

City of Hesperia

STAFF REPORT



DATE: June 27, 2017

TO: Planning Commission

FROM: Dave Reno, AICP, Principal Planner

BY: Ryan Leonard, AICP, Associate Planner

SUBJECT: Conditional Use Permit CUP17-00005 and Minor Exception ME17-00003;
Applicant: Maida Holdings, LLC; APN: 0398-303-18

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-17 approving CUP17-00005 and PC-2017-18 approving Minor Exception ME17-00003.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to construct a 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21) and a Minor Exception (ME17-00003) to allow a reduction of three parking spaces (Attachment 1).

Location: On the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road.

Current General Plan, Zoning and Land Uses: The site is within the Convenience Commercial (C1) designation. The surrounding land is designated as noted on Attachment 2. The site is currently vacant. An existing gas station and convenience store that includes the sale of beer, wine and liquor for off-site consumption is located immediately adjacent to the east of the site. The properties to the south and west are vacant. The properties to the north are improved with single family residences (Attachment 3).

ISSUES/ANALYSIS

The Convenience Commercial (C1) zoning designation requires approval of a CUP for the proposed sale of alcoholic beverages. The proposed CUP consists of the development of a new 4,990 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (type 21)

With the exception of parking, the proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and building setbacks. The parking ordinance requires a minimum of 5 spaces for every 1,000 square feet of floor area. As the project proposes a 4,990 square foot building, the parking ordinance requires a minimum of 25 spaces. As proposed, the project includes 22 parking spaces. Therefore a Minor Exception is required to allow for a reduction of 3 parking spaces.

Staff believes that a minor exception can be approved to allow for a reduction of 3 parking spaces. Specifically, staff analyzed the parking requirements for all existing type 20 or type 21 businesses in the City. The California Department of ABC maintains a database of all existing

licenses and reports that there are currently 69 off-sale licenses within the City. Of those 69 off-sale licenses, 1 license is no longer active, 2 licenses are located outside the City limits, 19 licenses are associated with a major chain store (i.e. Stater Bros), 16 licenses are located within a multi-tenant commercial shopping center, and 25 licenses are associated with a gas station. These businesses were not considered comparable to the proposed project for parking purposes as they are mostly located within multi-tenant shopping centers with the opportunity to share parking spaces. Of the 6 licenses that are considered comparable to the proposed project, 1 business was deficient in parking by 3 spaces, 3 businesses met current parking requirements, and the square footage for 1 business could not be determined, the results of which were not used as a part of the analysis.

In addition staff reviewed the parking requirements of the adjacent business. The existing gas station and convenience store is required to provide 20 parking spaces. However this site only provides 14 striped spaces and 2 fuel islands that provide an additional 4 spaces. Therefore the adjacent site is deficient by 2 parking spaces. Finally, it can be reasonably expected that the patrons who will frequent the site will stay for short durations and will not occupy the required parking spaces for extended periods of time resulting in parking demand reduction. If the Minor Exception is not approved by the Planning Commission than the applicant would be required to reduce the size of the proposed building to 4,400 square feet in order to meet the City's parking requirement.

The proposed development complies with all building setback requirements including a 20-foot building setback along the northern boundary of the property, since this boundary abuts a residential zone. Prior to development, a condition of approval requires a photometric study to be submitted, demonstrating that parking lot lighting will not exceed 0.5 foot-candles at the property lines. The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the total site; the project provides 2,986 square feet (17.5%) of total landscape coverage.

The site design complies with the architectural guidelines in the City's Development Code. The exterior of the building includes variation in wall and roof planes and the use of a variety of exterior materials and colors. The building proposes a stucco finish on all sides with dark grey tile veneer accent walls on the frontage to create a main entry feature. Other architectural features include cornices and decorative lighting on the walls of the buildings (Attachment 5).

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). ABC authorizes this census tract to have two off-sale licenses. As shown in Table 1 below, ABC only identifies one active off-sale alcoholic beverage license within Census Tract 100.22 (Attachment 6). Therefore, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 1: Existing On-Sale Licenses in Census Tract 100.22

Status	Business Name	Business Address	Type of License
Active	Hesperia Mesa Mart	18920 Danbury Ave	21-Beer, Wine and Liquor

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. A landscaped detention basin and an underground drainage system are 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 an existing 8-inch water line along Danbury Avenue. The project is allowed to use an approved on-site septic waste system.

Traffic/Street Improvements: As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along Danbury Avenue. This will necessitate replacing an existing Victor Valley Transit Authority (VVTA) bus stop bench in front of the site. In addition the developer is required to construct alley improvements from Arrowhead Lake Road to the site.

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.

Comments Received: As of the writing of this staff report staff has received one petition in opposition to the project. The petition argues that the area is adequately served by existing liquor stores. The petition was signed by approximately 178 individuals (Attachment 9).

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of Minor Exception ME17-00003. Further, approval of the sale of beer, wine and liquor is appropriate, particularly to allow the convenience store to compete with surrounding businesses and to meet customer demand.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2017-17, with list of conditions
8. Resolution No. PC-2017-18
9. Comments Received