

ATTACHMENT 8

RESOLUTION NO. PC-2020-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, ALLOWING A MAXIMUM FLOOR AREA RATIO OF 0.37 INSTEAD OF THE 0.35 LIMITATION IN CONJUNCTION WITH SITE PLAN REVIEW SPR19-00015 (VAR20-00001)

WHEREAS, 395 LLC has filed an application requesting approval of Variance VAR20-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 9.4 gross acres located on the southeast corner of Highway 395 and Poplar Street and consists of Assessor's Parcel Number 3064-591-01 & 03; and

WHEREAS, the Application, as contemplated, proposes to allow a maximum floor area ratio of 0.37 instead of the 0.35 limitation; and

WHEREAS, the applicant has also filed an application requesting approval of a Site Plan Review (SPR19-00015), to construct a 123,132 square foot manufacturing building, a 19,600 square foot storage building, and an 8,865 square foot administrative office building; and

WHEREAS, the 9.6 acre site is vacant, existing light industrial uses are adjacent to the east and to the south, vacant land is located to the north and west of the site; and

WHEREAS, the subject property as well as the surrounding properties are within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

WHEREAS, an environmental Initial Study for the proposed project was circulated to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period from February 10, 2020 through March 11, 2020 and was re-circulated for another 30-day public review period from May 12, 2020 through June 11, 2020;

WHEREAS, the environmental Initial Study for the proposed project 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 ND19-00006 was subsequently prepared; and

WHEREAS, during the 30-day public review period from February 10, 2020 through March 11, 2020 comment letters were received from two State agencies (the Department of Water Resources and the Department of Fish and Wildlife), and the San Manuel Band of Mission Indians; and

WHEREAS, during the subsequent 30-day public review from May 12, 2020 through June 11, 2020 one comment letter was received from Lozeau Drury, LLP on behalf of "Supporters Alliance for Environmental Responsibility"; and

WHEREAS, on August 13, 2020, the Planning Commission of the City of Hesperia conducted a 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 August 13, 2020 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the 0.35 floor area ratio limitation would restrict the developable area of the site which creates an extraordinary circumstance that would not generally apply to other properties in the future. A City initiated Specific Plan Amendment is already being processed that will among other things, increase the maximum allowable floor area in this zone from 0.35 to 0.50. The Specific Plan Amendment was presented to the Planning Commission at the July 9, 2020 meeting and it was forwarded to the City Council with a recommendation for approval.
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone. As proposed, the project proposes a total building area of 151,597 square feet and a floor ratio of 0.37. The proposed variance would allow for a 2% increase in the maximum floor area ratio and an additional 8,821 square feet of gross floor area. The additional 8,821 square feet of floor area has been incorporated into a proposed storage building which would not generate any additional employees, traffic, or increase the intensity of the proposed development. As such, there are exceptional circumstances as it relates to the additional 8,821 square feet of floor area because it will not increase the development intensity that is otherwise being proposed.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges that could be enjoyed by the owners of other properties in the same designation in the future because the development standards which regulate the maximum allowable floor area are anticipated to increase from 0.35 to 0.50 if the Council were to approve a City initiated Specific Plan Amendment. The Specific Plan Amendment was presented to the Planning Commission at the July 9, 2020 meeting and it was forwarded to the City Council with a recommendation for approval.
- (d) The granting of the Variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because there have been other industrial developments that were subject to the same floor area ratio limitation requirements that were granted similar requests.
- (e) The granting of the Variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, because the proposed variance would allow for a 2% increase in the maximum floor area ratio and an

additional 8,821 square feet of gross floor area that has been incorporated into a proposed storage building. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties because the additional 8,821 square feet of floor area would not generate any additional employees, traffic, or increase the intensity of the proposed development. Furthermore, the facility is required to comply with the remainder of the Main Street and Freeway Corridor Specific Plan and all of the California Building Code regulations.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR20-00001, subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 13th day of August 2020.

Cody Leis, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission