

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: September 8, 2016

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Hahn, Commissioner

Cody Leis, Commissioner

* - * - * - * - * - * - * - *

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

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SEPTEMBER 8, 2016

**AGENDA
HESPERIA PLANNING COMMISSION**

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER

6:30 p.m.

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:
 - Chair Tom Murphy
 - Vice Chair William Muller
 - Commissioner Jim Heywood
 - Commissioner Joline Hahn
 - Commissioner Cody Leis

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- D. Approval of Minutes: August 11, 2016, Planning Commission Meeting Draft Minutes.

PUBLIC HEARINGS

- 1. Consideration of Conditional Use Permit CUP16-00006 to allow the sale of beer and wine for off-site consumption in conjunction with a 99 CENTS only store at 17255 Main Street (Applicant: Alcoholic Beverage Consultants; APN: 0410-182-51). 1-1
- 2. Consideration of Conditional Use Permit CUP15-00009 to construct a 5,120 square foot convenience store that includes an attached 1,255 square foot automated carwash tunnel, a 1,300 square foot fast food restaurant, and the sale of beer and wine for off-site consumption, a 4,704 square foot fueling station with 12 fuel dispensers, and a 3,000 square foot drive-thru restaurant, on approximately 2 gross acres located on the southwest corner of US Highway 395 and Three Flags Court (Applicant: 395 Three Flags LLC; APN 3039-331-10). 2-1

PRINCIPAL PLANNER'S REPORT

The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.

- E. DRC Comments
- F. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Denise Bossard, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, September 1, 2016, at 5:30 p.m. pursuant to California Government Code §54954.2.



Denise Bossard
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
August 11, 2016
MINUTES**

CALL TO ORDER:

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Tom Murphy in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Pledge of Allegiance led by Commissioner Cody Leis.

INVOCATION:

Invocation led by Commissioner William Muller.

ROLL CALL:

**Present: Chair Tom Murphy
Vice Chair William Muller
Commissioner Jim Heywood
Commissioner Joline Hahn
Commissioner Cody Leis**

JOINT PUBLIC COMMENTS:

Chair Tom Murphy opened the Joint Public Comments at 6:32 pm.
There were no Public Comments.
Chair Tom Murphy closed the Joint Public Comments at 6:32 pm.

CONSENT CALENDAR:

Approval of Minutes: July 14, 2016, Planning Commission Meeting Draft Minutes

Motion by Commissioner Joline Hahn to approve the July 14, 2016, Planning Commission Meeting Draft Minutes, Seconded by Commissioner Jim Heywood, passed with the following roll call vote:

**AYES: Chair Tom Murphy, Vice Chair William Muller, Commissioner Joline Hahn, and
Commissioner Jim Heywood
ABSTAIN: Commissioner Cody Leis**

PUBLIC HEARING:

- 1. Consideration of Revised Site Plan Review SPRR16-00004, to allow the expansion of an existing dog kennel to include overnight boarding and day care located at 9963 Peach Avenue (Applicant: Steven T Stinnette 0411-122-27)**

Senior Planner Daniel Alcayaga gave a presentation on Site Plan Review Revision, SPRR16-00004. The Commission asked questions of staff and Assistant City Attorney with discussions ensuing. Chair Tom Murphy opened the Public Hearing at 6:47 pm. Applicant Steven Stinnette spoke. The Commission asked questions with discussions ensuing. Additional information was provided the Commission for review. Discussions ensued between Steven Stinnette, staff, and the Commission. Chair Tom Murphy closed the Public Hearing at 6:59 pm. The Commission asked additional questions of staff with discussions ensuing.

Motion by Commissioner Joline Hahn to adopt Resolution No. PC-2016-21, as amended, approving Revised Site Plan Review SPRR16-00004, Seconded by Commissioner Cody Leis, passed with the following roll call vote:

AYES: Chair Tom Murphy, Vice Chair William Muller, Commissioner Jim Heywood, and Commissioner Joline Hahn, Commissioner Cody Leis

PRINCIPAL PLANNER'S REPORT:

DRC Comments:

No update provided.

Major Project Update:

Principal Planner Dave Reno reported on two Conditional Use Permits concerning ABC licenses for the September 8th Planning Commission Meeting, an update on single family building permits, and an update on commercial building.

PLANNING COMMISSION BUSINESS OR REPORTS:

Commissioner Hahn reported that she received an invitation for the Eagle Ground Breaking. The Commission asked questions of Principal Planner Dave Reno regarding the Eagle project which led to updates on the Lewis Center and the southern portion of the Target Center, including the Planet Fitness facility. The Commission asked additional questions with discussions ensuing.

ADJOURNMENT:

The meeting adjourned at 7:10 pm until September 8, 2016.

Tom Murphy,
Chair

By: Denise Bossard,
Commission Secretary

City of Hesperia
STAFF REPORT

DATE: September 8, 2016
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP16-00006; Applicant: Alcoholic Beverage Consulting; APN: 0410-182-51

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-23, approving CUP16-00006.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) to allow the sale of beer and wine for off-site consumption.

