

ATTACHMENT 8

RESOLUTION NO. PC-2017-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A MINOR EXCEPTION TO ALLOW A REDUCTION OF THREE PARKING SPACES ON AN APPROXIMATELY 0.4 GROSS ACRE PARCEL LOCATED ON THE NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD (ME17-00003)

WHEREAS, Maida Holdings, LLC has filed an application requesting approval of Minor Exception 17-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 0.4 gross acres located on the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road and consists of Assessor's Parcel Number 0398-303-18; and

WHEREAS, Maida Holdings, LLC has also filed an application requesting approval of a Conditional Use Permit, CUP17-00005 to construct a 4,990 square foot convenience store which includes the sale of beer, wine and liquor for off-site consumption (type 21); and

WHEREAS, The Development Code requires the proposed development to have 25 parking spaces, and with approval of the Minor Exception the proposal would be permitted to have 22 parking spaces; and

WHEREAS, the 0.4-acre site is currently vacant; the property to the east is occupied by a gas station with a convenience store, the properties to the west and south are vacant and the properties to the north are improved with single family residences; and

WHEREAS, the subject property as well as the properties to the east, west and south are within the Convenience Commercial (C1) zoning designation and the properties to the north are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); 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 June 27, 2017, 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 June 27, 2017 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 proposed site design maintains consistency with the Design Guidelines in the Development Code which requires front and rear yard setbacks, landscaping along the project frontage and supports parking in the rear of the building. The proposed site design is not able to accommodate three additional parking spaces without reducing the size of the building.
- (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 because the intended use of the property is a convenience store and it can be reasonably expected that the patrons frequenting the site will stay for short durations and will not occupy the required parking spaces for extended periods of time which will result in a parking demand reduction.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone as the adjacent site is currently developed with a gas station and convenience store that is also deficient in parking spaces.
- (d) The granting of the Minor Exception would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because staff analyzed the adjacent site which is currently developed with a gas station and convenience store and determined that it is deficient by two parking spaces. Furthermore, the proposed project is consistent with all other applicable codes and ordinances adopted by the City of Hesperia.
- (e) The granting of the Minor Exception 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 a three parking space deficiency does not have the potential to disrupt parking, traffic, or properties in the vicinity.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Minor Exception ME17-00003.

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

ADOPTED AND APPROVED on this 27th day of June 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission