

# PLANNING COMMISSION

## ***REGULAR MEETING***

**Date: October 8, 2020**

**Time: 6:30 P.M.**

### **COMMISSION MEMBERS**

Cody Leis, Chair

Rusty Caldwell, Vice Chair

Dale Burke, Commissioner

Roger Abreo, Commissioner

Sophie Steeno, Commissioner

\* - \* - \* - \* - \* - \*

Chris Borchert, Principal Planner

Braden Holly, Assistant City Attorney



## **CITY OF HESPERIA**

**9700 Seventh Avenue**

**Council Chambers**

**Hesperia, CA 92345**

**City Offices: (760) 947-1000**

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may

contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1224. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the

Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

**\*See reverse for details on public meeting guidelines  
during the COVID-19 (Coronavirus) Pandemic**

## Remote Access to City of Hesperia Planning Commission Meeting:

In accordance with new community guidelines from local, state and federal public health agencies, the City of Hesperia will allow for remote participation at Planning Commission meetings. The public will not be permitted to attend the meetings within the council chambers, but may submit written comments to be read by staff.

As always, the public may view the Planning Commission meetings live on the City of Hesperia's website at [www.cityofhesperia.us](http://www.cityofhesperia.us).

## Remote Public Comment:

During the upcoming Planning Commission meeting public comment will be accepted via email. If you would like to comment remotely, please follow the protocols below:

- Send comments via email to [ebaum@cityofhesperia.us](mailto:ebaum@cityofhesperia.us)
- Identify the item you wish to comment on in your email's subject line. Emailed comments will only be accepted for Consent Calendar/New Business/ Public Hearing items. Emailed comments will not be accepted for non-agendized general public comment items.
- Emailed comments on each Consent Calendar/New Business/ Public Hearing item will be accepted after the start of the meeting, but before the Chair announces that public comment for that item is closed.
- Each emailed comment will be read aloud by a member of staff for up to three minutes.

Emails received by [ebaum@cityofhesperia.us](mailto:ebaum@cityofhesperia.us) outside of the comment period outlined above will not be included in the record.



**NOTE:** In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1056. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

**AGENDA**  
**HESPERIA PLANNING COMMISSION**  
**9700 Seventh Ave., Council Chambers, Hesperia, CA 92345**

**As a courtesy, please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.**

*Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.*

**CALL TO ORDER - 6:30 PM**

- A. Pledge of Allegiance to the Flag**
- B. Invocation**
- C. Roll Call**

*Chair Cody Leis  
Vice Chair Rusty Caldwell  
Commissioner Roger Abreo  
Commissioner Dale Burke  
Commissioner Sophie Steeno*

**JOINT PUBLIC COMMENTS**

*Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name for the record before making your presentation. This request is optional, but very helpful for the follow-up process.*

*Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.*

**CONSENT CALENDAR**

Page 5                      Consideration of the September 10, 2020 Planning Commission Draft Meeting Minutes

**Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting held on September 10, 2020

**Staff Person:**      Administrative Secretary Erin Baum

**Attachments:**      091020 MINUTES.pdf

**PUBLIC HEARINGS**

2. Page 9

operator to allow the Permittee to construct a gas station with 6 fuel dispensers, a 2,070 square foot drive-thru restaurant, and a 3,493 square foot convenience store that will include the off-site sale of beer, wine and liquor on 2.7 gross acres within the General Commercial (C2) zone located on the southeast corner of Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-11 and PC-2020-12, recommending that the City Council approve CUP19-00009 and TPM20-00003

**Staff Person:** Senior Planner Ryan Leonard

**Attachments:** [Staff Report](#)

[Attachment 1 - Site Plan](#)

[Attachment 2 - Parcel Map](#)

[Attachment 3 - General Plan Map](#)

[Attachment 4 - Aerial photo](#)

[Attachment 5 - Color elevations](#)

[Attachment 6 - Census tract](#)

[Attachment 7- Resolution No. PC-2020-11](#)

[Exhibit A- Conditions of Approval for Resolution No. PC-2020-11](#)

[Attachment 8 - Resolution No. PC-2020-12](#)

[Exhibit A-Conditions of Approval for Resolution No. PC-2020-12](#)

. Page 37

Consideration of Site Plan Review SPR19-00011 to construct a 2,251 square foot drive-thru restaurant in conjunction with Variance VAR20-00002 to allow for a reduction in the minimum required width of the drive-thru aisle as well as a reduction in landscape coverage on 1.9 gross acres within the Service Commercial (C3) zone located on the southwest corner Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APN: 0399-132-01, 04, 28, & 30)

**Recommended Action:**

It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-13 and PC-2020-14, approving Site Plan Review SPR19-00011 and Variance VAR20-00002.

**Staff Person:** Senior Planner Ryan Leonard

**Attachments:**   [Staff Report](#)  
[Attachment 1 - Site Plan](#)  
[Attachment 2 - General Plan Map](#)  
[Attachment 3 - Aerial photo](#)  
[Attachment 4 - Color elevations](#)  
[Attachment 5- Resolution No. PC-2020-13](#)  
[Exhibit A-Conditions of Approval](#)  
[Attachment 6-Resolution No. PC-2020-14](#)

### **PRINCIPAL PLANNER'S REPORT**

*The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.*

### **PLANNING COMMISSION COMMENTS**

*The Commission Members may make comments of general interest to the City.*

### **ADJOURNMENT**

*I, Erin Baum, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, October 1, 2020 at 5:30 p.m. pursuant to California Government Code §54954.2.*



Erin Baum,  
Planning Commission Secretary

**THIS PAGE INTENTIONALLY LEFT BLANK**



# City of Hesperia

## Meeting Minutes

### Planning Commission

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

---

Thursday September 10, 2020

6:30 PM

---

#### **CALL TO ORDER - 6:32 PM**

A. Pledge of Allegiance to the Flag

B. Invocation

C. Roll Call

**Present** 3 - Commissioner Abreo, Commissioner Burke, and Commissioner Steeno

**Absent** 2 - Vice Chair Caldwell, and Chair Leis

#### **JOINT PUBLIC COMMENTS**

Public Comments were opened at 6:34

There were no public comments

Public Comments were closed at 6:34

#### **CONSENT CALENDAR**

1. Consideration of the August 13, 2020 Planning Commission Draft Meeting Minutes

##### **Recommended Action:**

It is recommended that the Planning Commission approve the Draft Minutes from the regular meeting held on August 13, 2020.

**Sponsors:** Planning Commission Secretary Erin Baum

**A motion was made by Commissioner Burke, seconded by Commissioner Abreo, that this item be approved. The motion carried by the following vote:**

**Aye:** 3 - Abreo, Burke and Steeno

**Nay:** 0

**Absent:** 2 - Caldwell and Leis

## **PUBLIC HEARINGS**

2. Consideration of Conditional Use Permit CUP19-00009 to construct a gas station with 6 fuel dispensers, a 2,070 square foot drive-thru restaurant, and a 3,493 square foot convenience store that will include the off-site sale of beer, wine and liquor on 2.7 gross acres within the General Commercial (C2) zone located on the southeast corner of Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30)

### **Recommended Action:**

It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-11 and PC-2020-12, recommending that the City Council approve CUP19-00009 and TPM20-00003

**Sponsors:** Senior Planner Ryan Leonard

***This item will be postponed until the next meeting on September 10, 2020 for a lack of quorum on the item.***

3. Consideration of Site Plan Review SPR19-00011 to construct a 2,251 square foot drive-thru restaurant in conjunction with Variance VAR20-00002 to allow for a reduction in the minimum required width of the drive-thru aisle as well as a reduction in landscape coverage on 1.9 gross acres within the Service Commercial (C3) zone located on the southwest corner Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APN: 0399-132-01, 04, 28, & 30)

### **Recommended Action:**

[It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-13 and PC-2020-14, approving Site Plan Review SPR19-00011 and Variance VAR20-00002.

**Sponsors:** Senior Planner Ryan Leonard

***This item will be postponed until the next meeting on September 10, 2020 for a lack of quorum on the item.***

## **NEW BUSINESS**

4. Appeal of Administrative Citation ADM-1965

### **Recommended Action:**

It is recommended that the Planning Commission consider the following narrative regarding the appeal of Administrative Citation ADM-1965 and uphold the citation.

**Sponsors:** Code Enforcement Officer Mark Lockwood and Code Enforcement Supervisor Theresa Mauger

Sr. Code Enforcement Officer Jeremy Jackson gave a short presentation on the appeal



**A motion was made by Commissioner Abreo, seconded by Commissioner Burke, that the citation be upheld. The motion carried by the following vote:**

**Aye:** 3 - Abreo, Burke and Steeno

**Nay:** 0

**Absent:** 2 - Caldwell and Leis

### **PLANNING COMMISSION COMMENTS**

Commissioners commented on various items.

### **ADJOURNMENT**

The meeting was adjourned at 6:52 until the next regular meeting on October 8, 2020.

---

*Erin Baum,  
Planning Commission Secretary*

---

*Cody Leis,  
Chair*

**THIS PAGE INTENTIONALLY LEFT BLANK**

# City of Hesperia

## STAFF REPORT



**DATE:** September 10, 2020  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP19-00009 and Tentative Parcel Map TPM20-00003;  
Applicant: Poche Partners, LLC.; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30

---

### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-11 and PC-2020-12, recommending that the City Council approve CUP19-00009 and TPM20-00003.

### BACKGROUND

**Proposal:** A Conditional Use Permit (CUP) has been filed to construct a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,070 square foot drive-thru restaurant attached to the convenience store, and a 4,620 square foot fueling station with 6 fuel islands on 2.7 gross acres (Attachment 1). A tentative parcel map has also been filed that will create 2 parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way (Attachment 2).

**Location:** On the southeast corner of Bear Valley Road and I Avenue.

**Current General Plan, Zoning and Land Uses:** The site is within the General Commercial (C2) zone. The surrounding land is designated as noted on Attachment 3. The property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of a gas station and drive-thru restaurant. The property to the west on the opposite side of I Avenue is vacant but it is being planned to be developed as a drive-thru restaurant by the applicant (under separate application). The property to the east consists of commercial uses and single family residences exist to the south (Attachment 4).

### ISSUES/ANALYSIS

**Conditional Use Permit:** The Development Code requires approval of a CUP for the sale of alcoholic beverages. In addition, the City Council adopted Ordinance No. 2017-08 on October 3, 2017 which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action. Such establishments must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan.

The proposed CUP consists of the development of a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (Type 21 License). The proposal is located at the intersection of Bear Valley Road and I Ave. According to the City's General Plan Circulation Element, Bear Valley Road is designated as a Special Street Section

with a 128-foot-wide ultimate right-of-way and I Ave is designated as an Arterial street with a 120-foot-wide ultimate right-of-way.

**Conformance with Development Standards:** The proposed development complies with standard development regulations, including the minimum building setback/height regulations, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 35 parking spaces, based upon 4 spaces per 1,000 square feet of gross floor area for the convenience store and 10 spaces per 1,000 square foot of gross floor area for the fast food restaurant. As proposed the project provides 45 parking spaces.

**Building Design:** The design complies with the architectural guidelines of the Development Code. The front façade of the building incorporates a combination of faux wood siding, metal panel accent walls and decorative block. The building also incorporates changes in wall and roof planes, and includes other architectural features such as steel awnings, and vibrant accent colors (Attachment 5). The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the developed site; the project provides 17,967 square feet (26%) of total landscape coverage.

**Alcohol Sales:** The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). The Development Code requires approval of a CUP for the sale of alcoholic beverages. Table 1 identifies three active off-sale alcoholic beverage licenses within Census Tract 100.12 (Attachment 6). ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of CUP19-00009 will exceed the limitation of 3 licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 7).

**Table 1: Existing Off-Sale Licenses in Census Tract 100.12**

Status	Business Name	Business Address	Type of License
Active	D&J Liquor	18361 Bear Valley Rd	21-Beer, Wine, and Liquor
Active	Valero Shop N Go	11254 I Ave	21-Beer, Wine, and Liquor
Active	Aldi	18667 Bear Valley Rd	20-Beer and Wine

In determining whether to approve an additional license in an over concentrated tract the Planning Commission may consider the following circumstances. First, when comparing the 3 existing business in this census tract the Aldi grocery store is notable because it is larger than 12,000 square feet and not subject to the requirements of Ordinance No. 2017-08. As such, it didn't require City Council approval and was not required to be located within 500 feet of an intersection of two arterial streets. Therefore, within this census tract there are only two establishments that are similar in size and scale to the proposed project.

Another item to consider is the proximity of other similar establishments within the same census tract. The first establishment is the D&J Liquor store which is located approximately 2,816 feet (0.52 miles) to the east of the proposed project along Bear Valley Road. The second establishment is the Valero Gas station which is located approximately 5,739 feet to the south (1.1 miles) along I Avenue.

The Commission may also consider the number of off-sale alcohol licenses along Bear Valley Road, specifically along a 2-mile stretch from Hesperia Road to the eastern City boundary. Along this section of Bear Valley Road there are 3 existing off-sale alcohol licenses located within City limits. Two of the establishments are within Census Tract 100.12 and are shown in

Table 1 above. The next nearest off-sale alcohol license is the Walgreens Pharmacy located at the intersection of Bear Valley Road and Hesperia Road, approximately 1 mile to the west of the project. Therefore, within this section of Bear Valley Road there does not appear to be a high concentration of off-sale alcohol establishments.

Lastly, another factor to consider would be traffic. According to the 2010 General Plan Update, the stretch of Bear Valley Road between I Avenue and Peach Avenue experiences an average daily traffic count of 56,377 vehicles per day. For comparison, the 2010 General Plan Update analyzed 51 key intersections in the City. Of those 51 intersections, there are only 3 locations that experience higher traffic volumes than the Bear Valley Road and I Avenue intersection.

**Tentative Parcel Map:** The parcel map will create two parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way. An approximately 1.4-acre parcel is proposed at the southeast corner of Bear Valley and I Avenue, and a 0.73-acre parcel is proposed at the southwest corner. With regard to the 0.73-acre parcel, the project applicant is proposing a separate development which is being processed under a different application. The tentative parcel map is consistent with the site design and is in accordance with the Development Code and the Subdivision Map Act.

**Drainage:** Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is proposed to store the necessary volume. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

**Water and Sewer:** The development will be connected to the existing 12-inch water line in Bear Valley Road. There is no City sewer available. The project will construct an on-site septic waste system.

**Environmental:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

**Conclusion:** On March 3, 2020 the Planning Commission and City Council held a joint workshop to discuss the number of alcohol establishments in the City. Although there were varying opinions, including that Main Street as a whole is over concentrated with alcohol outlets, there was not a clear consensus if additional alcohol establishments should be approved in other parts of the City. It is requested that the Planning Commission review the findings of facts in Resolution PC-2020-11, and determine if the CUP should be approved.

## **FISCAL IMPACT**

None.

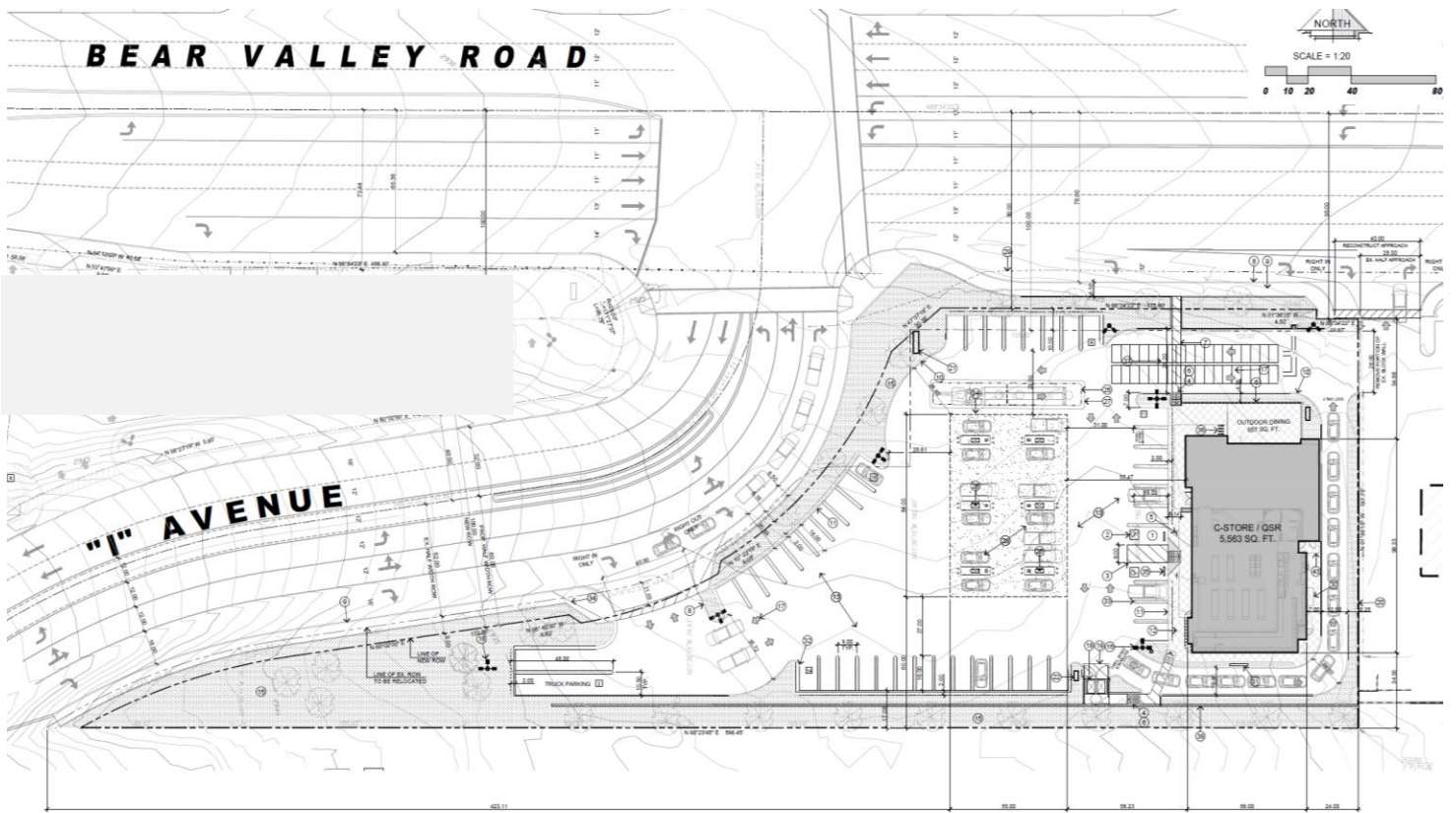
## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

