

# City of Hesperia

## STAFF REPORT



**DATE:** March 14, 2019  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Acting Principal Planner  
**BY:** Daniel S. Alcayaga, Senior Planner  
**SUBJECT:** Conditional Use Permit CUP19-00002; Applicant: M.O.R.R.; APN: 0410-135-56

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### RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2019-07, approving CUP19-00002 to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant.

### BACKGROUND

**Proposal:** A Conditional Use Permit (CUP) to allow for the sale of beer, wine and liquor for on-site consumption (Type 47) in conjunction with a restaurant.

**Location:** 17376 Main Street, Unit C

**Current General, Plan, Zoning and Land Uses:** The site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan. Round Table Pizza, the proposed tenant, will occupy an 8,157 square foot restaurant unit within the Hesperia Square. Round Table's proposed floor plan is much larger than their traditional restaurant. This location will offer a clubhouse style restaurant with three banquet rooms, a game room, a sports bar, and an expanded menu. The surrounding land is designated as noted on Attachment 1. There is a bank, a church, a fast-food restaurant, and a pharmacy located on the opposite side of Main Street to the south. A fast-food restaurant exists to the west. A bank exists on the opposite side of 'I' Avenue to the east. There is a mini-storage to the north (Attachment 2). Pasco's Pizza, which is located within the center, will be closing in the near future.

**Land Use:** The restaurant has applied for a Type 47 license with the California Department of Alcoholic Beverage Control (ABC) to allow the on-sale consumption of alcoholic beverages to include beer, wine and liquor. The Main Street and Freeway Corridor Specific Plan requires approval of a conditional use permit to allow for alcohol sales - on-site. The restaurant is within Census Tract 100.13. There are currently six establishments that serve alcoholic beverages for on-site consumption within this Census Tract. Census Tract 100.13 extends along the north side of Main Street between Santa Fe Avenue and the Mojave River (Attachment 3).

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

Status	Business Name	Business Address	Type of License
Active	Pascos Pizza	17348 Main St	41-Beer & Wine
Active	Moose Lodge Victor Valley 1808	10230 E Ave	51-Lodge
Active	Sizzler Restaurant	16988 Main St	41-Beer & Wine
Active	Rotten Reds	9297 G Ave	48- Beer, Wine & Liquor
Active	El Charro Tacos	16922 Main St, Suite E	41-Beer & Wine
Active	Taqueria Zacatecas	17014 Smoke Tree St	41-Beer & Wine

ABC allows a maximum of six on-sale licenses within Census Tract 100.13 before the census tract is considered to be over concentrated. As shown in Table 1, there are already currently six active on-sale licenses within this census tract. Therefore, approval of this CUP requires a finding of public convenience or necessity.

Staff believes that the findings of necessity and convenience required to obtain additional licenses in an over-concentrated tract can be made. Main Street is a major commercial corridor that provides convenient shopping and dining services. In particular, the restaurant will be located within the Neighborhood Commercial zone, considered to be a center of activity in the downtown portion of Hesperia. In this area, a variety of uses are expected in order to create a vibrant atmosphere and a convenient location whereby residents could obtain their services. It is the City's intent to continue to attract commercial developments, including sit-down restaurants in this area, which necessitate exceedance of ABC's standards for on-sale licenses. The restaurant with alcohol sales will offer residents a broader selection of dining services.

**Schools and Parks:** The project site at 17376 Main Street, Unit C is located approximately 625 feet east of Juniper Elementary School. Live Oak Park is located just under a ½ mile to the north of the restaurant.

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

**Conclusion:** The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. Approval of an alcoholic beverage license is necessary in order to allow the restaurant to be competitive with similar businesses. It serves the public convenience and necessity to have a mix of different restaurants within the Neighborhood Commercial zone, serving City residents within the downtown area.

## **ALTERNATIVE**

1. Provide alternative direction to staff.

## **ATTACHMENTS**

1. General Plan Map
2. Aerial Photo
3. Census Tract Map
4. Resolution No. PC-2019-07, with list of conditions