Location: 17255 Main Street

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 (Specific Plan). The surrounding land is designated as noted on Attachment 1. The 99 Cent Only Store is located within the Main Street Plaza. Another discount store (Dollar General) and a multi-tenant commercial plaza exist to the north. A chiropractor's office and vacant land exist to the south. A bank and vacant land exist to the east. Jewelry and locksmith storefronts, as well as a residence exist to the west (Attachment 2).

ISSUES/ANALYSIS

The Specific Plan requires a CUP for the off-site sale of alcohol within the NC Zone. The applicant is requesting a Conditional Use Permit to sell beer and wine for off-site consumption in conjunction with a 99 Cent Only Store. The Department of Alcoholic Beverage Control (ABC) will require the applicant to apply for a Type 20 license, which is for Off-Sale of Beer and Wine. ABC requires the City to make a finding of public convenience or necessity because the census tract in question is over-concentrated. The project is located within Census Tract 100.20 (Attachment 3). ABC has determined that the site is located within an over concentrated census tract because it currently exceeds ABC's limitation of five licenses, and Census Tract 100.20 already has five active licenses (Table 1).

Table 1
Existing Off-Sale Licenses in Census Tract 100.20

| Location | Business Name | ABC License Type |
|----------------|----------------------------|-----------------------------|
| 16987 Main St. | Porgies Liquor | 21 – beer, wine, and liquor |
| 17223 Main St. | Hesperia Fastrip 2 | 21 – beer, wine, and liquor |
| 16767 Main St. | 7 Eleven Store | 20 – beer and wine |
| 16815 Main St. | DHR Verma Oil (ARCO AM/PM) | 21 – beer, wine, and liquor |
| 17383 Main St. | Walgreens | 20 – beer and wine |

The ABC's over-concentrated criterion is based on the number of licenses per census tract population. If the City can make a finding of necessity and convenience, ABC will permit an additional alcohol license within this census tract. Staff believes that the findings of necessity and convenience can be made, as the 99 Cent Only Store provides convenient shopping services to nearby residents. The store would like to extend their service to include alcohol sales in order to remain competitive and meet customer demand. The closest similar business to the 99 Cent Only Store is the Dollar General store directly across the street, which together serve the east side of Main Street. The other establishments in the area, which include grocery stores, convenience stores, pharmacies, and liquor stores are different types of businesses and offer a diversity of services to consumers. Approval of the CUP would support the 99 Cent Only Store in continuing to serve the public's shopping needs and help increase the City's sales tax revenue.

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 store to remain competitive with similar businesses and to meet customer demand.

FISCAL IMPACT

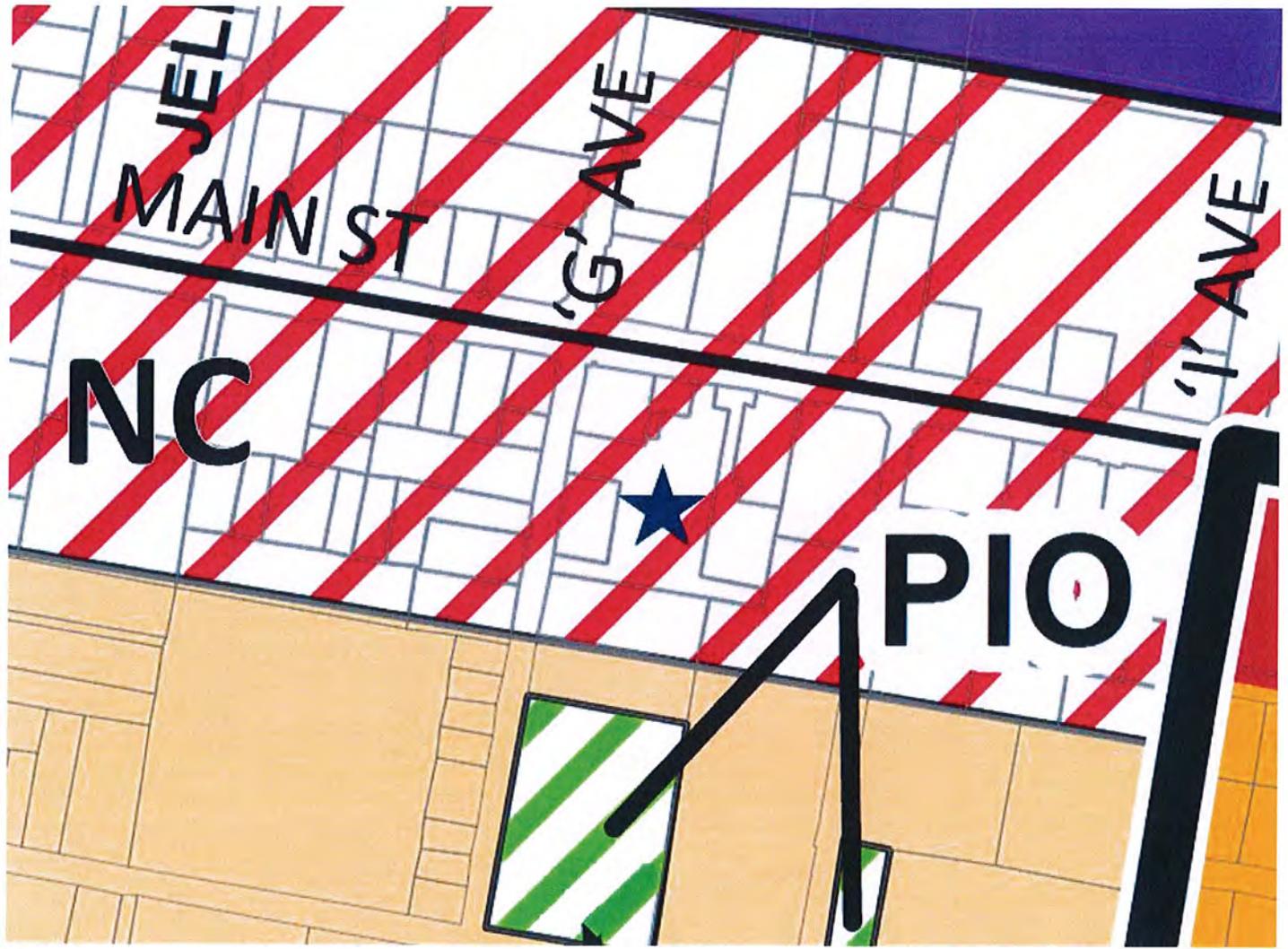
None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Land Use Map
2. Aerial Photo
3. Census Tract Map
4. Resolution No. PC-2016-23, with list of conditions (CUP)



