**, on November 5, 2019, 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 November 5, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND18-02 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed General Plan Amendment will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the 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 project subject to approval of the regulations within Planned Development PPD18-00001 and Conditional Use Permit CUP18-00007. The proposed assisted living facility as well as the sale of alcoholic beverages are allowed, pursuant to PPD18-00001. This conditional use permit also allows the 2-story, 160-unit senior apartment development, uses including kitchen and dining facilities. The use would not impair the integrity and character of the surrounding neighborhood, and is consistent with the Planned Development as well as the Main Street and Freeway Corridor Specific Plan. The sale of alcoholic beverages associated with the dining area is restricted to the sale of beer and wine for on-site consumption for the seniors who stay within the apartments or assisted living unit or friends and family of those. Additionally, a restaurant in one of the commercial buildings would also be allowed to have alcohol sales, as well as a drug or grocery store, not including small scale convenience stores, would be allowed to sell beer, wine and liquor for off-site consumption. This project will meet all regulations of Planned Development PPD18-00001, which is consistent with the objectives of the General Plan and the Specific Plan.
- (d) The proposed conditional use permit is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia with approval of PPD18-00001. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of

travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments as well.

- (e) The site for the proposed use will have adequate access based upon its access from Fuente Avenue, La Rosa Street and Main Street. There are also adequate provisions for sanitation, water and public utilities and general services to ensure the public convenience, health, safety and general welfare. The residential and nonresidential buildings will have adequate infrastructure to operate with the extension of La Rosa Street and Fuente Avenue to Main Street and an approximately 1,350 foot extension of sewer line to connect with the existing sewer line to the north.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves Conditional Use Permit CUP18-00007 subject to the conditions of approval as shown in Attachment "A" and Negative Declaration ND18-02, which is attached to the staff report for this item.

Section 4. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**ADOPTED AND APPROVED** this 5<sup>th</sup> day of November 2019.

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Larry Bird, Mayor

ATTEST:

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Melinda Sayre  
City Clerk