

# City of Hesperia STAFF REPORT



**DATE:** August 10, 2017  
**TO:** Planning Commission  
**FROM:** Dave Reno, AICP, Principal Planner  
**BY:** Daniel Alcayaga, AICP, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP17-00007; Applicant: Matilde Vera; APN: 0410-112-21

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## RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2017-25, approving CUP17-00007.

## BACKGROUND

**Proposal:** A Conditional Use Permit to allow the sale of beer and wine for on-site consumption within a restaurant.

**Location:** 17014 Smoke Tree Street

**Current General, Plan, Zoning and Land Uses:** The site is within the Commercial/Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan (Attachment 1). The restaurant currently occupies an existing 1,550 square foot stand-alone building. The surrounding land is designated as noted on Attachment 2. The properties to the north and south are vacant. Victor Valley Transit Authority's (VVTA) facility is located to the east. A single-family residence exists to the west (Attachment 2).

## ISSUES/ANALYSIS:

**Land Use:** The restaurant would like to sell beer and wine as part of its dining service. The Main Street and Freeway Corridor Specific Plan requires approval of a Conditional Use Permit (CUP) for the sale of alcohol. The applicant has applied for a Type 41 license with the California Department of Alcoholic Beverage Control (ABC), which allows for on-site (on-sale) sales of beer and wine. The proposal is situated within Census Tract 100.13, which is bounded by Lemon Street to the north, Main Street to the south, the Mojave River to the east, and the BNSF Railroad to the west (Attachment 3).

ABC allows a maximum of six on-sale licenses within Census Tract 100.13. However as shown in Table 1 below, there are currently six active on-sale licenses within this census tract. Therefore approval of CUP17-00007 will exceed the limitation of six licenses and ABC will require that the City make a finding of public convenience and necessity. Three of the six existing uses serving alcoholic beverages within the census tract are also restaurants.

**Table 1: Existing On-Sale Licenses in Census Tract 100.13**

Status	Business Name	Business Address	Type of License
Active	Pasco's Pizza	17348 Main St	41-Beer & Wine
Active	Moose Lodge Victor Valley	10230 E Ave	51- Club
Active	El Charro Mexican Restaurant	16922 Main St	41-Beer & Wine
Active	Sizzler Restaurant	16988 Main St	41-Beer & Wine
Active	Wendy's Place	9297 G Ave	48 - On-Sale General Public Premises
Active	Q's Family Billiards & Sports	17352 Main St	40- On-Sale Beer

The closest establishments similar in nature to the proposed site are Sizzler Restaurant which is located approximately 0.25 miles to the south, and El Charro Mexican Restaurant, which is located approximately 0.33 miles to the south. Staff believes that a finding of public convenience and necessity can be made to obtain an additional license in an over-concentrated tract. An on-sale license that permits the sale of beer and wine is necessary in order to allow the restaurant to be competitive with existing restaurants and meet customer demand. The existing restaurant will continue to serve the local area by offering convenient dining services. The site is on a corner lot along 'E' Avenue making the restaurant a convenient destination. It is the City's intent to continue to attract commercial developments, including sit-down restaurants in the City, which will necessitate exceedence of ABC's standards for on-sale licenses.

**Schools and Parks:** Hesperia Christian School is located under a mile south of this restaurant. The restaurant is less than a mile from Live Oak Park to the west.

**Environmental:** This project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Existing Facilities.

**Conclusion:** The over-concentration of alcohol sales along Main Street is based on ABC's criteria. However, when determining over-concentration within the City, staff's recommendation is based on the City's concentration of commercial land uses primarily along Main Street, Bear Valley Road, Hesperia Road, and other roads. It is a public convenience and necessity to have a mix of different restaurants within the area, serving local employees as well as City residents. Approval of alcoholic beverage licenses is supportive of the land uses intended within the CIBP zone.

**ALTERNATIVE**

1. Provide alternative direction to staff.

**ATTACHMENTS**

1. General Plan
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2017-25, with list of conditions