

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: General Plan Amendment GPA16-00002 and Conditional Use Permit CUP16-00009; Applicant: Harp Verma; APN: 0412-172-01

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2017-08 and PC-2017-09, recommending that the City Council approve GPA16-00002 and CUP16-00009.

BACKGROUND

Proposal: A General Plan Amendment from Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}) to General Commercial (C2) in conjunction with a Conditional Use Permit (CUP) to construct a proposed gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant, a detached 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building, located on approximately 3.5 gross acres (Attachment 1). The convenience store will include the retail sale of beer, wine and liquor for off-site consumption. The proposed project will be constructed in two phases; the proposed gas station, convenience store with a second story office and drive-thru restaurant, and carwash will be constructed in phase 1 and the drive-thru restaurant and multi-tenant commercial building will be constructed in phase 2.

Location: On the northeast corner of Seventh Avenue and Rancho Road.

Current General Plan, Zoning and Land Uses: The site is within the Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}) designation (Attachment 2). The surrounding land is designated as noted on Attachment 2. The site is currently occupied by a single family residence. The property directly to the east also contains a single family residence. The properties to the north, on the opposite side of Third Avenue are improved with single family residences. The properties to the west, on the opposite side of Seventh Avenue are also improved with single family residences. The property to the south, on the opposite side of Rancho Road is vacant and within a public utility easement. Additional single-family residences occur further to the south (Attachment 3).

ISSUES/ANALYSIS

The proposed General Plan Amendment would change the land use designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}) to General Commercial (C2), to allow for the proposed commercial development. The properties to the north and east are also designated Limited Agricultural with a minimum lot size of 2.5 acres (A1- 2^{1/2}). The property to the west, on the opposite side of Seventh Avenue, is designated Limited Agricultural with a minimum lot size of 1-acre (A1). The property to the south, on the opposite

side of Ranchoero Road is designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000).

The proposed General Commercial (C2) designation can be justified as the site is located at a primary intersection that fronts Ranchoero Road and Seventh Avenue. The General Plan identifies Ranchoero Road as a 140' wide Special Street with three travel lanes in each direction and Seventh Avenue as a 100' wide Arterial Roadway with two travel lanes in each direction. Ranchoero Road is designed to link local traffic with Interstate 15 through the recently completed Ranchoero Road/Interstate-15 freeway interchange. Given the regional significance of Ranchoero Road, commercial uses along this roadway are certain to occur and are considered appropriate land uses at certain key intersections. The project is similar to the General Plan Amendment and Conditional Use Permit that the City Council approved on December 20, 2016 at the northwest corner of Ranchoero Road and Seventh Avenue. Therefore the proposed project is consistent with planned future uses and will not create a "spot zone".

The proposed General Commercial (C2) zone allows the convenience store, gas station, car wash, drive-thru restaurants and commercial building as permitted uses, but requires approval of a CUP for the sale of alcoholic beverages. The CUP includes the sale of beer, wine and liquor from the convenience store for off-site consumption (Type 21 License). The proposed development consists of a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant and a detached 1,560 square foot automated car wash tunnel that will be built in phase 1 (Attachment 4); and a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building that will be built in phase 2.

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 122 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces; 34 total parking spaces will be provided during phase 1 and 123 parking spaces will be provided after completion of phase 2.

Table 1: Parking Spaces Required

Use (sq. ft.)	Parking Formula	Spaces Required
Phase 1-Convenience Store and drive thru restaurant (5,784 sq. ft)	4.0 spaces per 1,000 square feet gross floor area	23
Phase 1-Car Wash (1,560 sq. ft)	Automated/Hand = 10 spaces	10
Phase 1 Total		33
Phase 2-Commercial Building (19,000 sq. ft.)	4.0 spaces per 1,000 square feet gross floor area	76
Phase 2-Drive-thru Restaurant (3,300 sq. ft.)	4.0 spaces per 1,000 square feet gross floor area	13
Phase 2 Total		89
TOTAL SPACES REQUIRED		122

The proposed development complies with all building setback requirements including the 20-foot building setback along the eastern boundary of the property, since this boundary abuts a

residential zone. In addition, the development code requires a 6-foot high block wall when a commercial development abuts a residential zone. As required, a six-foot high decorative block wall will be constructed along the eastern boundary. Prior to development, a condition of approval requires that a photometric study 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 area and the project provides 11,656 square feet (8.2%) of total landscape coverage.

The site design complies with the architectural guidelines in the City's Development Code. The exterior of the buildings utilize a stucco finish with varying accent colors, faux wood grain columns and decorative ceramic tiles on all sides. The buildings also incorporate changes in wall and roof planes, and include other architectural features such as awnings, cornices, sconces and decorative lighting on the walls of the buildings (Attachment 5). On the west elevation (rear of the building) an outdoor staircase is proposed to provide access to the upstairs office area (Attachment 6). The staircase will be viewable from Rancho Road and customers using the car wash. Staff is conditioning that the staircase incorporate decorative materials such as a wrought iron railing and that the poles underneath the staircase be replaced with stucco columns.

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. ABC authorizes this census tract to have three off-sale licenses. However, as shown in Table 2, there are currently eight active off-sale alcoholic beverage licenses within Census Tract 100.19 (Attachment 7). Therefore approval of CUP16-00009 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 10).

Table 2: Existing Off-Sale Licenses in Census Tract 100.19

Status	Business Name	Business Address	Type of License
Active	Stator Bros Markets	15757 Main St.	21-Beer, Wine, and Liquor
Active	Union 76	16307 Main St	20-Beer and Wine
Active	Hesperia Fastrip	16117 Main St	21-Beer, Wine, and Liquor
Active	Hesperia Liquor	16233 Main St	21-Beer, Wine, and Liquor
Active	Cardenas Market	15555 Main St	21-Beer, Wine, and Liquor
Active	Tesoro Shell Gas	16337 Main St	20-Beer and Wine
Active	Hesperia Chevron	15933 Main St	20-Beer and Wine
Active	A Mart	15853 Main St	21-Beer, Wine, and Liquor

* The Planning Commission and City Council recently approved a Type 21 license at the northwest corner of Rancho Road and Seventh Street. This license does not appear in the Department of ABC's database because the site has not been constructed and the final tenant is not known. Therefore, even though the Department of ABC only shows 8 "active" licenses, there is one additional license that is approved and pending.

Staff believes that a finding of public convenience and necessity can be made to obtain an additional license in an over-concentrated tract. Specifically, all of the existing licenses within this census tract are located along Main Street; there are no existing licenses located along Rancho Road. In addition, approval of GPA16-00002 will potentially allow the first commercial use along this segment of Rancho Road, which has been designed to link local traffic with Interstate 15. It is the City's intent to attract commercial developments in this area that can serve pass-by traffic and commuters, and this will necessitate exceedence of ABC's standards for on-sale licenses.

Drainage: The development is required to handle the increase in storm water runoff as a result of construction of this project. The site plan proposes an underground drainage system to handle storm water runoff. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant. The site is also not impacted by existing drainage from upstream properties.

Water and Sewer: The development will be connected to an existing 16-inch water line along Rancho Road. The project is allowed to use an approved on-site septic waste system.

Traffic/Street Improvements: A Traffic Impact Analysis (TIA) was prepared for the project, to assess the traffic impacts resulting from the proposed development, and to identify the traffic mitigation measures necessary to maintain an acceptable level of service (LOS). The traffic study estimates that the project will generate a total of approximately 7,045 daily vehicle trips. During the morning peak hour the traffic study estimates that 423 vehicles will come and go from the site, however 194 of those trips would be pass-by trips already traveling on the surrounding roadway network; therefore the traffic study estimates that the project will generate 229 new vehicle trips during the morning peak hour. During the evening peak hour 545 vehicles are estimated to come and go from the site, however 214 of those trips would be pass-by trips; therefore the traffic study estimates that the project will generate 331 new vehicle trips during the evening peak hour.

The TIA analyzed the project impacts on surrounding roadway segments. As shown in Table 1 below, the study area roadways are projected to operate within capacity except for the following study area roadway without improvements:

Rancho Road: Eleventh Avenue to Seventh Avenue.

The widening of Rancho Road is a planned capital improvement project identified by the City's General Plan Circulation Element and DIF program. The project will be subject to the payment of development impact fees which will be collected at the time that building permits are issued which will provide the City partial funding for the future widening of Rancho Road from 2 to 4 lanes. With this improvement the roadway segment would operate acceptably.

Table 1-Summary of Roadway Segments

Roadway	Segment		Roadway Capacity Existing Conditions		Existing Level of Service			Future Conditions: Existing Plus Project		
	From	To	Lanes	Capacity	Average Daily Traffic	Volume to Capacity	LOS	Average Daily Traffic	Volume to Capacity	LOS
Rancho Rd	West of Maple Ave	Maple Ave	2U	18,360	13,700	0.746	C	14,400	0.784	C
	Maple Ave	Cottonwood Ave	2U	18,360	14,100	0.768	C	15,510	0.845	D
	Cottonwood Ave	Eleventh Ave	2U	18,360	14,400	0.784	C	16,160	0.880	D
	Eleventh Ave	Seventh Ave	2U	18,360	14,900	0.812	D	16,660	0.907	E
	Seventh Ave	Santa Fe Ave	4D	32,200	13,500	0.419	A	16,320	0.507	A
	Santa Fe Ave	East of Santa Fe Ave	4D	32,200	11,000	0.342	A	12,060	0.375	A

Seventh Ave	North of Third Ave	Third Ave	2U	15,300	3,600	0.235	A		4,660	0.305	A
	Third Ave	Ranchero Rd	2U	15,300	5,600	0.366	A		8,590	0.468	A
	Ranchero Rd	South of Ranchero Rd	2U	15,300	2,100	0.137	A		2,800	0.183	A

Table 2- Summary of Intersection Operations: Opening Year (2017) With and Without Project

Intersection	Traffic Control	Opening Year (2017) WITHOUT PROJECT				Opening Year (2017) WITH PROJECT				
		Peak Hour				Peak Hour				
		Mourning		Evening		Mourning		Evening		
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	
Maple Ave (NS) at: Ranchero Rd (EW)	Without Improvements	AWS	272.2	F	176.2	F	287.7	F	191.5	F
	With Improvements	TS	25.2	C	30.1	C	26.8	C	31.5	C
Cottonwood Ave (NS) at: Ranchero Rd (EW)	Without Improvements	AWS	99.0	F	191.7	F	115.3	F	218.5	F
	With Improvements	TS	13.2	B	11.5	B	13.3	B	11.7	B
Eleventh Ave (NS) at: Ranchero Rd (EW)	Without Improvements	CSS	31.0	D	57.9	F	33.7	D	67.4	F
	With Improvements	CSS	18.6	C	20.0	C	19.2	C	21.0	C
Seventh Ave(NS) at: Third Ave (EW) Ranchero Rd (EW)	Without Improvements	CSS	14.1	B	14.3	B	14.7	B	15.3	B
	With Improvements	TS	23.4	C	25.6	C	28.8	C	27.4	C
Santa Fe Ave at: Ranchero Rd (EW)		TS	40.3	D	34.8	C	42.1	D	35.2	D

AWS= All Way Stop, CSS=Cross Street Stop, TS=Traffic Signal

As shown in Table 2 above, for existing plus project traffic conditions in opening year 2017, the following three intersections are projected to operate at unacceptable levels of service during the peak hours even if the project is not constructed, and without improvements:

Maple Avenue (NS) at: Ranchero Road (EW)

Cottonwood Avenue (NS) at: Ranchero Road (EW)

Eleventh Avenue (NS) at: Ranchero Road (EW)

For existing plus project conditions, the study area intersections are projected to operate within acceptable levels of service during the peak hours, with improvements. To mitigate project impacts the TIA recommends that the project pay its fair share contribution towards the installation of traffic signals at the Maple Avenue/Ranchero Road and Cottonwood Avenue/Ranchero Road intersections.

With respect to the Eleventh Avenue/Ranchero Road intersection, the TIA recommends that the project pay DIF fees to construct two eastbound through lanes, one westbound through lane

and one shared through right lane. The payment of fair share fees and DIF fees will be collected at the time that building permits are issued, which will provide funding for the construction of signal improvements to reduce the impacts of additional vehicular traffic. With these improvements the intersections would operate acceptably.

In addition, the TIA recommends a traffic signal installation and lane control modification at the Seventh Avenue and Rancho Road intersection based on volume analysis. Dual southbound turn lanes are recommended at the intersection because the left turn volume in the southbound direction exceeds the recommended left turn maximum for a single left turn lane. The requirement to construct a signal is listed as a condition of approval as well as a mitigation measure in the Initial Study prepared for the project.

Noise Levels: An Acoustical Analysis was prepared to evaluate the noise impacts to the adjacent properties from the operation of the project. The results of the study indicate that noise generated from the mechanical equipment associated with the proposed buildings would produce approximately 40 dB(A) at the eastern boundary of the site, while noise generated from air conditioning compressors would produce approximately 45 dB(A). This is in conformance with the City's most restrictive requirement of 55 dB(A) during the nighttime hours. With regard to the carwash, a noise impact of about 80 dB(A) can be expected at 10 feet from the exit of the carwash, primarily due to blowers used in water removal, and about 75 dB(A) can be expected at 15 feet from the vacuum. Compliance with the City's Noise Ordinance will be achieved by limiting the hours of operation from 7:00 a.m. to 10:00 p.m., ensuring that the carwash is not operational during morning and nighttime hours and by requiring noise suppression/mufflers in the blowers. The noise study prepared by P.A Penardi and Associates states that with incorporation of the noise suppression mufflers, the carwash will generate noise of 63 dBA at the project boundary. This would be in compliance with the City's Noise Ordinance which allows a maximum noise level of 65 dBA for a duration not exceeding 15 minutes out of any 1 hour period¹.

With regard to the self-serve vacuum, the noise study recommends a 3-sided acoustical enclosure be constructed around the vacuum with the open side facing the proposed project. Incorporation of the enclosure is expected to reduce noise levels to less than 60 dBA at the project boundary. This would be in compliance with the City's maximum noise level of 60 dBA for the daytime hours of 7:00 a.m. to 10:00 p.m. The noise study states that the operational activities associated with the project will comply with the City's Noise Ordinance. As an ongoing condition of approval, the project is required to be in conformance with the City's Noise Ordinance at all times.

Environmental: Approval of this project requires adoption of a mitigated negative declaration pursuant to the California Environmental Quality Act (CEQA). The mitigated negative declaration and initial study (Attachment 8) prepared for this project concludes that there are no significant adverse impacts resulting from development of the project with the mitigation measures provided. The site does not contain habitat for the desert tortoise nor any other threatened or endangered species. A pre-construction survey for the burrowing owl will be conducted prior to the issuance of a grading permit. The site is in an area which has a low probability of containing archaeological/paleontological resources. As such, a cultural resource survey was not required.

¹ The typical time for a "rollover" type of carwash is approximately 5 minutes/vehicle. Therefore the maximum number of cars possible during a 1-hour period would be 12 cars. For a typical blower on time of about one minute per vehicle, this calculates to a maximum blower on time of 12 minutes per hour.

Comments Received: As of the writing of this staff report staff has received two comments in opposition to this project (Attachment 11).

Conclusion: The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of the General Plan Amendment. Further, approval of the sale of beer, wine and liquor is appropriate, particularly to allow the convenience store to serve pass-by traffic and to meet customer demand.

FISCAL IMPACT

Development will be subject to payment of development impact fees and the developer's fair share cost for traffic signal improvements at the Maple Avenue/Ranchero Road and Cottonwood Avenue/Ranchero Road intersections. In addition the developer is required to construct a traffic signal at the Ranchero Road/Seventh Avenue intersection. The City may choose to contribute a portion of the remaining costs to fully construct the traffic signals that are subject to fair share fees and/or the City may choose to enter into an agreement with the developer to reimburse the costs associated with constructing a new traffic signal.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color rendering
6. Building Elevations
7. Census Tract Map
8. Negative Declaration ND16-00013 and its initial study
9. Resolution No. PC-2017-08 (GPA16-00002)
10. Resolution No. PC-2017-09, including conditions of approval (CUP16-00009)
11. Comments Received.