**ATTACHMENT(S)**

1. Site Plan
2. Tentative Parcel Map
3. General Plan
4. Aerial photo
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2020-11, with list of conditions (CUP)
8. Resolution No. PC-2020-12 (TPM)

# ATTACHMENT 1



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** CUP19-00009 & TPM20-00003

**LOCATION:** SOUTHEAST CORNER OF BEAR VALLEY RD & I AVE

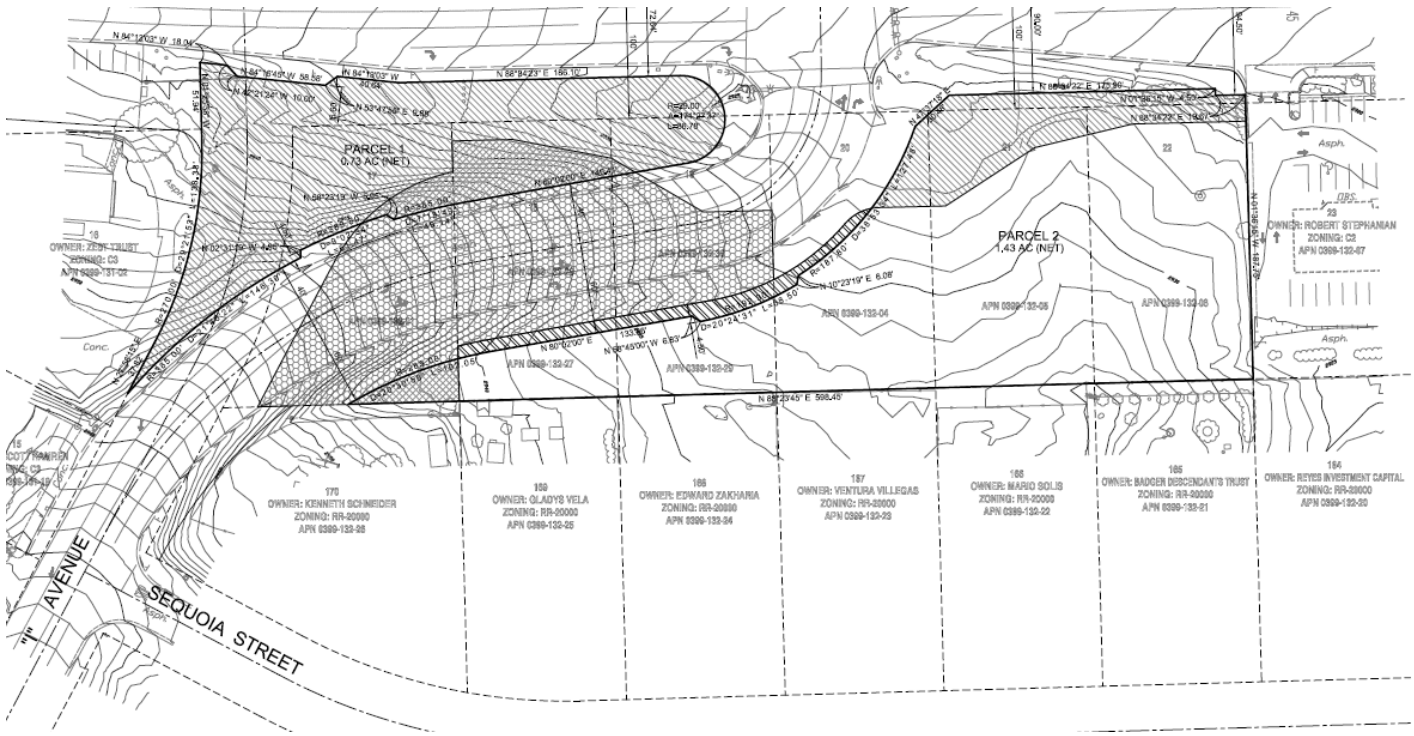
**APN(S):** 0399-132-01, 04, 05, 06, 27, 28, 29, & 30

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP19-00009 TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH TENTATIVE PARCEL MAP TPM20-00003 (NO. 20252) TO CREATE 2 PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE



## SITE PLAN

# ATTACHMENT 2



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** CUP19-00009 & TPM20-00003

**LOCATION:** SOUTHEAST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):** 0399-132-01, 04, 05, 06, 27, 28, 29, & 30

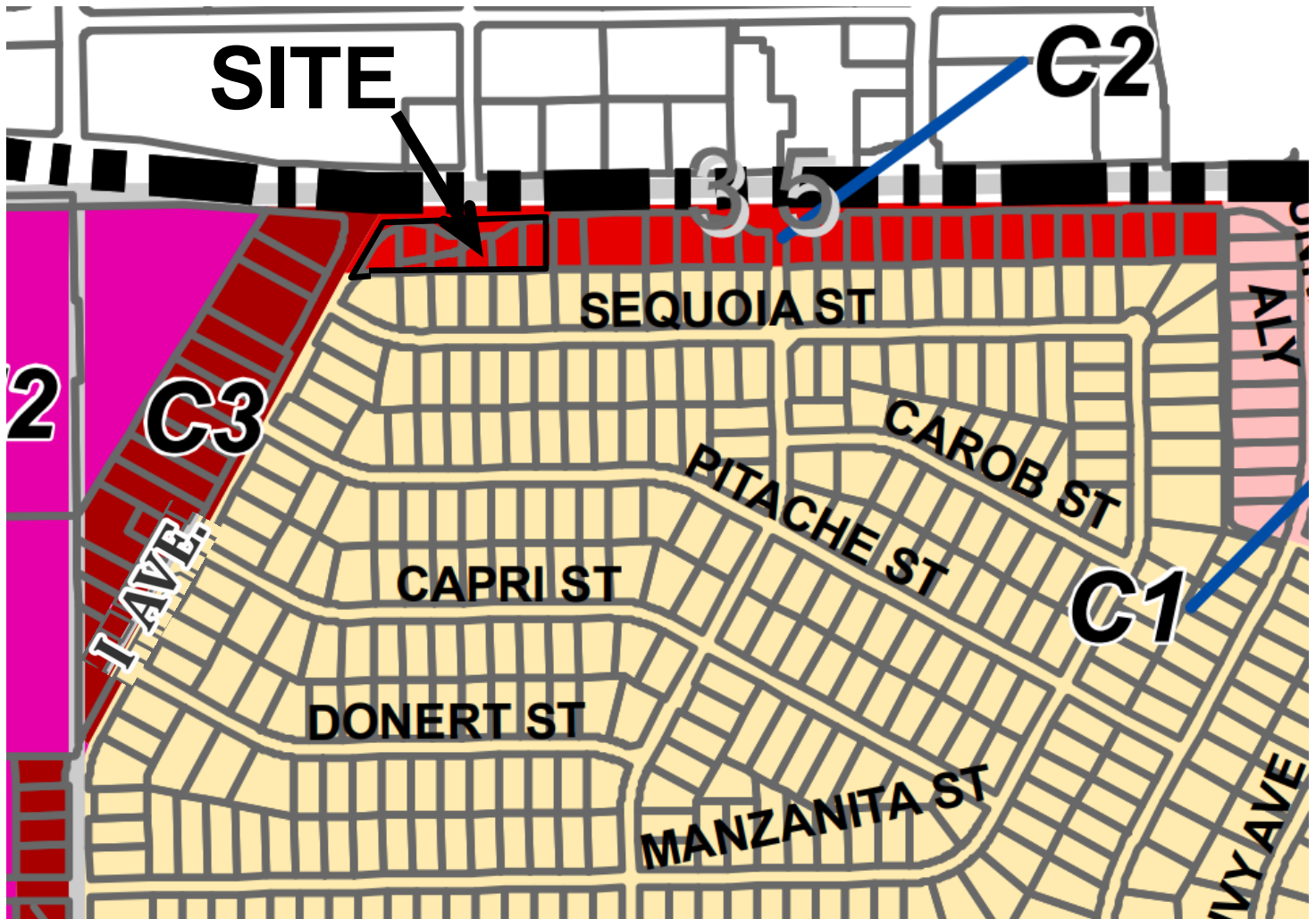
**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP19-00009 TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH TENTATIVE PARCEL MAP TPM20-00003 (NO. 20252) TO CREATE 2 PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE



## Tentative Parcel Map No. 20252



# ATTACHMENT 3



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** CUP19-00009 & TPM20-00003

**LOCATION:** SOUTHEAST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 05,  
06, 27, 28, 29, & 30

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP19-00009 TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH TENTATIVE PARCEL MAP TPM20-00003 (NO. 20252) TO CREATE 2 PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE



## GENERAL PLAN MAP

# ATTACHMENT 4



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** CUP19-00009 & TPM20-00003

**LOCATION:** SOUTHEAST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 05,  
06, 27, 28, 29, & 30

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP19-00009 TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH TENTATIVE PARCEL MAP TPM20-00003 (NO. 20252) TO CREATE 2 PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE



**AERIAL PHOTO**



# ATTACHMENT 5



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** CUP19-00009 & TPM20-00003

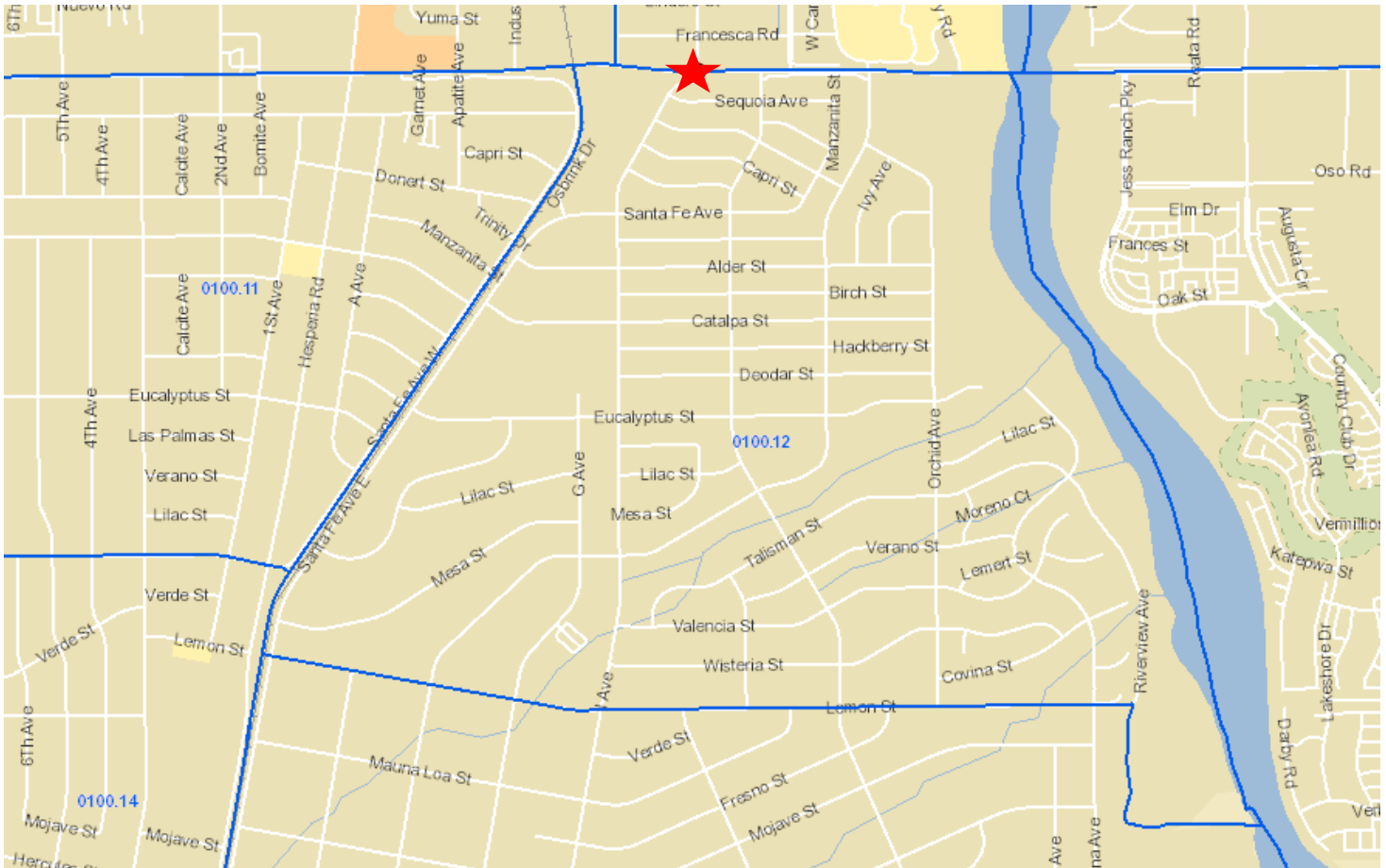
**LOCATION:** SOUTHEAST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 05,  
06, 27, 28, 29, & 30

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP19-00009 TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH TENTATIVE PARCEL MAP TPM20-00003 (NO. 20252) TO CREATE 2 PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE

## COLOR ELEVATION

# ATTACHMENT 6



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** CUP19-00009 & TPM20-00003

**LOCATION:** SOUTHEAST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 05,  
06, 27, 28, 29, & 30

**PROPOSAL:** CONSIDERATION OF CONDITIONAL USE PERMIT CUP19-00009 TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR IN CONJUNCTION WITH TENTATIVE PARCEL MAP TPM20-00003 (NO. 20252) TO CREATE 2 PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE



## CENSUS TRACT MAP

# ATTACHMENT 7

## RESOLUTION NO. PC-2020-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, ON APPROXIMATELY 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE LOCATED ON THE SOUTHEAST CORNER OF BEAR VALLEY ROAD AND I AVENUE (CUP19-00009)**

**WHEREAS**, Poche Partners, LLC. has filed an application requesting approval of CUP19-00009 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 2.7 gross acres located on the southeast corner of Bear Valley Road and I Avenue and consists of Assessor's Parcel Numbers 0399-132-01, 04, 05, 06, 27, 28, 29, & 30; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,070 square foot drive-thru restaurant attached to the convenience store, and a 4,620 square foot fueling station with 6 fuel islands; and

**WHEREAS**, the applicant has also filed an application requesting approval of tentative parcel map TPM20-00003 (PM-20252), to create 2 parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way; and

**WHEREAS**, the 2.7 gross acre site is currently vacant; the property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of a gas station and drive-thru restaurant, the property to the west on the opposite side of I Avenue is vacant, the property to the east consists of commercial uses and the properties to the south consist of single family residences; and

**WHEREAS**, the subject property as well as the properties to the east are currently within the General Commercial (C2) zone. The properties to the west are within the Service Commercial (C3) zone. The properties to the south are zoned Rural Residential (RR-20,000) and the properties to the north are outside the City limits; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

**WHEREAS**, on September 10, 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 September 10, 2020 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 2.7 gross acres and can accommodate a 3,493 square foot convenience store, 2,070 square foot drive-thru restaurant and a 4,620 square foot fueling station with 6 fuel islands and 45 parking spaces. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. 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 subsequent adopted amendments.
- (b) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the General Commercial (C2) zone, with approval of this Conditional Use Permit. The project is also designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also meets all of the development standards of the C2 zone. In addition, the proposed convenience store is not anticipated to generate substantial amounts of noise, and the site is designed with a 6-foot high block wall along the southern property line separating the proposed commercial use from the adjacent residential properties. Furthermore, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (c) The proposed sale of beer, wine and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan and Development Code. The sale of alcoholic beverages at this location supports the public convenience and necessity and is consistent with the allowable uses within the C2 zone with approval of a Conditional Use Permit.
- (d) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the C2 zone. A gas station, convenience store, and drive-thru restaurant are allowable uses, and the sale of alcoholic beverages is allowed with approval of a Conditional Use permit.
- (e) The site for the proposed use will have adequate access based upon its frontage along Bear Valley Road and I Avenue. There are also general services for sanitation, water and public utilities to

ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.

- (f) The overconcentration of the census tract is not a negative factor because there are no similar establishments in close proximity to the proposed project that are within the same census tract. The closest such establishment is located approximately 2,816 feet (0.52 miles) to the east of the proposed project.
- (g) The number of off-sale alcohol licenses along Bear Valley Road, specifically along a 2-mile stretch from Hesperia Road to the eastern City boundary is not heavily concentrated with alcohol establishments. Along this section of Bear Valley Road there are 3 existing off-sale alcohol licenses located within City limits. Two of those establishments consist of a Walgreens Pharmacy and an Aldi Grocery store, neither of which are similar in size and scale to the proposed project.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP19-00009, 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 8<sup>th</sup> day of October 2020.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Erin Baum, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for CUP19-00009**

**Approval Date: September 10, 2020**  
**Effective Date: September 22, 2020**  
**Expiration Date: September 22, 2023**

This list of conditions applies to: Consideration of Conditional Use Permit CUP19-00009 to construct a gas station with 6 fuel dispensers, a 2,070 square foot drive-thru restaurant, and a 3,493 square foot convenience store that will include the off-site sale of beer, wine and liquor on 2.7 gross acres within the General Commercial (C2) zone located on the southeast corner of Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

**ADDITIONAL CONDITIONS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRASH RECEPTACLE. A trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be screened with a permanent enclosure and shall be shown on the grading and improvement plans. In addition, the trash receptacle shall be maintained at all times and emptied on a regular basis so as to prevent overflow.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ALCOHOL SALES. The project is subject to Section 16.16.370 of the Municipal Code which provides standards for the continued operation of alcohol establishments, and sets forth grounds for the modification, revocation and termination of this conditional use permit if it is found to be in violation of this section.

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review.  
(B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.



B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

FINAL MAP: A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor based upon a survey and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

VACATION. The Developer shall submit a Request for Vacation to the City's Engineering Department for acceptance. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TENTATIVE PARCEL MAP- These conditions are concurrent with Tentative Parcel Map TPM20-00003 (No. 20252)

becoming effective.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

#### CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Bear Valley Road and "I" Avenue. The right of way full width for Bear Valley Road and "I" Avenue shall be per the Hesperia Traffic Circulation Plan and as recommended per an approved Traffic Impact Analysis. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City

standards is required at all intersections, including interior roadways. All dedications shall be offered and accepted on PM 20252. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRAFFIC SIGNAL(S). The Developer shall design to construct, relocate, and modify traffic signal at the intersection of "I" Avenue and Bear Valley Road. Traffic signal preemption device for emergency vehicle operation shall be included. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

BEAR VALLEY ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Bear Valley Road across the project frontage, based on City's 64-foot Bear Valley Road Roadway Standard and per an approved Traffic Impact Analysis. The curb face is to be located at 52' from the approved centerline or per an approved Traffic Impact Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and

per the soils report.

I. Cross sections every 50-feet per City standards.

J. Traffic control signs and devices as required by an approved traffic study and/or the City Engineer.

K. Provide a signage and striping plan per City standards.

L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.

M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**COMPLETED**

NOT IN COMPLIANCE

**COMPLIED BY**

"I" AVENUE: Saw-cut (2-foot min.) and match-up asphalt pavement on "I" Avenue across the project frontage, based on City's 100-foot Arterial Roadway Standard and per an approved Traffic Impact Analysis. The curb face is to be located at 36' from the approved centerline or per an approved Traffic Impact Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8" Curb and Gutter per City standards.

B. Sidewalk (width = 6 feet) per City standards.

C. Roadway drainage device(s).

D. Streetlights per City standards.

E. Intersection improvements including handicapped ramps per City standards.

F. Commercial driveway approaches per City standards.

G. Pavement transitions per City Standards.

H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.

I. Cross sections every 50-feet per City standards.

J. Traffic control signs and devices as required by an approved traffic study and/or the City Engineer.

K. Provide a signage and striping plan per City standards.

L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.

M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**COMPLETED**

NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC water line in "I" Avenue per City Standards.

C. The Developer is not required to install sewer lines UNLESS the proposed septic system cannot meet the La

Horton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CULTURAL RESOURCES. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

#### CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SOLID MASONRY WALL/FENCING. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A six foot high masonry wall shall be provided along the southern property line where the property abuts residentially zoned properties. (P)

## CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	DEVELOPMENT FEES. The Developer shall pay required development fees as follows:  A. Development Impact Fees (B) B. Utility Fees (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
<b><u>COMPLETED</u></b> NOT IN COMPLIANCE	<b><u>COMPLIED BY</u></b>	ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

**NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>

# ATTACHMENT 8

## RESOLUTION NO. PC-2020-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO CREATE TWO PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON APPROXIMATELY 4.6 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE AND SERVICE COMMERCIAL (C3) ZONES LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF BEAR VALLEY ROAD AND I AVENUE (TPM20-00003; PM-20252)**

**WHEREAS**, Poche Partners, LLC. has filed an application requesting approval of CUP19-00009 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 4.6 gross acres located within the within the General Commercial (C2) and Service Commercial (C3) zones located on the southeast and southwest corners of Bear Valley Road and I Avenue and consists of Assessor's Parcel Number 0399-132-01, 04, 05, 06, 27, 28, 29, & 30; and

**WHEREAS**, the Application, as contemplated, proposes to create 2 parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way; and

**WHEREAS**, the applicant has also filed an application requesting approval of CUP19-00009, to construct a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,070 square foot drive-thru restaurant attached to the convenience store, and a 4,620 square foot fueling station with 6 fuel islands located on the southeast corner of Bear Valley Road and I Avenue; and

**WHEREAS**, the applicant has also filed an application requesting approval of Site Plan Review SPR19-00011 to construct a 2,251 square foot drive-thru restaurant in conjunction with Variance VAR20-00002 to allow for a reduction in the minimum required width of the drive-thru aisle as well as a reduction in landscape coverage on 1.9 gross located on the southwest corner of Bear Valley Road and I Avenue; and

**WHEREAS**, the 4.6 gross acre site is currently vacant; the property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of a gas station and drive-thru restaurant, the properties to the east and west consist of commercial uses, and the properties to the south, on the eastern side of I Avenue consist of single family residences; and

**WHEREAS**, the subject property is within the General Commercial (C2) and Service Commercial (C3) zones. The properties to the west are within the Service Commercial (C3) zone. The properties to the south, on the western side of I Avenue are zoned C3, and along the eastern side of I Avenue are zoned Rural Residential (RR-20,000). The properties to the north are outside the City limits; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

**WHEREAS**, on September 10, 2020, 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 HESERIA 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 September 10, 2020 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia.
- (b) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to nonresidential development and the proposed parcels have adequate area to accommodate the uses proposed under CUP19-00009 and SPR19-00011.
- (d) The site is physically suitable for the proposed intensity of nonresidential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met.
- (e) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (f) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby approves Tentative Parcel Map TPMN20-00003 (PM-20252) subject to the conditions of approval as shown in Attachment "A," 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** this 8<sup>th</sup> day of October 2020.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Erin Baum, Secretary, Planning Commission

**ATTACHMENT "A"**  
**List of Conditions for TPM20-00003**

**Approval Date: September 10, 2020**  
**Effective Date: September 22, 2020**  
**Expiration Date: September 22, 2023**

This list of conditions applies to Consideration of Tentative Parcel Map No. 20252 (TPM20-00003) to create two parcels from 4.6 gross acres within the General Commercial (C2) and Service Commercial (C3) zones located on the southeast and southwest corners of Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

**CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP**

<u><b>COMPLETED</b></u> NOT IN COMPLIANCE	<u><b>COMPLIED BY</b></u>	PARCEL MAP (RES). A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)
<u><b>COMPLETED</b></u> NOT IN COMPLIANCE	<u><b>COMPLIED BY</b></u>	TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)
<u><b>COMPLETED</b></u> NOT IN COMPLIANCE	<u><b>COMPLIED BY</b></u>	PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)
<u><b>COMPLETED</b></u> NOT IN COMPLIANCE	<u><b>COMPLIED BY</b></u>	ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
<u><b>COMPLETED</b></u> NOT IN COMPLIANCE	<u><b>COMPLIED BY</b></u>	ACCESS EASEMENTS. The Developer shall grant an Access Easement if required to provide reciprocal access to and from parcels. Said easements shall be indicated on the Map. (E)
<u><b>COMPLETED</b></u> NOT IN COMPLIANCE	<u><b>COMPLIED BY</b></u>	OFF SITE OFFERS OF DEDICATION AND EASEMENT. Should off site offers of dedication or easements be required for off site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map

Act. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DED. AND EASEMENT. The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E)

A. "I" Avenue per Hesperia Traffic Circulation Plan and recommendations per an approved Traffic Impact Analysis.

B. Bear Valley Road per Hesperia Traffic Circulation Plan and recommendations per an approved Traffic Impact Analysis.

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

#### CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Records Office. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. An automatic meter reader to be included on all meter connections. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

UTILITY RELOCATION/UNDERGROUND. If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES 2. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

#### **CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY**

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Utility Fees (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

#### **CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT**

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED  
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

**NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>

**THIS PAGE INTENTIONALLY LEFT BLANK**

# City of Hesperia

## STAFF REPORT



**DATE:** September 10, 2020  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Site Plan Review SPR19-00011 and Variance VAR20-00002; Applicant: Poche Partners, LLC.; APNs: 0399-132-01, 04, 28, & 30

---

### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-13 and PC-2020-14, approving Site Plan Review SPR19-00011 and Variance VAR20-00002.

### BACKGROUND

**Proposal:** A Site Plan Review has been filed to construct a 2,251 square foot drive-thru restaurant on approximately 1.9 gross acres (Attachment 1). In addition, a Variance has also been filed to reduce the minimum required width of the drive-thru aisle, and to reduce the minimum required width of the landscape planter adjacent to the street.

**Location:** On the southwest corner of Bear Valley Road and I Avenue.

**Current General Plan, Zoning and Land Uses:** The site is within the Service Commercial (C3) zone. The surrounding land is designated as noted on Attachment 2. The property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of vacant land. The property to the east on the opposite side of I Avenue is vacant but it is being planned to be developed as a gas station and drive-thru restaurant by the applicant (under separate application). The properties to the west consists of commercial uses. I Avenue borders the southern boundary of the site (Attachment 3).

### ISSUES/ANALYSIS

**Site Plan Review:** The project consists of the development of a 2,251 square foot drive-thru restaurant with associated parking and site improvements. Access to the site is proposed from a driveway approach off of Bear Valley Road and a driveway approach off of I Avenue. An existing drive approach located in front of the site on I Avenue will be eliminated and reciprocal access through the site will be provided to the adjacent site to the west.

The project complies with the minimum building requirements and number of required parking spaces. The parking ordinance requires a minimum of 23 parking spaces based upon 10 spaces per 1,000 square feet of gross floor area for the restaurant. As proposed the project provides 23 parking spaces.

The building design complies with the architectural guidelines of the Development Code. The front façade of the building utilizes horizontal faux wood siding in combination with stucco accent walls. A decorative cylinder shaped design is utilized to screen the electrical room which

provides architectural interest. The building also incorporates changes in wall and roof planes, and includes other architectural features such as steel awnings, and vibrant accent colors (Attachment 4).

**Variance:** The Development Code contains specific development standards for drive-thru restaurants. Among other things, the development code requires a minimum width of 12 feet for drive-thru lanes along the straight sections, and 13 feet along curves. The applicant is requesting approval of a variance to reduce the minimum required width of the drive-thru lane to 10 feet along the straight sections. The project satisfies the minimum width requirement at the curve where they are proposing a 15-foot-wide section.

The Development Code also contains specific standards related to landscape planters. The Landscape Ordinance requires commercial projects to provide landscape planters that are a minimum width of 8 feet adjacent to the front and street side yard property lines. The applicant is also requesting approval of a variance to reduce the minimum required width of the landscape planter adjacent to Bear Valley Road and I Avenue.

As proposed, the project provides a landscape planter that is approximately 4 feet in width adjacent to Bear Valley Road. Along I Avenue, the project proposes a landscape planter that gradually gets narrower as it gets closer to Bear Valley Road. As a result, the landscape planter along I Avenue satisfies the minimum width requirement where it is located in front of the drive-thru entrance. However, at its narrowest point the landscape planter is approximately 4 feet in width where it is located in front of the curve of the drive-thru aisle.

Even if the width of the landscape planters are reduced, the project still provides a surplus of landscaping. The minimum required landscape coverage is 5% of the developed site; the project provides 8,543 square feet (27%) of total landscape coverage.

Enough of a unique circumstance related to the property exists to support approval of the variance. The project is proposed on an irregularly shaped parcel that was formed as a result of I Avenue being realigned, Outer Bear Valley Road being abandoned, and the City relinquishing portions of the right-of-way. As a result, the parcel gets significantly more narrow as you move east across the site. The site varies in depth from approximately 150 feet at its longest point to approximately 65 feet at its narrowest. Therefore, there are site constraints that prevent the project from meeting certain development standards.

**Tentative Parcel Map (TPM20-00003; PM No. 20252):** The applicant is processing a tentative parcel map to create two parcels from 8 existing parcels as well as to vacate and relinquish approximately 0.95 acres of existing right-of-way. TPM20-00003 is being processed in conjunction with a separate application (CUP19-00009) and is not a part of this approval. However, TPM20-00003 will create the 1.9 gross acre parcel that the project will be located on. The parcel is planned to be derived from existing right-of-way that is to be vacated. The right-of-way is able to be vacated because I Avenue was once planned as a straight street segment that would have bisected the site and terminated at Bear Valley Road. However, I Avenue was realigned to its present location. In addition, Outer Bear Valley Road was once planned to go through the site but it has since been abandoned.

**Drainage:** Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is proposed to store the necessary volume. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.



**Water and Sewer:** The development will be connected to the existing 12-inch water line in Bear Valley Road. There is no City sewer available. The project will construct an on-site septic waste system.

**Environmental:** The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

**Conclusion:** The project conforms to the policies of the City's General Plan and meets the development standards of the Municipal Code with adoption of Variance VAR20-00002. Furthermore, the project is a permitted use in the C3 zone and is consistent with the development of surrounding properties.

#### **FISCAL IMPACT**

None.

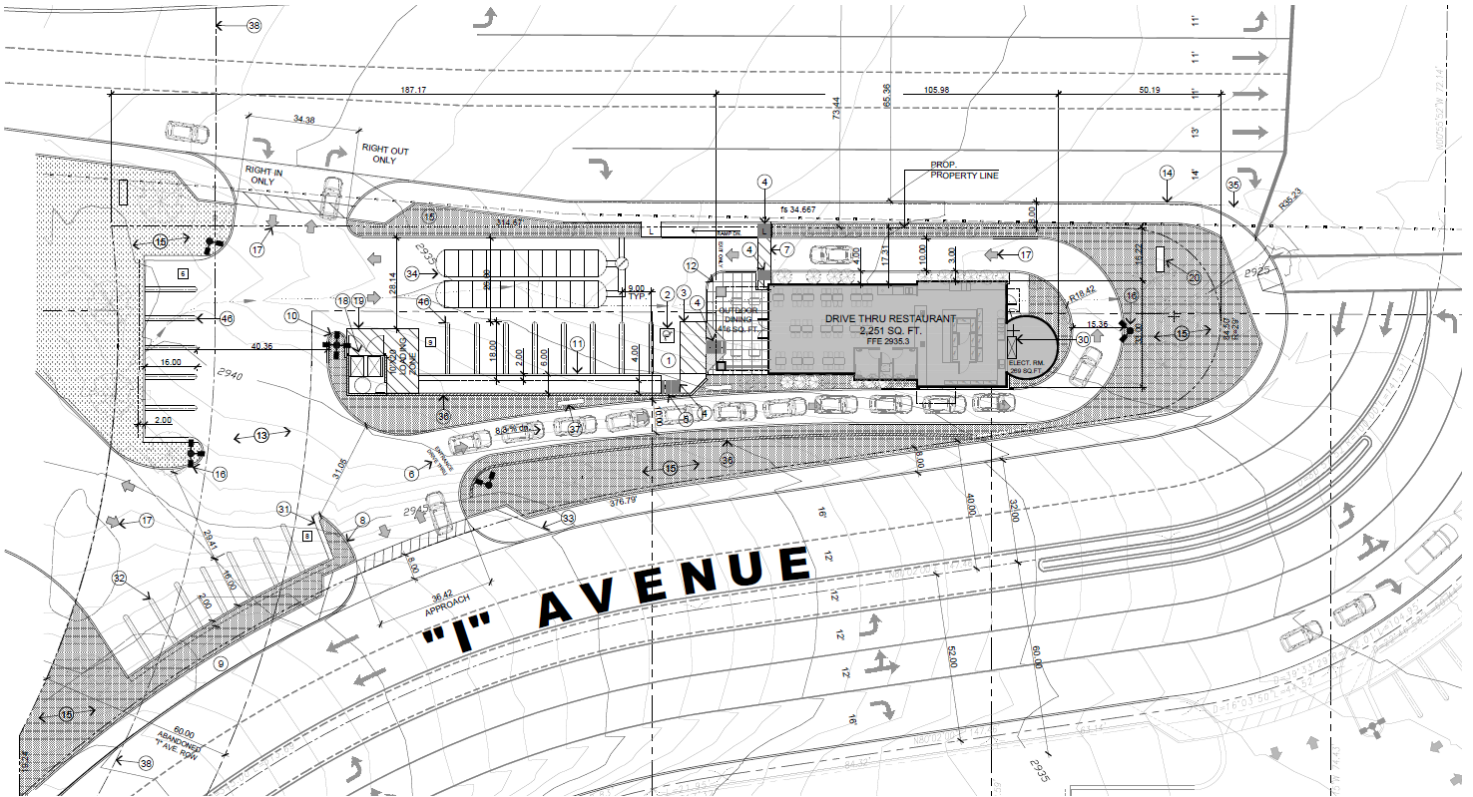
#### **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

#### **ATTACHMENT(S)**

1. Site Plan
2. General Plan
3. Aerial photo
4. Color elevations
5. Resolution No. PC-2020-13, with list of conditions (CUP)
6. Resolution No. PC-2020-14 (VAR)

# ATTACHMENT 1



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** SPR19-00011 &  
VAR20-00002

**LOCATION:** SOUTHWEST CORNER OF BEAR VALLEY RD & I AVE

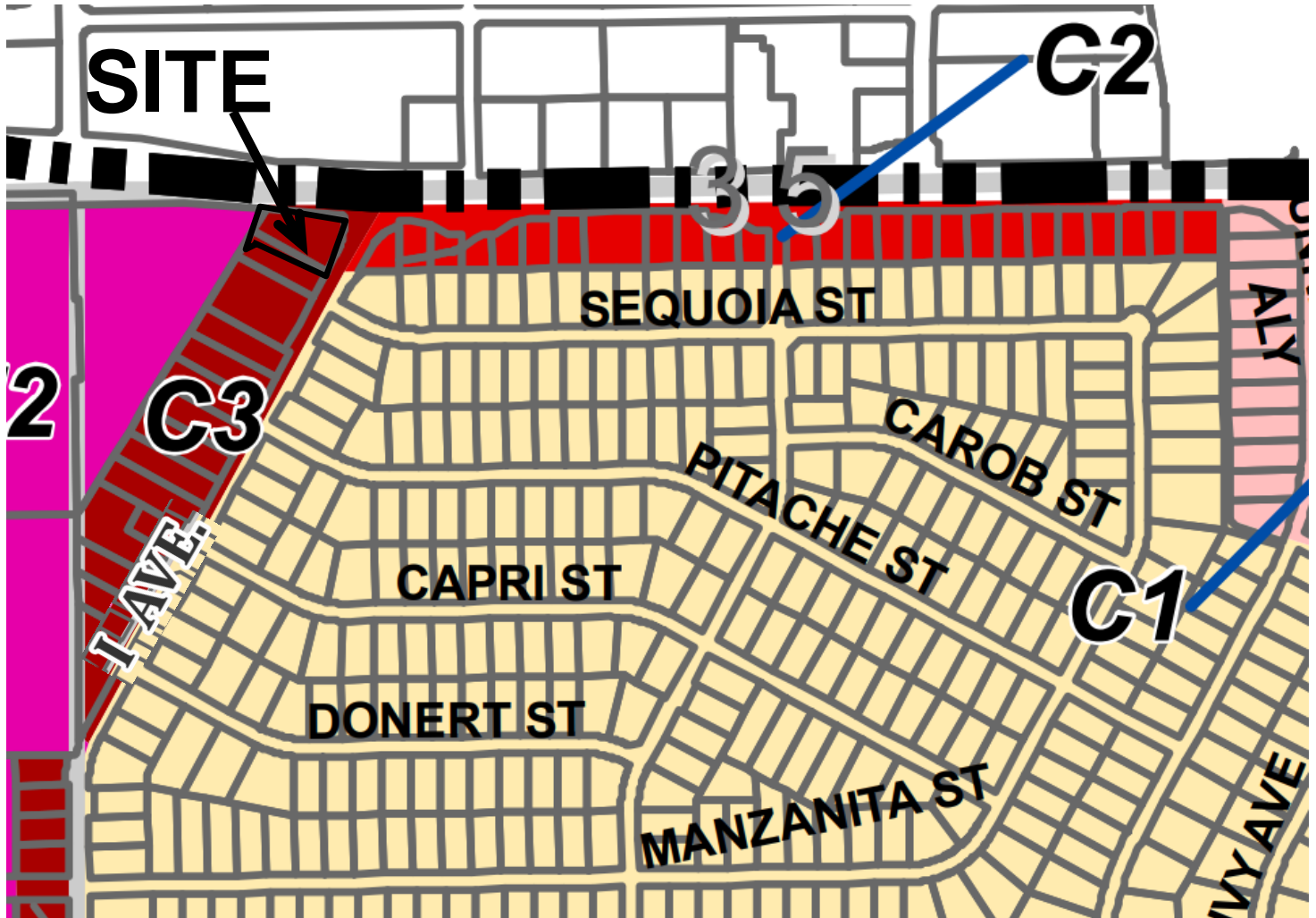
**APN(S):**  
0399-132-01, 04, 28, & 30

**PROPOSAL:** CONSIDERATION OF SITE PLAN REVIEW SPR19-00011 TO CONSTRUCT A 2,251 SQUARE FOOT DRIVE-THRU RESTAURANT IN CONJUNCTION WITH VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE COVERAGE ON 1.9 GROSS ACRES WITHIN THE SERVICE COMMERCIAL (C3) ZONE



## SITE PLAN

# ATTACHMENT 2



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** SPR19-00011 & VAR20-00002

**LOCATION:** SOUTHWEST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 28,  
& 30

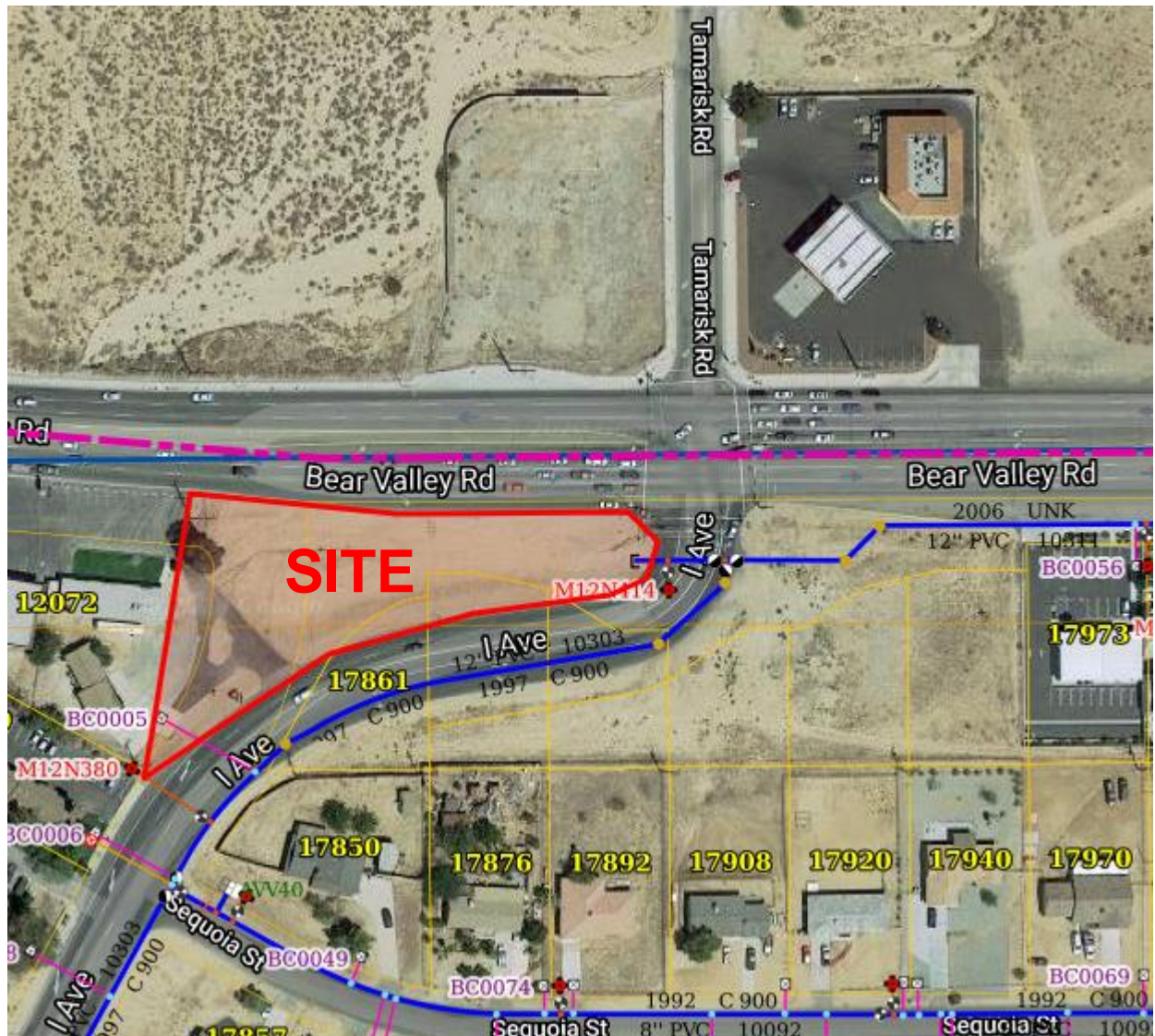
**PROPOSAL:** CONSIDERATION OF SITE PLAN REVIEW SPR19-00011 TO CONSTRUCT A 2,251 SQUARE FOOT DRIVE-THRU RESTAURANT IN CONJUNCTION WITH VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE COVERAGE ON 1.9 GROSS ACRES WITHIN THE SERVICE COMMERCIAL (C3) ZONE



## GENERAL PLAN MAP



# ATTACHMENT 3



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** SPR19-00011 & VAR20-00002

**LOCATION:** SOUTHWEST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 28,  
& 30

**PROPOSAL:** CONSIDERATION OF SITE PLAN REVIEW SPR19-00011 TO CONSTRUCT A 2,251 SQUARE FOOT DRIVE-THRU RESTAURANT IN CONJUNCTION WITH VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE COVERAGE ON 1.9 GROSS ACRES WITHIN THE SERVICE COMMERCIAL (C3) ZONE



## AERIAL PHOTO

# ATTACHMENT 4



**APPLICANT(S):** POCHE PARTNERS, LLC

**FILE NO(S):** SPR19-00011 & VAR20-00002

**LOCATION:** SOUTHWEST CORNER OF BEAR VALLEY RD & I AVE

**APN(S):**  
0399-132-01, 04, 28, & 30

**PROPOSAL:** CONSIDERATION OF SITE PLAN REVIEW SPR19-00011 TO CONSTRUCT A 2,251 SQUARE FOOT DRIVE-THRU RESTAURANT IN CONJUNCTION WITH VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE COVERAGE ON 1.9 GROSS ACRES WITHIN THE SERVICE COMMERCIAL (C3) ZONE

## COLOR ELEVATION



# ATTACHMENT 5

## RESOLUTION NO. PC-2020-13

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING SITE PLAN REVIEW SPR19-00011 TO CONSTRUCT A 2,251 SQUARE FOOT DRIVE-THRU RESTAURANT IN CONJUNCTION WITH VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE COVERAGE ON 1.9 GROSS ACRES WITHIN THE SERVICE COMMERCIAL (C3) ZONE LOCATED ON THE SOUTHWEST CORNER OF BEAR VALLEY ROAD AND I AVENUE (SPR19-00011)**

**WHEREAS**, Poche Partners, LLC. has filed an application requesting approval of SPR19-00011 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.9 gross acres located on the southwest corner of Bear Valley Road and I Avenue and consists of Assessor's Parcel Numbers 0399-132-01, 04, 28, & 30; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 2,251 square foot drive-thru restaurant, associated parking lot, and site improvements; and

**WHEREAS**, the applicant has also filed an application requesting approval of Variance VAR20-00002 to allow for a reduction in the minimum required width of drive-thru aisle as well as a reduction in landscape coverage; and

**WHEREAS**, the 1.9 gross acre site is currently vacant; the property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of vacant land. The property to the east on the opposite side of I Avenue is vacant. The properties to the west consists of commercial uses and I Avenue borders the southern boundary of the site; and

**WHEREAS**, the subject property as well as the properties to the west and the south are currently within the Service Commercial (C3) zone. The properties to the east are within the General Commercial (C2) zone. The properties to the north are outside the City limits; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

**WHEREAS**, on September 10, 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 September 10, 2020 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 1.9 gross acres and can accommodate a 2,251 square foot drive-thru restaurant and 23 parking spaces with approval of Variance VAR20-00002. The development complies with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. 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 subsequent adopted amendments.
- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare.
- (c) 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 because the project is consistent with the regulations allowing drive-thru restaurants within the C3 zone. The development is subject to conditions of approval that ensure that the project will comply with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. In addition, the project is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also proposes a Variance in order to reduce the minimum required width of drive-thru aisle as well as to reduce the minimum required width of the landscape planters adjacent to the right-of-way. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties because the proposal would not generate excessive amounts of traffic or result in any additional environmental impacts.
- (d) The site for the proposed use will have adequate access based upon its frontage along Bear Valley Road and I Avenue. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the C3 zone. The proposed drive-thru restaurant is an allowable use with approval of a Site Plan Review.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Site Plan Review SPR19-00011, 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 8<sup>th</sup> day of October 2020.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Erin Baum, Secretary, Planning Commission



**ATTACHMENT "A"**  
**List of Conditions for SPR19-00011**

**Approval Date: September 10, 2020**  
**Effective Date: September 22, 2020**  
**Expiration Date: September 22, 2023**

This list of conditions applies to: Consideration of Site Plan Review SPR19-00011 to construct a 2,375 square foot drive-thru restaurant in conjunction with Variance VAR20-00002 to allow for a reduction in the minimum required width of the drive-thru aisle as well as a reduction in landscape coverage on 1.9 gross acres within the Service Commercial (C3) zone located on the southwest corner Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APN: 0399-132-01, 04, 28, & 30)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

**ADDITIONAL CONDITIONS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRASH RECEPTACLE. A trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be screened with a permanent enclosure and shall be shown on the grading and improvement plans. In addition, the trash receptacle shall be maintained at all times and emptied on a regular basis so as to prevent overflow.

**CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS**

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or

judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

FINAL MAP: A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor based upon a survey and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

**COMPLETED**

**COMPLIED BY**

VACATION. The Developer shall submit a Request for

NOT IN COMPLIANCE

Vacation to the City's Engineering Department for acceptance. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TENTATIVE PARCEL MAP. These conditions are concurrent with tentative parcel map TPM20-00003 becoming effective (PM No. 20252)

#### CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Bear Valley Road and "I" Avenue. The right of way full width for Bear Valley Road and "I" Avenue shall be per the Hesperia Traffic Circulation Plan and as recommended per an approved Traffic Impact Analysis. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City standards is required at all intersections, including interior roadways. All dedications shall be offered and accepted on PM 20252. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued

until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

TRAFFIC SIGNAL(S). The Developer shall design to construct, relocate, and modify traffic signals at the intersection of Bear Valley Road and "I" Avenue. Traffic signal preemption device for emergency vehicle operation shall be included. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

BEAR VALLEY ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Bear Valley Road across the project frontage, based on City's 64-foot Bear Valley Road Roadway Standard and per an approved Traffic Impact Analysis. The curb face is to be located at 52' from the approved centerline or per an approved Traffic Impact Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by an approved traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- M. Relocate existing utilities as required. The Developer shall

coordinate with affected utility companies.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

"I" AVENUE: Saw-cut (2-foot min.) and match-up asphalt pavement on "I" Avenue across the project frontage, based on City's 100-foot Arterial Roadway Standard and per an approved Traffic Impact Analysis. The curb face is to be located at 36' from the approved centerline or per an approved Traffic Impact Analysis. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by an approved traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer's expense. (E)

- A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
- B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC water line in "I" Avenue per City Standards.
- C. The Developer is not required to install sewer lines UNLESS the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

STORM WATER IMPROVEMENT PLAN. The Developer shall design storm drain improvements in accordance with City standards. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DRIVEWAY/PARKING EASEMENT. An access easement shall be recorded which allows for the perpetual use of the

driveway for the benefit of the adjacent property. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CULTURAL RESOURCES. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

#### CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

#### CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Utility Fees (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

AS BUILT PLANS. The Developer shall provide as built plans. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

**COMPLETED**  
NOT IN COMPLIANCE

**COMPLIED BY**

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

**NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:**

<b>(B) Building Division</b>	<b>947-1300</b>
<b>(E) Engineering Division</b>	<b>947-1476</b>
<b>(F) Fire Prevention Division</b>	<b>947-1603</b>
<b>(P) Planning Division</b>	<b>947-1200</b>
<b>(RPD) Hesperia Recreation and Park District</b>	<b>244-5488</b>

# ATTACHMENT 6

## RESOLUTION NO. PC-2020-14

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE STANDARDS IN CONJUNCTION WITH SPR19-00011 (VAR20-00002)**

**WHEREAS**, Poche Partners, LLC. has filed an application requesting approval of Variance VAR20-00002 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.9 gross acres located on the southwest corner of Bear Valley Road and I Avenue and consists of Assessor's Parcel Numbers 0399-132-01, 04, 28, & 30; and

**WHEREAS**, the applicant has also filed an application requesting approval of SPR19-00011 to construct a 2,251 square foot drive-thru restaurant, associated parking lot, and site improvements; and

**WHEREAS**, the 1.9 gross acre site is currently vacant; the property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of vacant land. The property to the east on the opposite side of I Avenue is vacant. The properties to the west consists of commercial uses and I Avenue borders the southern boundary of the site; and

**WHEREAS**, the subject property as well as the properties to the west and the south are currently within the Service Commercial (C3) zone. The properties to the east are within the General Commercial (C2) zone. The properties to the north are outside the City limits; and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

**WHEREAS**, on September 10, 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 September 10, 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 project is located on an irregularly shaped parcel that gets significantly more narrow as you move east across the site. The site varies in depth from approximately 150 feet at its longest point to approximately 65 feet at its narrowest.



Therefore, the development potential of the site is restricted due to the irregularly shaped parcel and it creates an extraordinary circumstance that would not generally apply to other properties.

- (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. The parcel is planned to be derived from existing right-of-way that is to be vacated. The right-of-way is able to be vacated because I Avenue was once planned as a straight street segment that would have bisected the site and terminated at Bear Valley Road. However, I Avenue was realigned to its present location. In addition, Outer Bear Valley Road was once planned to go through the site but it has since been abandoned. As a result, the parcel is irregularly shaped due to these right-of-way alignments.
- (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 because the 1.9 gross acre parcel is uniquely shaped, such that it does not resemble other parcels in the vicinity. This results in the drive aisle needing to be narrower than the required 12 feet, and the typical width for landscape planters adjacent to the right-of-way also cannot meet the minimum requirement of 8 feet. As such, the development of the site is restricted from meeting certain development standards that other parcels can satisfy.
- (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 the 1.9 gross acre parcel is irregularly shaped and restricted from meeting certain development standards.
- (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 project site is within the C3 zone. The proposed drive-thru restaurant is an allowable use with approval of a Site Plan Review. The development is subject to conditions of approval that ensure that the project will comply with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. In addition, the project is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties because the proposal would not generate excessive amounts of traffic or result in any additional environmental impacts.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR20-00002, 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 8<sup>th</sup> day of October 2020.

---

Cody Leis, Chair, Planning Commission

ATTEST:

---

Erin Baum, Secretary, Planning Commission