

City of Hesperia

STAFF REPORT



DATE: September 10, 2020
TO: Planning Commission
FROM: Chris Borchert, Principal Planner
BY: Ryan Leonard, Senior Planner
SUBJECT: Conditional Use Permit CUP19-00009 and Tentative Parcel Map TPM20-00003;
Applicant: Poche Partners, LLC.; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2020-11 and PC-2020-12, recommending that the City Council approve CUP19-00009 and TPM20-00003.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,070 square foot drive-thru restaurant attached to the convenience store, and a 4,620 square foot fueling station with 6 fuel islands on 2.7 gross acres (Attachment 1). A tentative parcel map has also been filed that will create 2 parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way (Attachment 2).

Location: On the southeast corner of Bear Valley Road and I Avenue.

Current General Plan, Zoning and Land Uses: The site is within the General Commercial (C2) zone. The surrounding land is designated as noted on Attachment 3. The property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of a gas station and drive-thru restaurant. The property to the west on the opposite side of I Avenue is vacant but it is being planned to be developed as a drive-thru restaurant by the applicant (under separate application). The property to the east consists of commercial uses and single family residences exist to the south (Attachment 4).

ISSUES/ANALYSIS

Conditional Use Permit: The Development Code requires approval of a CUP for the sale of alcoholic beverages. In addition, the City Council adopted Ordinance No. 2017-08 on October 3, 2017 which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action. Such establishments must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan.

The proposed CUP consists of the development of a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (Type 21 License). The proposal is located at the intersection of Bear Valley Road and I Ave. According to the City's General Plan Circulation Element, Bear Valley Road is designated as a Special Street Section

with a 128-foot-wide ultimate right-of-way and I Ave is designated as an Arterial street with a 120-foot-wide ultimate right-of-way.

Conformance with Development Standards: The proposed development complies with standard development regulations, including the minimum building setback/height regulations, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 35 parking spaces, based upon 4 spaces per 1,000 square feet of gross floor area for the convenience store and 10 spaces per 1,000 square foot of gross floor area for the fast food restaurant. As proposed the project provides 45 parking spaces.

Building Design: The design complies with the architectural guidelines of the Development Code. The front façade of the building incorporates a combination of faux wood siding, metal panel accent walls and decorative block. The building also incorporates changes in wall and roof planes, and includes other architectural features such as steel awnings, and vibrant accent colors (Attachment 5). The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the developed site; the project provides 17,967 square feet (26%) of total landscape coverage.

Alcohol Sales: 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. Table 1 identifies three active off-sale alcoholic beverage licenses within Census Tract 100.12 (Attachment 6). ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of CUP19-00009 will exceed the limitation of 3 licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 7).

Table 1: Existing Off-Sale Licenses in Census Tract 100.12

Status	Business Name	Business Address	Type of License
Active	D&J Liquor	18361 Bear Valley Rd	21-Beer, Wine, and Liquor
Active	Valero Shop N Go	11254 I Ave	21-Beer, Wine, and Liquor
Active	Aldi	18667 Bear Valley Rd	20-Beer and Wine

In determining whether to approve an additional license in an over concentrated tract the Planning Commission may consider the following circumstances. First, when comparing the 3 existing business in this census tract the Aldi grocery store is notable because it is larger than 12,000 square feet and not subject to the requirements of Ordinance No. 2017-08. As such, it didn't require City Council approval and was not required to be located within 500 feet of an intersection of two arterial streets. Therefore, within this census tract there are only two establishments that are similar in size and scale to the proposed project.

Another item to consider is the proximity of other similar establishments within the same census tract. The first establishment is the D&J Liquor store which is located approximately 2,816 feet (0.52 miles) to the east of the proposed project along Bear Valley Road. The second establishment is the Valero Gas station which is located approximately 5,739 feet to the south (1.1 miles) along I Avenue.

The Commission may also consider the number of off-sale alcohol licenses along Bear Valley Road, specifically along a 2-mile stretch from Hesperia Road to the eastern City boundary. Along this section of Bear Valley Road there are 3 existing off-sale alcohol licenses located within City limits. Two of the establishments are within Census Tract 100.12 and are shown in

Table 1 above. The next nearest off-sale alcohol license is the Walgreens Pharmacy located at the intersection of Bear Valley Road and Hesperia Road, approximately 1 mile to the west of the project. Therefore, within this section of Bear Valley Road there does not appear to be a high concentration of off-sale alcohol establishments.

Lastly, another factor to consider would be traffic. According to the 2010 General Plan Update, the stretch of Bear Valley Road between I Avenue and Peach Avenue experiences an average daily traffic count of 56,377 vehicles per day. For comparison, the 2010 General Plan Update analyzed 51 key intersections in the City. Of those 51 intersections, there are only 3 locations that experience higher traffic volumes than the Bear Valley Road and I Avenue intersection.

Tentative Parcel Map: The parcel map will create two parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way. An approximately 1.4-acre parcel is proposed at the southeast corner of Bear Valley and I Avenue, and a 0.73-acre parcel is proposed at the southwest corner. With regard to the 0.73-acre parcel, the project applicant is proposing a separate development which is being processed under a different application. The tentative parcel map is consistent with the site design and is in accordance with the Development Code and the Subdivision Map Act.

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is 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 the existing 12-inch water line in Bear Valley Road. There is no City sewer available. The project will construct an on-site septic waste system.

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.

Conclusion: On March 3, 2020 the Planning Commission and City Council held a joint workshop to discuss the number of alcohol establishments in the City. Although there were varying opinions, including that Main Street as a whole is over concentrated with alcohol outlets, there was not a clear consensus if additional alcohol establishments should be approved in other parts of the City. It is requested that the Planning Commission review the findings of facts in Resolution PC-2020-11, and determine if the CUP should be approved.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. Tentative Parcel Map
3. General Plan
4. Aerial photo
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2020-11, with list of conditions (CUP)
8. Resolution No. PC-2020-12 (TPM)