

ORDINANCE NO. 2019-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, TO ADOPT A PLANNED DEVELOPMENT WHICH CREATES DEVELOPMENT STANDARDS FOR SENIOR APARTMENTS, ASSISTED LIVING AND TWO COMMERCIAL BUILDINGS IMPLEMENTED THROUGH CONDITIONAL USE PERMIT CUP18-00007 AND AMENDING THE OFFICIAL GENERAL PLAN AND ZONING MAP BY RECLASSIFYING CERTAIN REAL PROPERTY HEREIN DESCRIBED WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN FROM PPD15-00001 AND MEDIUM DENSITY RESIDENTIAL (MDR) ZONES TO PLANNED DEVELOPMENT PPD18-00001 ON 21.5 GROSS ACRES LOCATED ON THE NORTH SIDE OF MAIN STREET, APPROXIMATELY 250 FEET EAST OF THE CALIFORNIA AQUEDUCT (PPD18-00001)

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, Americana-Hesperia Retirement Project, LLC has filed an application requesting approval of Planned Development PPD18-00001, to create senior-oriented development standards implemented through Conditional Use Permit CUP18-00007 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 21.5 gross acres within PPD15-00001 and Medium Density Residential (MDR) Zones 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 change the General Plan Land Use designation and zoning of the subject property within the Main Street and Freeway Corridor Specific Plan (Specific Plan) from PPD15-00001 and Medium Density Residential (MDR) Zone to Planned Development PPD18-00001. This Planned Development will create senior-oriented development standards implemented through Conditional Use Permit CUP18-00007; and

WHEREAS, Americana-Hesperia Retirement Project, LLC has also filed applications requesting approval of Conditional Use Permit CUP18-00007 in conjunction with Tentative Parcel Map TPMN18-00002 (PM-19940), to create four parcels, to construct a 2-story, 160-senior apartment development, a 2-story, 192-unit senior assisted living facility including kitchen and dining facilities with the sale of beer and wine, along with two commercial buildings of 13,462 square feet and 14,820 square feet in six phases; 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, the western half of the subject property is currently Planned Development PPD15-00001 and the eastern portion is in the Medium Density Residential (MDR) Zone of the Main Street & Freeway Corridor Specific Plan. The properties to the west are also zoned MDR, however, the Extra Space storage facility is the adjacent property. 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, an environmental Initial Study for the proposed project was completed and the review period closed on March 20, 2019 with no agencies commenting. It determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. A Mitigated Negative Declaration was subsequently prepared and is included and a part of the approvals; 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, recommending approval of both PPD18-00001 and CUP18-00007 to the City Council; and

WHEREAS, on October 1, 2019, the City Council of the City of Hesperia conducted a hearing on the Application and recommended that the applicant get the project closer to meeting municipal code requirements in the areas of living spaces and parking and continued said hearing to the November 5, 2019 date; and

WHEREAS, on November 5, 2019, the City Council of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance 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) The City Council has independently reviewed and analyzed the Mitigated Negative Declaration ND18-00002 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.
- (b) The site of the proposed Planned Development is adequate in size and shape to accommodate the land uses permitted within the proposed Planned Development, because the land uses can meet the standards for setbacks, parking, circulation, and access within the proposed Zone District.
- (c) The applicant has modified the request to comply with required

parking space number, ; the covered parking space requirement; the minimum livable square footage of 650 square feet for one bedroom units; the 100 square feet of open space patios; and will meet the maximum of 15 dwelling units per gross acre found in the Medium Density Residential district. The benefits of the project include: quality architecture, materials & design; numerous amenities in the apartment common area including a clubhouse, pool, shuffleboard and garden areas; mixed uses with apartment tenants able to use dining and activity areas in the assisted living facility and easily access commercial as well, adds to quality of life; garages add security and peace of mind for tenants; abundance of open space and landscaped areas also adds aesthetic quality; increased property taxes; and a potential to spur additional development in the area.

- (d) The improvements required to build the development contained in the conditions of approval adequately address the natural and manmade hazards associated with development of the site.
- (e) The proposed Planned Development will not have a significant adverse impact on surrounding properties or the community in general, because the project will be subject to policies governing design and the mitigation measures.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia, with approval of this Planned Development.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby approves Planned Development PPD18-00001, amending the Official General Plan and Zoning Map of the City of Hesperia and rescinding PPD15-00001; and approving the Mitigated Negative Declaration (ND18-02) which is attached to the staff report for this item; and establishing the Planned Development standards shown in the PPD 18-00001 document.

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

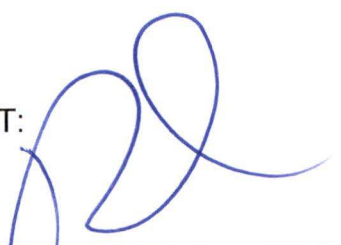
Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 19th day of November 2019.



Larry Bird, Mayor

ATTEST:



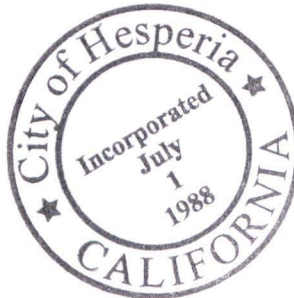
Melinda Sayre
City Clerk

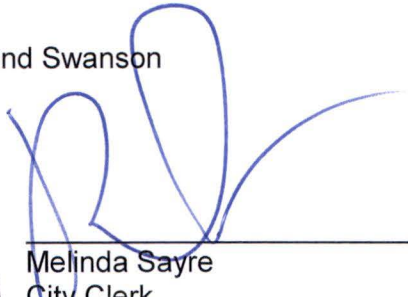
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
CITY OF HESPERIA

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I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2019-11 was introduced at a Regular Meeting of the City of Hesperia City Council held on the 5th day of November, 2019 by the following vote to wit:

AYES: Bird, Gregg, Holland, Bennington and Swanson
NOES: None
ABSTAIN: None
ABSENT: None





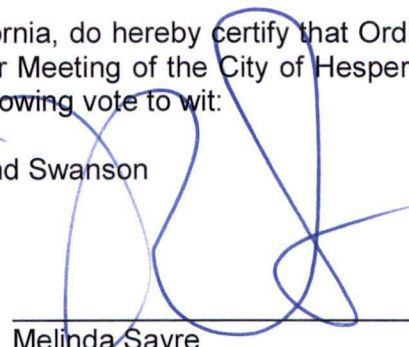
Melinda Sayre
City Clerk

Seal

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2019-11 was duly and regularly adopted at a Regular Meeting of the City of Hesperia City Council held on the 19th day of November, 2019 by the following vote to wit:

AYES: Bird, Gregg, Holland, Bennington and Swanson
NOES: None
ABSTAIN: None
ABSENT: None



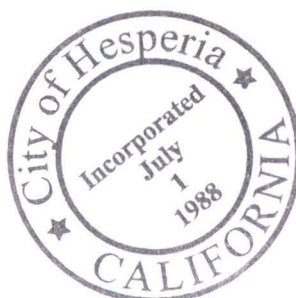


Melinda Sayre
City Clerk

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I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2019-11 is a full, true and correct copy of that now in file in this office.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this _____ day of _____.



Melinda Sayre
City Clerk

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