



DATE: September 9, 2021
TO: Planning Commission
FROM: Chris Borchert, Principal Planner
BY: Ryan Leonard, Senior Planner
SUBJECT: Conditional Use Permit CUP20-00003 and Minor Exception ME20-00003;
Applicant: George Mikhail; APNs: 0357-304-01 & 02

RECOMMENDED ACTION

It is recommended that the Planning Commission consider the proposed project and determine whether to adopt Resolution Nos. PC-2021-12 and PC-2021-13, recommending that the City Council approve CUP20-00003 and Minor Exception ME20-00003.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling canopy with 6 fuel islands, and a 960 square foot diesel fueling canopy with 1 fuel island on 1.4 gross acres (Attachment 1). A Minor Exception (ME20-00003) to allow a reduction of one parking space has also been filed.

Location: On the southwest corner of Mariposa Road and Oak Hill Road.

Current General Plan, Zoning and Land Uses: The site is currently vacant with an existing billboard that will be removed during construction. The site is within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station (Attachment 3).

ISSUES/ANALYSIS

Conditional Use Permit: The Specific Plan requires approval of a CUP for the proposed fueling station and 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 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption (Type 21 License). The northern boundary of the project site is located at the intersection of Mariposa Road and Oak Hill Road.

Mariposa Road is designated as a Major Arterial with a 128-foot-wide ultimate right-of-way. Oak Hill Road which serves as the overpass to the I-15 freeway is not classified on the Circulation Plan. The southern boundary of the project is located at the intersection of Mariposa Road and the on and off-ramp for the I-15 freeway. The on and off-ramp is also not classified on the Circulation Plan.

Staff determined that the trip generation for the on and off-ramp would be comparable to that of an arterial or major arterial roadway. Therefore, even though the site does not meet the strict and literal interpretation of the Development Code since it is not within 500 feet of an intersection of two arterial or major arterial streets, staff determined that the project site meets the intent of the requirement.

Conformance with Development Standards: With the exception of parking, the proposed development complies with the standard development regulations including the minimum building requirements, landscaping, and building setbacks. The parking ordinance requires a minimum of 38 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 37 parking spaces.

Staff believes that a minor exception can be approved to allow for a parking space reduction. Often times the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking. However, if the minor exception were not approved the applicant would be required to provide an additional parking stall or reduce the building footprint to meet the parking requirements.

Building Design: The building design complies with the architectural guidelines of the Specific Plan. The exterior of the building utilizes a stucco finish with horizontal and vertical reveals, varying accent colors and decorative accent walls. The building incorporates changes in wall and roof planes and includes tower elements at the corners of the building. Other attributes include steel awnings, cornices, and decorative pop-outs on the walls of the building (Attachment 4). The project also provides a surplus of landscaping. The minimum required landscape coverage is 10% of the developed site; the project provides 11,094 square feet (18%) 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). Table 1 identifies 11 active off-sale alcohol licenses within Census Tract 100.17 (Attachment 5). ABC authorizes this census tract to have 10 off-sale licenses. Therefore, approval of CUP20-00003 will exceed the limitation of 10 licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 6).

Table 1: Existing Off-Sale Licenses in Census Tract 100.17

Status	Business Name	Business Address	Type of License
Active	Pilot Travel Center	8701 Hwy 395	20-Beer and Wine
Active	Grand View Mobil	13302 Ranchero Rd	21-Beer, Wine, and Liquor
Active	Target	12795 Main St	21-Beer, Wine, and Liquor
Active	Walmart	13401 Main St	21-Beer, Wine, and Liquor
Active	Union 76	11490 Fashion Ct	21-Beer, Wine, and Liquor
Active	Ranchero Chevron	11510 Fashion Ct	21-Beer, Wine, and Liquor
Active	Springhill Suites Marriott	9625 Mariposa Rd	20-Beer and Wine
Active	The Depot 5	13187 Main St	21-Beer, Wine, and Liquor

Active	Arco Am/PM	12078 Three Flags Ct	20-Beer and Wine
Active	Oak Hills Market	6000 Mariposa Rd	21-Beer, Wine, and Liquor
Active	Main Street Shell	12675 Main St	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 11 existing business in this census tract the Target, Walmart, and Marriott Hotel are notable because they are larger than 12,000 square feet. They are not similar in size or scale to the proposed project and aren't subject to the requirements of Ordinance No. 2017-08.

Another item to consider is the proximity of other similar establishments within the same census tract. The Oak Hills Market is located approximately 400 feet to the south of the proposed project. The next closest establishment is the Grand View Mobil located at the intersection of Ranchero Road and Escondido Avenue, which is outside the City limits and approximately three miles to the northeast of the project.

Lastly, the Commission may also consider the proximity of other similar establishments that have comparable freeway frontages to that of the proposed project. Within this census tract there are two establishments located along Fashion Court that have similar freeway frontages east of the I-15 freeway. These two establishments are located approximately 1.7 miles to the north of the project site and are accessible via the Ranchero Road off-ramp. Like the proposed project, both establishments are located to the east of the I-15 freeway and currently serve motorist traveling along the I-15 freeway corridor.

Traffic/Street Improvements: Access to the site will be provided by a full access driveway approach off of Mariposa Road. As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along the project frontage of Mariposa Road. The new street improvements will connect to the existing curb, gutter and sidewalk in place along Oak Hill Road.

The General Plan acknowledges that the existing Oak Hill Road interchange is not designed to accommodate large volumes of traffic. Specifically, as future development occurs in the area and traffic volumes increase, the existing interchange may need to be modified so that the on and off ramps meet current acceleration and deceleration design requirements. However, the ultimate improvements for the interchange are not currently planned and are unknown at this time. Therefore, the project was not required to consider the design of future interchange improvements beyond the required roadway dedications.

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 increased runoff generated from the project. During large storm events, excess flow will discharge from the site into a concrete spillway on the northern boundary of the site and ultimately into Caltrans right-of-way.

Water and Sewer: The applicant shall obtain approval of an Out-Of-Area Service Agreement and Will Serve letter from County Service Area 70, Zone J. The subject parcels will be served by an approved septic 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. The project would also be required to comply with the City's Desert Native Plant Protection Ordinance which requires the project applicant to prepare and submit a protected plant plan prior to the issuance of any grading permits. The protected plant plan will determine if the site contains any Joshua Trees, and whether they can be relocated or protected in place.

Conclusion: The project conforms to the policies of the Specific Plan and is consistent with the General Plan with adoption of a Minor Exception. For the reasons described above, approval of a Minor Exception will not result in an adverse impact to neighboring properties.

Further, 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.

Also discussed at the workshop was the financial aspect of adding additional gas stations. Additional gas stations, especially on Main Street, typically do not bring additional sales tax revenue as the motorist is likely to gas up somewhere in Hesperia. This location at the top of the Cajon Pass is similar in that a motorist travelling north or southbound on the freeway has multiple options at Ranchero and Main Street, along with the existing gas station to the south at the Oak Hill Road interchange.

It is requested that the Planning Commission review the findings of facts in Resolution PC-2021-12, and determine if the CUP should be approved.

FISCAL IMPACT

None.

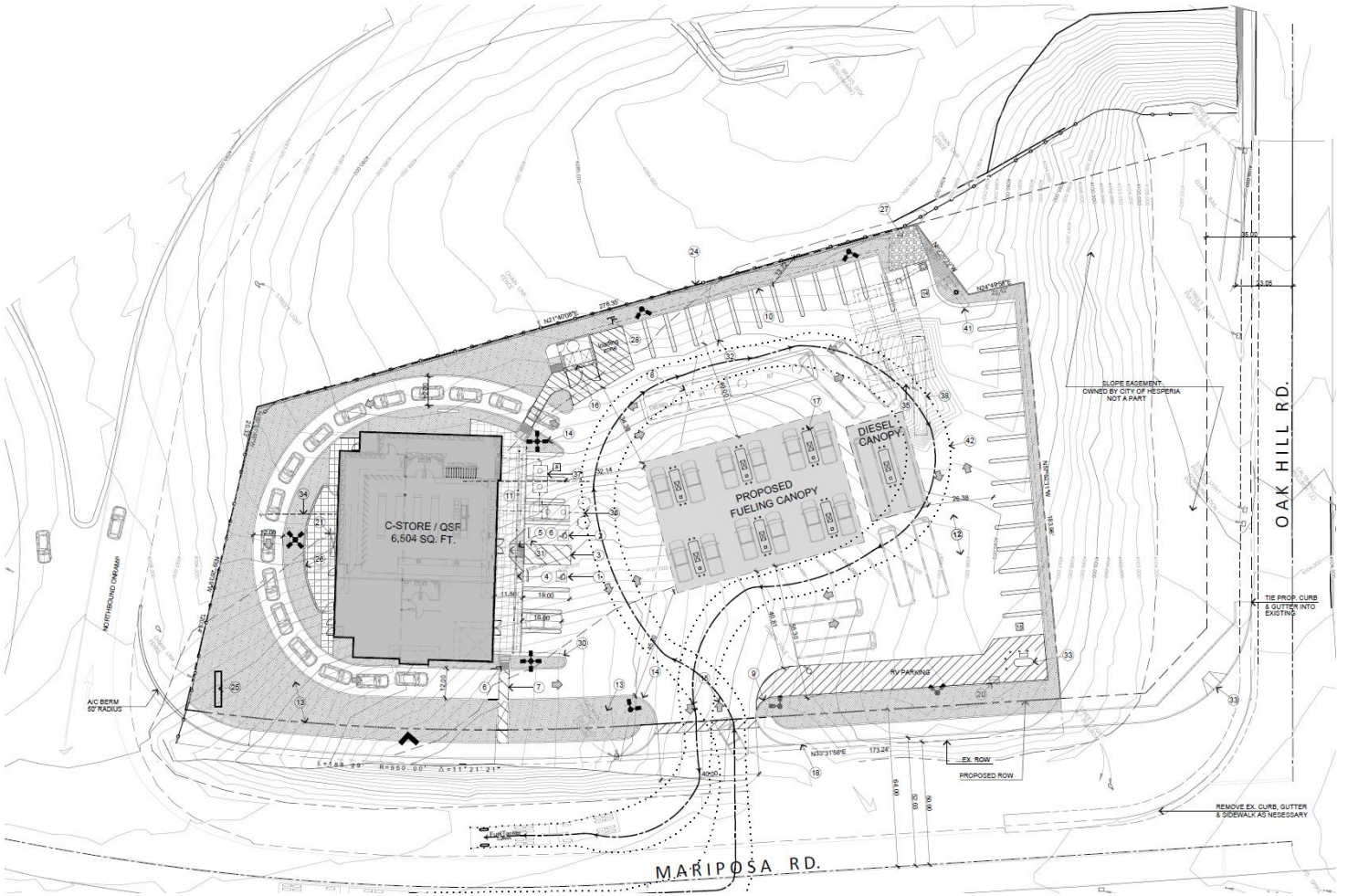
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Color elevations
5. Census Tract Map
6. Resolution No. PC-2021-12, with list of conditions (CUP)
7. Resolution No. PC-2021-13 (ME)

ATTACHMENT 1



APPLICANT(S): GEORGE MIKHAIL

FILE NO(S): CUP20-00003 & ME20-00003

LOCATION: SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

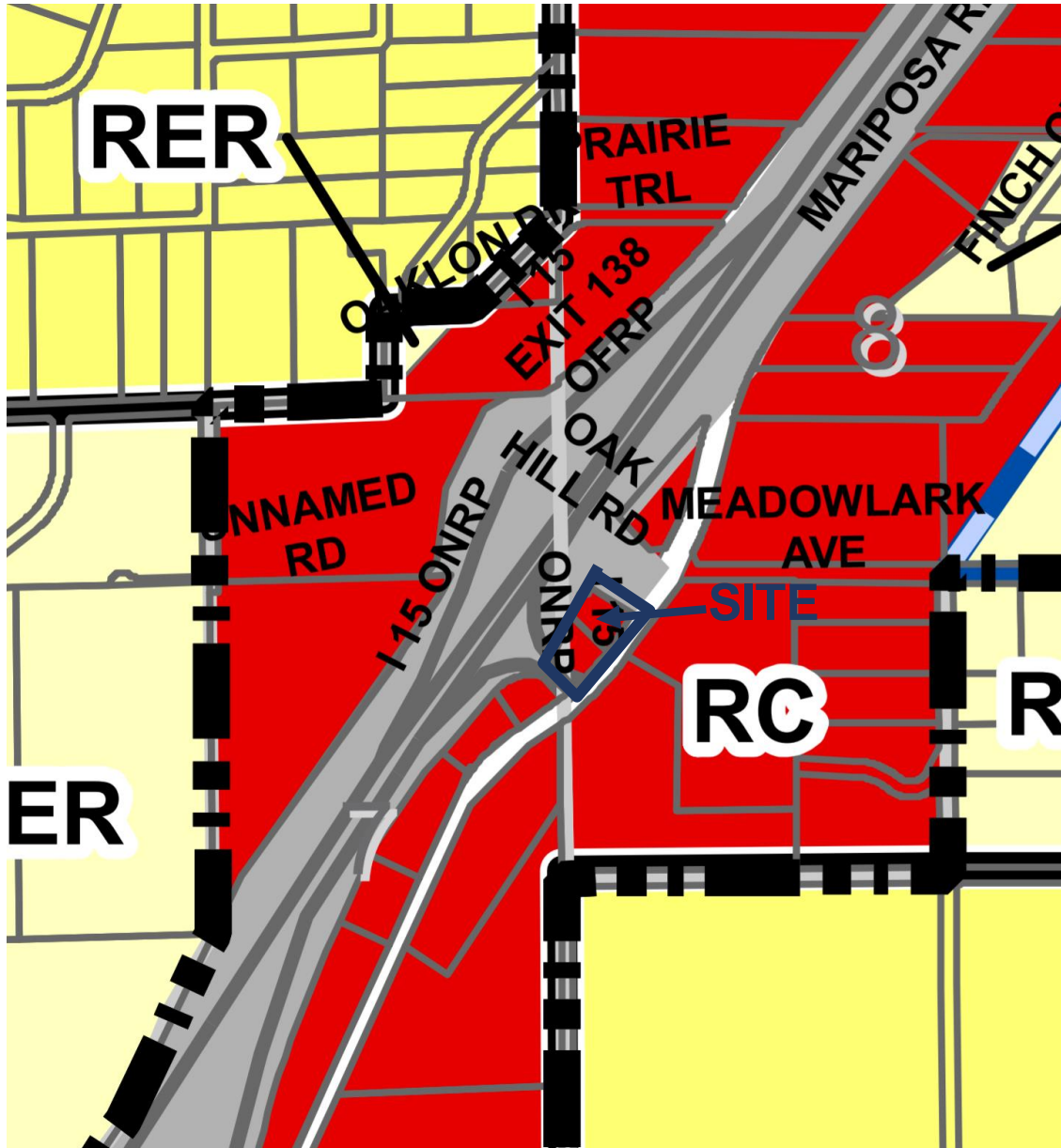
APN(S): 0357-304-01&02

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



SITE PLAN

ATTACHMENT 2



APPLICANT(S): GEORGE MIKHAIL

FILE NO(S): CUP20-00003 & ME20-00003

LOCATION: SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

APN(S):
0357-304-01&02

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



ATTACHMENT 3



APPLICANT(S): GEORGE MIKHAIL

FILE NO(S): CUP20-00003 & ME20-00003

LOCATION: SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

APN(S):
0357-304-01&02

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



ATTACHMENT 4



APPLICANT(S): GEORGE MIKHAIL

FILE NO(S): CUP20-00003 & ME20-00003

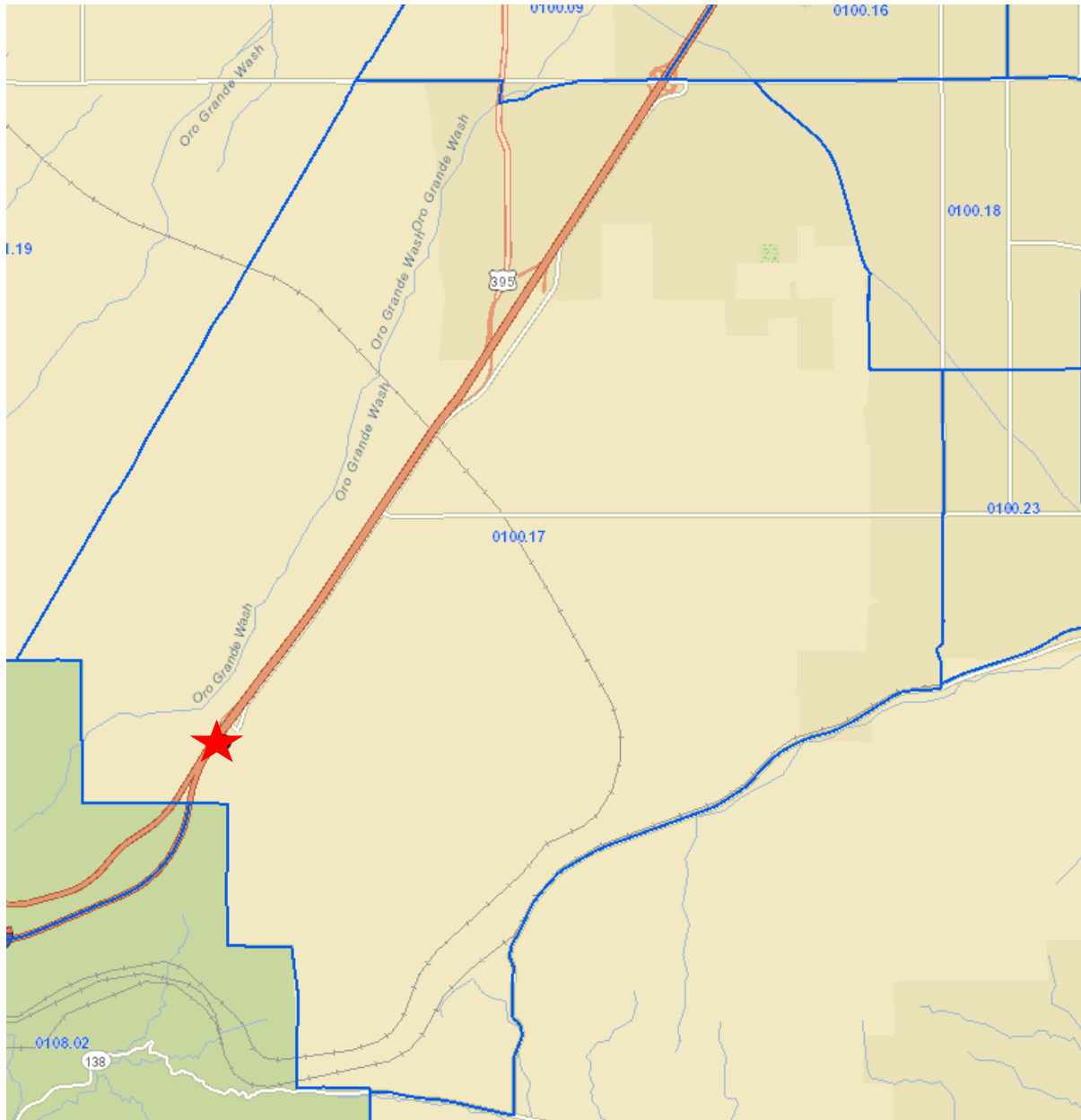
LOCATION: SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

APN(S):
0357-304-01&02

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

COLOR ELEVATION

ATTACHMENT 5



APPLICANT(S): GEORGE MIKHAIL

FILE NO(S): CUP20-00003 & ME20-00003

LOCATION: SOUTHWEST CORNER OF MARIPOSA RD & OAK HILL RD

APN(S):
0357-304-01&02

PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP20-00003 TO CONSTRUCT A VEHICLE FUEL STATION WITH A 4,464 SQUARE FOOT CONVENIENCE STORE AND A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND TO ALLOW THE SALE OF BEER, WINE AND LIQUOR (TYPE 21) FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH A MINOR EXCEPTION (ME20-00003) TO ALLOW A REDUCTION OF ONE PARKING SPACE ON 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



CENSUS TRACT MAP

ATTACHMENT 6

RESOLUTION NO. PC-2021-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 7 FUEL DISPENSERS, A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 4,464 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, ON APPROXIMATELY 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (CUP20-00003)

WHEREAS, George Mikhail has filed an application requesting approval of CUP20-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 1.4 gross acres located on the southwest corner of Mariposa Road and Oak Hill Road and consists of Assessor's Parcel Numbers 0357-304-01 & 02; and

WHEREAS, the Application, as contemplated, proposes to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling station with 6 fuel islands and a 960 square foot diesel fueling station with 1 fuel island; and

WHEREAS, the applicant has also filed an application requesting approval of a Minor Exception (ME20-00003) to allow a reduction of one parking space; and

WHEREAS, the 1.4 gross acre site is currently vacant with a billboard; the property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station; and

WHEREAS, the subject property as well as the surrounding properties are currently within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 9, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 1.4 gross acres and can accommodate a 4,464 square foot convenience store, 2,040 square foot drive-thru restaurant, a 4,620 square foot fueling station with 6 fuel islands, and a 960 square foot diesel fueling station within 1 fuel island and 37 parking spaces. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (b) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Regional Commercial (RC) zone of the Specific Plan with approval of this Conditional Use Permit. With the exception of required parking spaces, the project meets all of the development standards of the RC zone. Furthermore, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (c) The proposed sale of beer, wine and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan and Development Code. The sale of alcoholic beverages at this location supports the public convenience and necessity and is consistent with the allowable uses within the RC zone with approval of a Conditional Use Permit.
- (d) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the RC zone of the Specific Plan. A convenience store and drive-thru restaurant are allowable uses, and the fueling station and sale of alcoholic beverages are allowed with approval of a Conditional Use permit.
- (e) The site for the proposed use will have adequate access based upon its frontage along Mariposa Road. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (f) The overconcentration of the census tract is not a negative factor because there are three establishments (Walmart, Target, and Marriott Hotel) that are not similar in size or scale to the proposed project.
- (g) The proximity of other similar establishments within the same census tract is not heavily concentrated with alcohol

establishments. The Oak Hills Market is located approximately 400 feet to the south of the proposed project and the next closest establishment is located approximately 3 miles to the north in the unincorporated area of Oak Hills.

- (h) When comparing the proximity of similar establishments that have comparable freeway frontages there are two establishments located along Fashion Court that have similar freeway frontages east of the Interstate 15 freeway that currently serve motorists traveling along the freeway.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP20-00003, subject to the conditions of approval as shown in Attachment "A".

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 9th day of September 2021.

Cody Leis, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP20-00003

Approval Date:
Effective Date: **Pending City Council Approval**
Expiration Date:

This list of conditions applies to: Consideration of Conditional Use Permit CUP20-00003 to construct a vehicle fuel station with a 4,464 square foot convenience store and a 2,040 square foot drive-thru restaurant, and to allow the off-sale of beer, wine and liquor (Type 21) in conjunction with a Minor Exception (ME20-00003) to allow a reduction of one parking space on 1.4 gross acres within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan, located on the southwest corner of Mariposa Road and Oak Hill Road (Applicant: George Mikhail; APNs: 0357-304-01 & 02)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.

B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

C. Demolition permits shall be obtained from the Building Division prior to demolition of above or below ground structures. Prior to issuance a certificate that the structure is asbestos free shall be obtained from a licensed environmental engineer

D. Submit two (2) sets of engineered plans for the proposed swimming pool to the Building Division for review and construction permits with the required application fees. The plans shall have prior review and approval by the San Bernardino County Department of Environmental Health Services.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Bethany Hudson at (760) 947-1438 or bhudson@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	<p>DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.</p> <p>A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.</p> <p>B. Drywells shall be constructed by a contractor qualified in the construction of drywells.</p> <p>C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.</p> <p>D. The excavation for the drywell shall penetrate a minimum</p>

of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years

for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ONSITE RETENTION/INFILTRATION-FUELING STATIONS. The project shall provide an EPA-approved oil and gasoline stop valve to protect any retention/infiltration or detention facilities. Specifications and installation details shall be included in project plans.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

- A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
- B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
- C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board. Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see: <https://www.casqa.org/resources/bmp-handbooks>

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice Of Intent Receipt Letter and the project WDID No. to the City.

Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the projects Erosivity Waiver Certification and Waiver ID to the City.

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and provide

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MINOR EXCEPTION. These conditions are concurrent with approval of Minor Exception ME20-00003 to allow a reduction of one parking space.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRASH RECEPTACLE. A trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be screened with a permanent enclosure and shall be shown on the grading and improvement plans. In addition, the trash receptacle shall be maintained at all times and emptied on a regular basis so as to prevent overflow.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property

address posted. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and private hydrant locations. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. The Developer shall also coordinate and submit plans to the County for review and approval as the 8" ACP water main in Mariposa across project frontage is CSA 70-J water. Out of area service agreement will also be required. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. CIVIL PLANS, INCLUDING GRADING, WILL NOT BE APPROVED AND NO GRADING PERMIT WILL BE ISSUED BY THE CITY UNTIL APPROVAL FROM CALTRANS FOR STORM WATER DISCHARGE ONTO THEIR RIGHT OF WAY AND BLOCK WALL CONSTRUCTION ALONG CALTRANS RIGHT OF WAY HAS BEEN SUBMITTED TO THE CITY WITH A COPY OF A CALTRANS ENCROACHMENT PERMIT. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Mariposa Road. The right of way full width for Mariposa Road shall be one-hundred (100') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. Corner cut off right of way dedication per City standards is required at all intersections. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owners (CALTRANS) who are affected by concentrated off site storm water discharge from any on site retention basins and storm water runoff. The Acceptance letter, must be submitted to the City's Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to

review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OUT OF AREA SERVICE AGREEMENT. The Developer shall submit completed documents indicating approval for an Out of Area Service Contract per City of Hesperia San Bernardino County Special District Service Area 70 and L.A.F.C.O. (Local Agency Formation Commission) requirements. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MARIPOSA ROAD. Developer shall construct half-width (to center-line) improvements on Mariposa Road across the project frontage, based on City's 100-foot Mariposa Road Arterial Roadway Standard. The curb face is to be located at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. GRADING PLAN, WILL NOT BE

APPROVED AND NO GRADING PERMIT WILL BE ISSUED BY THE CITY UNTIL APPROVAL FROM CALTRANS FOR STORM WATER DISCHARGE ONTO THEIR RIGHT OF WAY AND BLOCK WALL CONSTRUCTION ALONG CALTRANS RIGHT OF WAY HAS BEEN SUBMITTED TO THE CITY WITH A COPY OF A CALTRANS ENCROACHMENT PERMIT. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) (CALTRANS) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A combination solid three foot high split face masonry wall or other approved decorative wall with a three foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on site would negatively affect adjacent residentially designated properties. An approved six foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)

B. Park Fees (Not applicable to commercial and industrial developments (B)

C. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format to

the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ALCOHOL SALES. The project is subject to Section 16.16.370 of the Municipal Code which provides standards for the continued operation of alcohol establishments, and sets forth grounds for the modification, revocation and termination of this conditional use permit if it is found to be in violation of this section.

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	947-1300
(E) Engineering Division	947-1476
(F) Fire Prevention Division	947-1603
(P) Planning Division	947-1200
(RPD) Hesperia Recreation and Park District	244-5488

ATTACHMENT 7

RESOLUTION NO. PC-2021-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A MINOR EXCEPTION TO ALLOW A REDUCTION OF ONE PARKING SPACE IN CONJUNCTION WITH A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 7 FUEL DISPENSERS, A 2,040 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 4,464 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, ON APPROXIMATELY 1.4 GROSS ACRES WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (ME20-00003)

WHEREAS, George Mikhail has filed an application requesting approval of Minor Exception 20-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 1.4 gross acres located on the southwest corner of Mariposa Road and Oak Hill Road and consists of Assessor's Parcel Numbers 0357-304-01 & 02; and

WHEREAS, the applicant has also filed an application requesting approval of a Conditional Use Permit, CUP20-00003 to construct a 4,464 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,040 square foot drive-thru restaurant attached to the convenience store, a 4,620 square foot fueling station with 6 fuel islands and a 960 square foot diesel fueling station with 1 fuel island; and

WHEREAS, The Development Code requires the proposed development to have 38 parking spaces, and with approval of the Minor Exception the proposal would be permitted to have 37 parking spaces; and

WHEREAS, the 1.4 gross acre site is currently vacant with a billboard; the property to the north consists of vacant right-of-way for Interstate-15. The property to the east also consists of vacant right-of-way that is owned by the City. The property to the south is vacant. The property to the west consists of an abandoned gas station; adjacent to the abandoned gas station site is a Chevron gas station; and

WHEREAS, the subject property as well as the surrounding properties are currently within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on September 9, 2021, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 9, 2021 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone because the intended use of the property is a gas station and convenience store and it can be reasonably expected that the patrons frequenting the site will stay for short durations and will not occupy the required parking spaces for extended periods of time. In addition, the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking.
- (b) The strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the proposed site design maintains consistency with the Design Guidelines in the Development Code which requires front and rear yard setbacks, and additional landscape coverage along the project frontages with the I-15 freeway. The proposed site design is not able to accommodate an additional parking space without reducing the size of the building.
- (c) The granting of the minor exception would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because the 1.4 gross acre parcel is irregularly shaped and restricted from meeting certain development standards. In addition, the areas adjacent to the fuel pumps may be used as temporary parking spaces, but they are not counted towards meeting the minimum parking requirements. The project proposes 7 fuel islands resulting in 14 locations that could serve as temporary parking.
- (d) The granting of the Minor Exception will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, because a one parking space deficiency does not have the potential to disrupt parking, traffic, or properties in the vicinity.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Minor Exception ME20-00003.

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 9th day of September 2021.

Cody Leis, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission