

City of Hesperia

STAFF REPORT



DATE: January 10, 2019
TO: Planning Commission
FROM: Chris Borchert, Acting Principal Planner
BY: Ryan Leonard, Senior Planner
SUBJECT: Conditional Use Permit CUP18-00009; Applicant: Mexico Lindo Restaurant; APN: 3064-601-16

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2019-03, approving CUP18-00009.

BACKGROUND

Proposal: A Conditional Use Permit to allow the sale of beer, wine and liquor for on-site consumption within a restaurant (Mexico Lindo Restaurant).

Location: 12693 Main Street #210

Current General, Plan, Zoning and Land Uses:

The site is within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan (Attachment 1). The surrounding land is designated as noted on Attachment 2. The restaurant will occupy an approximately 2,900 square foot tenant space within the Lewis Phase II shopping center that is currently under construction. The owner anticipates that the restaurant will be complete and ready to open in January 2019. The properties to the south and west are vacant. The High Desert Gateway Center is east of the site on the opposite side of Cataba Road. The property to the north was recently developed with a Sleep Train (Attachment 3).

ISSUES/ANALYSIS:

Land Use: Mexico Lindo Restaurant will be opening a new restaurant at 12693 Main Street and would like to sell beer, wine and liquor as part of its dining service. The owner of the restaurant has two other locations in Phelan and Wrightwood that also serve beer, wine and liquor. 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 47 license with the California Department of Alcoholic Beverage Control (ABC), which allows for on-site (on-sale) sales of beer, wine and liquor.

The proposal is situated within Census Tract 100.17, which is bounded by Main Street to the north, a Southern California Edison utility corridor to the west, the California aqueduct to the east, and Highway 138 and Summit Valley Road to the south (Attachment 3).

ABC allows a maximum of 11 on-sale licenses within Census Tract 100.17 before the census tract is considered to be over concentrated. As shown in Table 1 below, there are currently 9

active on-sale licenses within this census tract and one license that is pending construction. 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 100.17

Status	Business Name	Business Address	Type of License
Active	Courtyard by Marriott.	9619 Mariposa Rd.	47-Beer, Wine, & Liquor
Active	Love Oasis Sushi	12719 Main St.	41-Beer & Wine
Active	Walmart	13401 Main St.	86-Instructional Tasting
Active	B&B Pizzeria	13312 Ranchero Rd.	41-Beer & Wine
Active	Outpost Café	8685 Highway 395	47-Beer, Wine, & Liquor
Active	Wingstop	13259 Main St.	41-Beer & Wine
Active	Thorny's Sports Bar	13330 Ranchero Rd	47-Beer, Wine, & Liquor
Active	Flavor of India	8853 Three Flags Ave	47-Beer, Wine, & Liquor
Active	Springhill Suites Marriott	9625 Mariposa Rd	70-On Sale- Restrictive Service
Pending	Texas Roadhouse	9601 Mariposa Rd	47-Beer, Wine, & Liquor

The closest establishment similar in nature to the proposed restaurant is Love Sushi which is located across the street from the proposed restaurant. An on-sale license that permits the sale of beer, wine and liquor is necessary in order to allow the restaurant to meet customer demand. In addition, the applicant will be required to comply with all state beverage control regulations

Schools and Parks: Mission Crest Elementary School and Malibu Park are located across Interstate 15 approximately 1 mile southeast of this restaurant.

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

Conclusion: The Census Tract is not considered over-concentrated by ABC with respect to on-sale alcohol outlets. Approval of an alcoholic beverage license is necessary in order to allow the restaurant to meet customer demand.

ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENTS

1. General Plan
2. Aerial photo
3. Census Tract Map
4. Resolution No. PC-2019-03, with list of conditions