★ 99 Cent Only Store

APPLICANT(S):
ALCOHOLIC BEVERAGE CONSULTING

FILE NO(S): CUP16-00006

LOCATION:
17255 MAIN STREET

APN(S):
0408-152-08

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE SALE OF ALCOHOL FOR OFF-SITE CONSUMPTION



MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

ATTACHMENT 2



APPLICANT(S):
ALCOHOLIC BEVERAGE CONSULTING

FILE NO(S): CUP16-00006

LOCATION:
17255 MAIN STREET

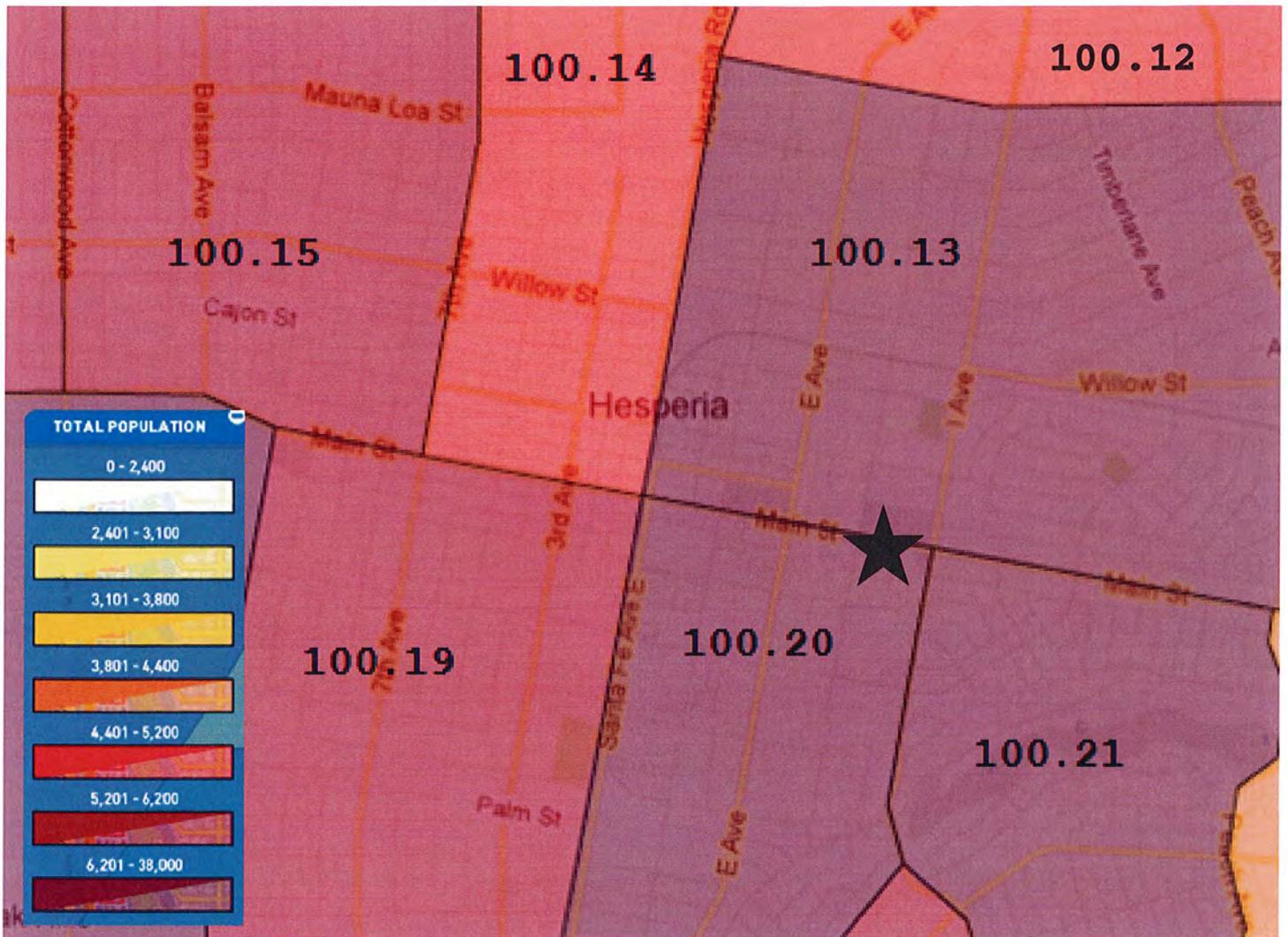
APN(S):
0408-152-08

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE SALE OF ALCOHOL FOR OFF-SITE CONSUMPTION



AERIAL PHOTO

ATTACHMENT 3



APPLICANT(S):
ALCOHOLIC BEVERAGE CONSULTING

FILE NO(S): CUP16-00006

LOCATION:
17255 MAIN STREET

APN(S):
0408-152-08

PROPOSAL:
A CONDITIONAL USE PERMIT (CUP) TO ALLOW THE SALE OF ALCOHOL FOR OFF-SITE CONSUMPTION



CENSUS TRACT MAP

ATTACHMENT 4

RESOLUTION NO. PC-2016-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOL FOR OFF-SITE CONSUMPTION AT 17255 MAIN STREET (CUP16-00006)

WHEREAS, Alcoholic Beverage Consulting has filed an application requesting approval of Conditional Use Permit CUP16-00006 described herein (hereinafter referred to as "Application"); and

WHEREAS, The Application applies to a discount store within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan, located at 17355 Main Street of Assessor's Parcel Numbers 0410-182-51; and

WHEREAS, the Application, as contemplated, proposes to establish the sale of beer and wine in conjunction with a discount store; and

WHEREAS, The 99 Cent Only Store is located within the Main Street Plaza. Another discount store (Dollar General) and a multi-tenant commercial plaza exist to the north. A chiropractor's office and vacant land exist to the south. A bank (Bank of America) and vacant land exist to the east. Jewelry and locksmith storefronts, as well as a residence exist to the west; and

WHEREAS, The site as well as surrounding properties are within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15301, Existing Facilities; and

WHEREAS, on September 8, 2016, the Planning Commission of the City of Hesperia conducted a hearing on the 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 this Commission during the above-referenced September 8, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed use is conditionally allowed within the Neighborhood Commercial Zone of the Main Street and Freeway Corridor Specific Plan and complies with all applicable provisions of the Development Code. The proposed use would not impair the integrity and character of the

surrounding neighborhood. The site is suitable for the type and intensity of the use that is proposed. The expansion of the existing business is restricted to the sale of beer and wine.

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed sale of beer and wine in conjunction with an existing discount store will not have a detrimental impact on adjacent properties.
- (c) The proposed use is consistent with the objectives, policies, land uses and programs of the General Plan, Specific Plan and Development Code. The proposed use will take place within an existing discount store. The sale of beer and wine is consistent with the allowable uses within the Neighborhood Commercial Zone.
- (d) There are adequate provisions for sanitation, public utilities and general services to ensure the public convenience, health, safety and general welfare. The proposed use will occur within an existing building with adequate on-site improvements. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP16-00006 subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED this 8th day of September 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT 'A'

List of Conditions for Conditional Use Permit CUP16-00006

Approval Date: September 8, 2016
Effective Date: September 20, 2016
Expiration Date: September 20, 2019

This list of conditions apply to a Conditional Use Permit to allow the sale of alcohol for off-site consumption at 17255 Main Street. Any change of use or expansion of area may require approval of a revised conditional use permit application (Applicant: Alcoholic Beverage Consulting; APN: 0410-182-51).

The sale of beer shall not occur until all conditions of this conditional use permit application have been met. This approved conditional use permit shall become null and void if all conditions have not been completed within three (3) years of the effective date. Extensions of time of up to twelve (12) months may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: The "Init" and "Date" spaces are for internal city use only).
Init Date

THE FOLLOWING ARE CONTINUING CONDITIONS. FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN REVOCATION OF THE CONDITIONAL USE PERMIT:

- ___ _____ 1. **Valid License.** At all times during the conduct of the use allowed by this permit, the use shall obey all laws and shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void. (P)

- ___ _____ 2. **Permit Revocation.** In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall become null and void. (P)

- ___ _____ 3. **Employee Age.** All employees selling alcohol must be at least 21 years of age. (P)

- ___ _____ 4. **ABC Requirements.** The use must comply with the permit process and requirements set forth by the State of California, Alcoholic Beverage Control. (P)

- ___ _____ 5. **Alcohol Consumption.** Alcoholic beverages shall not be consumed within the store or in proximity to the licensed premises under the control of the licensee. This includes all sidewalks and the parking lot. (P)

- _____ 6. **ABC License.** The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as public premises. (P)
- _____ 7. **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 Applicant's 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)

IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CALL THE APPROPRIATE DIVISION LISTED BELOW:

| | | |
|-------|--|-----------------|
| (P) | Planning Division | 947-1200 |
| (B) | Building Division | 947-1300 |
| (E) | Engineering Division | 947-1414 |
| (F) | Fire Prevention Division | 947-1012 |
| (RPD) | Hesperia Recreation and Park District | 244-5488 |

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DATE: September 8, 2016
TO: Planning Commission
FROM: *D* Dave Reno, AICP, Principal Planner
BY: *RL* Ryan Leonard, AICP, Associate Planner
SUBJECT: Conditional Use Permit CUP15-00009; Applicant: 395 Three Flags LLC; APN: 3039-331-10

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-22, approving CUP15-00009.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 5,120 square foot convenience store that includes an attached 1,255 square foot automated carwash tunnel and a 1,300 square foot fast food restaurant. In addition, the development will include a 4,704 square foot fueling station with 12 fuel dispensers, and a 3,000 square foot drive-thru restaurant on an approximately 2.0 gross acre parcel (Attachment 1). The CUP also includes the sale of beer and wine from the convenience store for off-site consumption.

Location: On the southwest corner of Highway 395 and Three Flags Court.

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 (Specific Plan). The surrounding land is designated as noted on Attachment 2. An ARCO AM/PM gas station exists to the north on the opposite side of Three Flags Court. The properties to the south and west are vacant. Highway 395 runs adjacent to the eastern boundary of the site and the Pilot Travel Center is located on the opposite side of Highway 395 (Attachment 3).

ISSUES/ANALYSIS

The Specific Plan allows the convenience store, fast food restaurant and drive-thru restaurant as permitted uses, but requires approval of a CUP for the proposed fueling station, carwash and the sale of alcoholic beverages. The proposed CUP consists of the development of a 5,120 square foot convenience store that includes an attached 1,255 square foot automated carwash tunnel and a 1,300 square foot fast food restaurant. In addition the development will include a 4,704 square foot fueling station with 12 fuel dispensers, and a 3,000 square foot drive-thru restaurant (Attachment 4). The CUP also includes the sale of beer and wine from the convenience store for off-site consumption (Type 20 License).

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 55 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces.

Table 1: Parking Spaces Required

| Use (sq. ft) | Parking Formula | Spaces Required |
|--|---|-----------------|
| Convenience Store (2,575 sq. ft.) | 4.0 spaces per 1,000 square feet gross floor area | 10 |
| Carwash (1,255 sq. ft.) | 2 spaces per wash stall | 2 |
| Fast Food Restaurants (1,300 sq. ft & 3,000 sq. ft) | 10 spaces per 1,000 square feet gross floor area | 43 |
| Total | | 55 |

The site design complies with the architectural guidelines of the Specific Plan. Each building is well designed and includes architectural attributes that include variation in wall and roof planes and the use of a variety of exterior materials and colors. Each building proposes a stucco exterior finish with horizontal and vertical reveals, stacked stone accent walls to create a main entry feature, stacked stone columns on all sides, and varying accent colors. Other architectural features include awnings, cornices, sconces, and decorative lighting on the walls of the buildings (Attachment 5). The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the total site; the project provides 11,243 square feet (17.5%) of total landscape coverage.

The applicant will file an application for a Type 20 (Off-Sale Beer and Wine) license with the California Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages. Table 2 identifies eight active off-sale alcoholic beverage licenses within Census Tract 100.17 (Attachment 6) as well as one additional application that is pending (see footnote below). ABC authorizes this census tract to have 10 off-sale licenses. Therefore, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 2: Existing On-Sale Licenses in Census Tract 100.17

| Status | Business Name | Business Address | Type of License |
|--------|---------------------|------------------------|---------------------------|
| Active | Pilot | 8701 U. S. Highway 395 | 20-Beer and Wine |
| Active | Mobil | 13302 Rancho Rd. | 21-Beer, Wine, and Liquor |
| Active | Target | 12795 Main St. | 21-Beer, Wine, and Liquor |
| Active | Chevron | 6000 Mariposa Rd. | 21-Beer, Wine, and Liquor |
| Active | Walmart | 13401 Main St. | 21-Beer, Wine, and Liquor |
| Active | Valero | 13187 Main St., Unit B | 21-Beer, Wine, and Liquor |
| Active | Marriott Springhill | 9625 Mariposa Rd. | 20-Beer and Wine |
| Active | Arco | 12078 Three Flags Ct. | 20-Beer and Wine |

* The Planning Commission approved a Type 21 license at the southeast corner of Rancho Road and Interstate 15 on April 14, 2016 (CUP16-00002). This license does not appear in the Department of ABC's database because the site has not been constructed and the final tenant is not known. Therefore, even though the Department of ABC only shows 8 "active" licenses, there is one additional license that is approved and pending.

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. Two landscape detention basins and an underground drainage system are

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 connect to an existing 10-inch sewer line and an existing 8-inch water line located along Highway 395.

Traffic/Street Improvements: A Traffic Impact Study (TIS) was prepared for the project, due to the projects proximity to Highway 395 and Caltrans responsibility over street dedication and site access along Highway 395. According to the City's General Plan Circulation Element, Highway 395 is constructed as a 130-foot wide Special Street Section, which provides six travel lanes in both directions and Three Flags Court is to be constructed as a 60-foot wide Local Street Section which provides two travel lanes. 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 frontages of Highway 395 and Three Flags Court.

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: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. Further, approval of the sale of beer and wine is appropriate, particularly to allow the convenience store to be competitive with similar businesses and to meet customer demand.

FISCAL IMPACT

None.

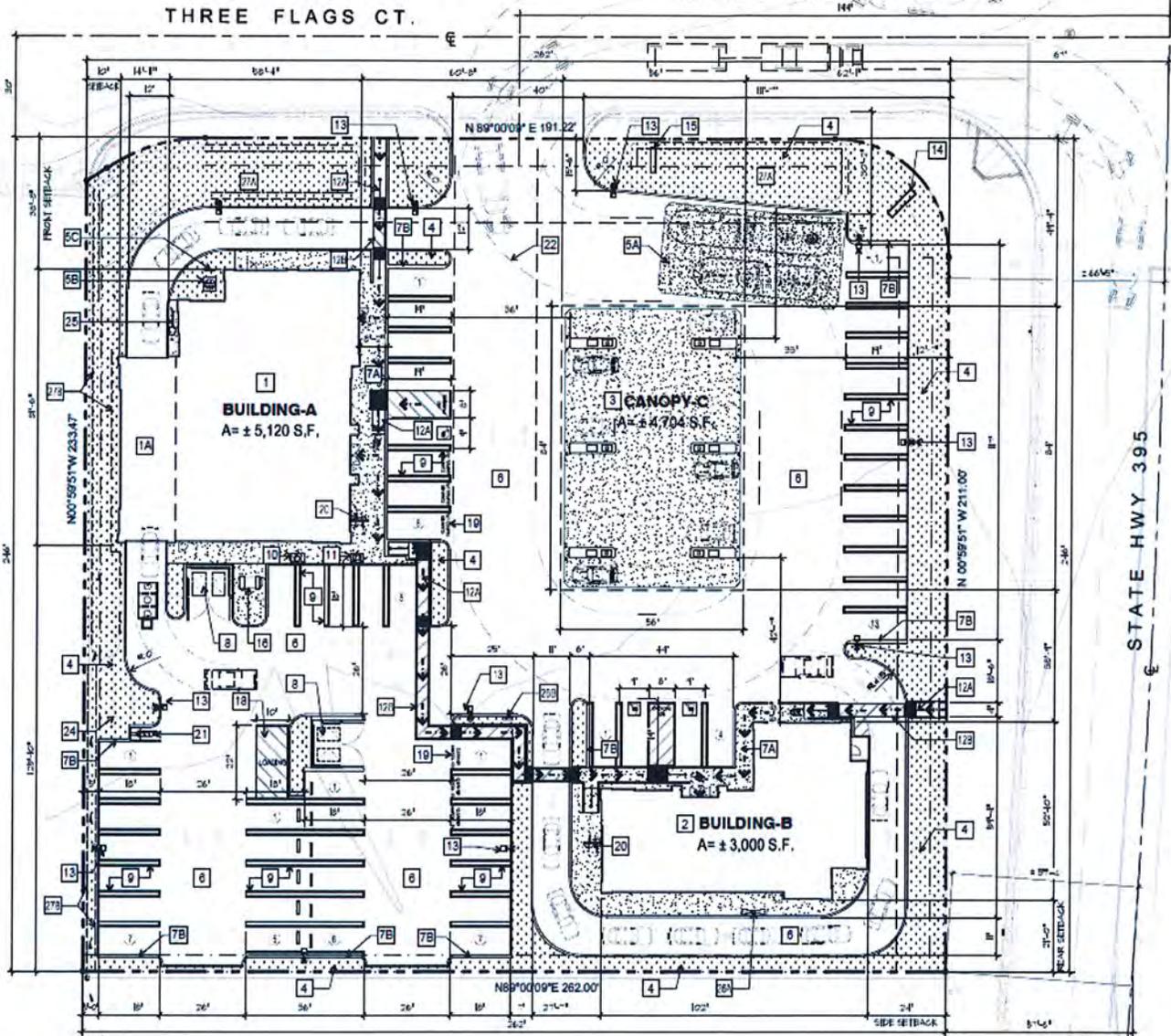
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2016-22, with list of conditions

ATTACHMENT 1



APPLICANT(S): 395 THREE FLAGS LLC

FILE NO(S): CUP15-00009

LOCATION: SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT

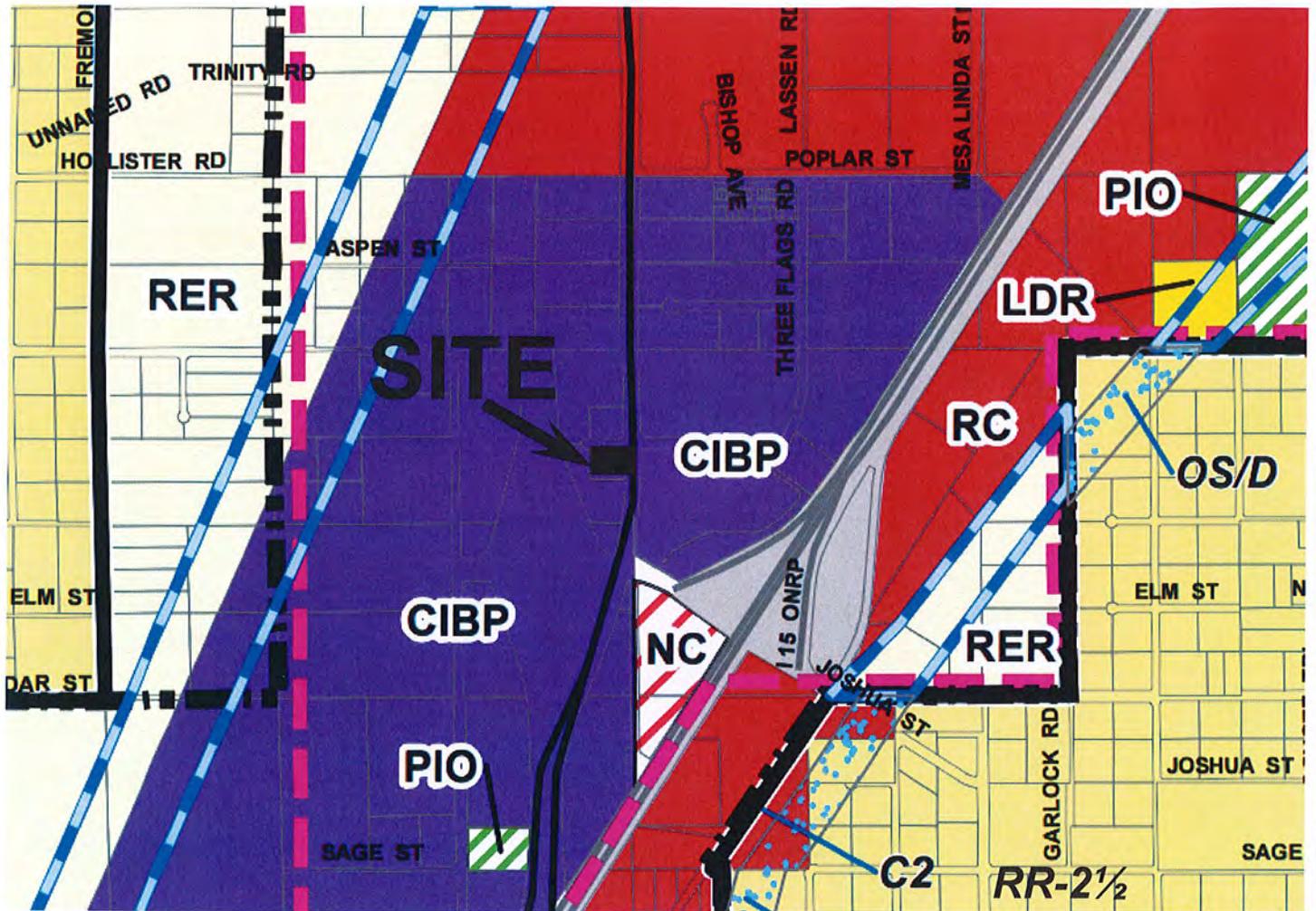
APN(S):
3039-331-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK



SITE PLAN

ATTACHMENT 2



APPLICANT(S): 395 THREE FLAGS LLC

FILE NO(S): CUP15-00009

LOCATION: SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT

APN(S):
3039-331-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK



GENERAL PLAN MAP

ATTACHMENT 3



APPLICANT(S): 395 THREE FLAGS LLC

FILE NO(S): CUP15-00009

LOCATION: SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT

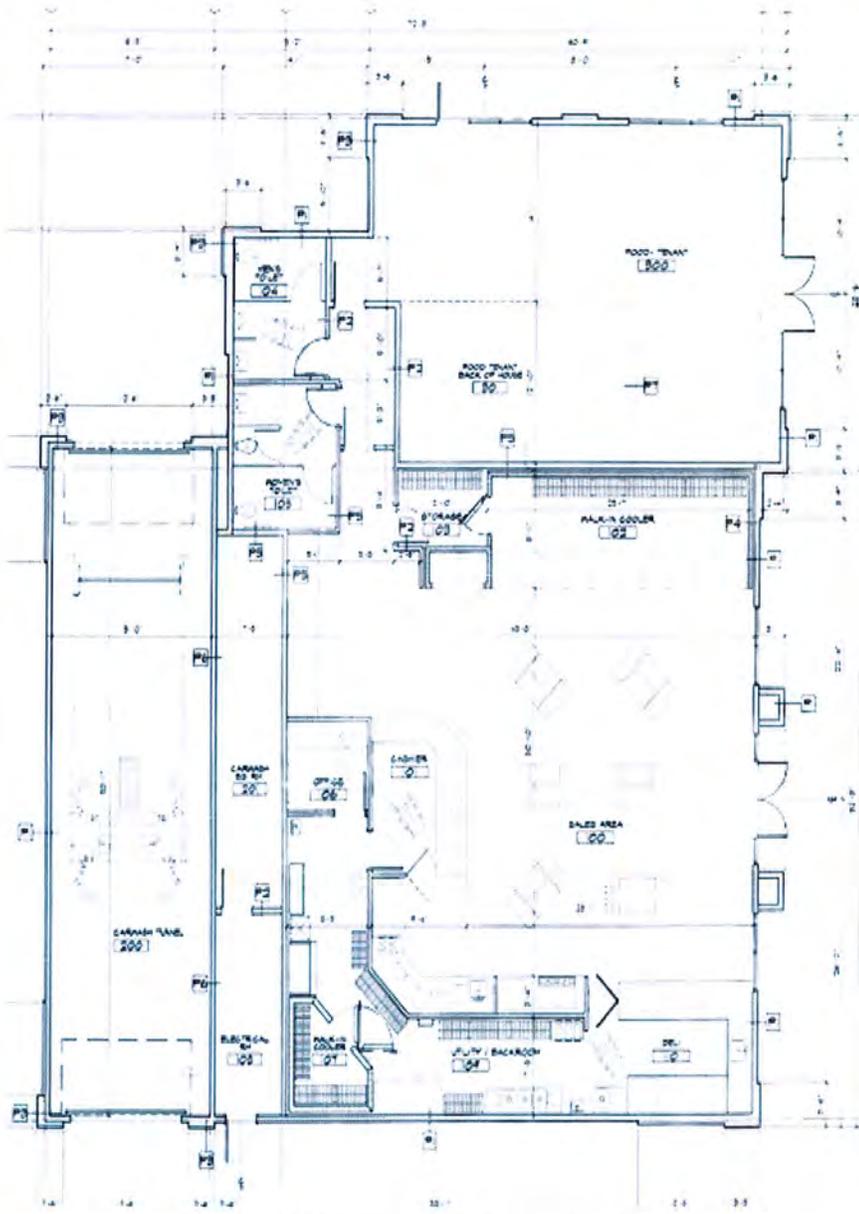
APN(S):
3039-331-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK

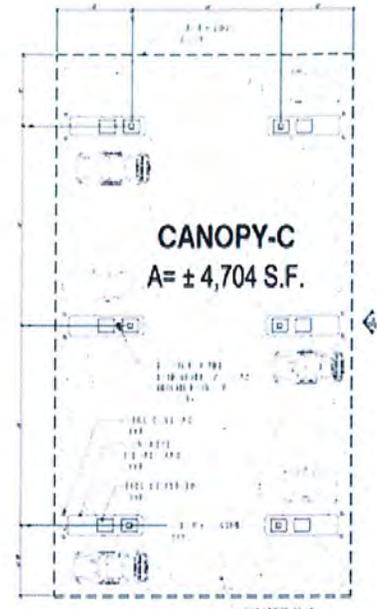


AERIAL PHOTO

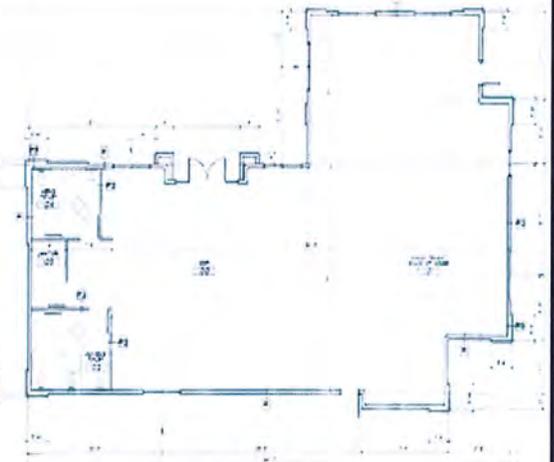
ATTACHMENT 4



**Convenience Store, Car Wash, and
Fast Food Restaurant**



Gas Station Canopy



Drive-Thru Restaurant

APPLICANT(S): 395 THREE FLAGS LLC

FILE NO(S): CUP15-00009

LOCATION: SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT

APN(S):
3039-331-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK



FLOOR PLANS

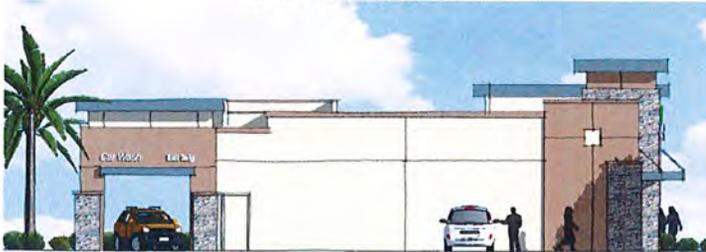
ATTACHMENT 5



CONVENIENCE STORE W/ CARWASH AND FAST FOOD
EAST ELEVATION



CONVENIENCE STORE W/ CARWASH AND FAST FOOD
NORTH ELEVATION



CONVENIENCE STORE W/ CARWASH AND FAST FOOD
SOUTH ELEVATION



CONVENIENCE STORE W/ CARWASH AND FAST FOOD
WEST ELEVATION



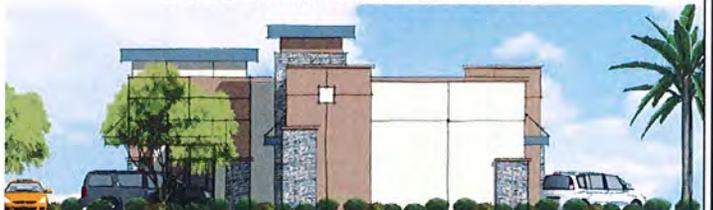
DRIVE-THRU NORTH ELEVATION



DRIVE-THRU EAST ELEVATION



DRIVE-THRU SOUTH ELEVATION



DRIVE-THRU WEST ELEVATION



CANOPY EAST ELEVATION



CANOPY SOUTH ELEVATION

APPLICANT(S): 395 THREE FLAGS LLC

FILE NO(S): CUP15-00009

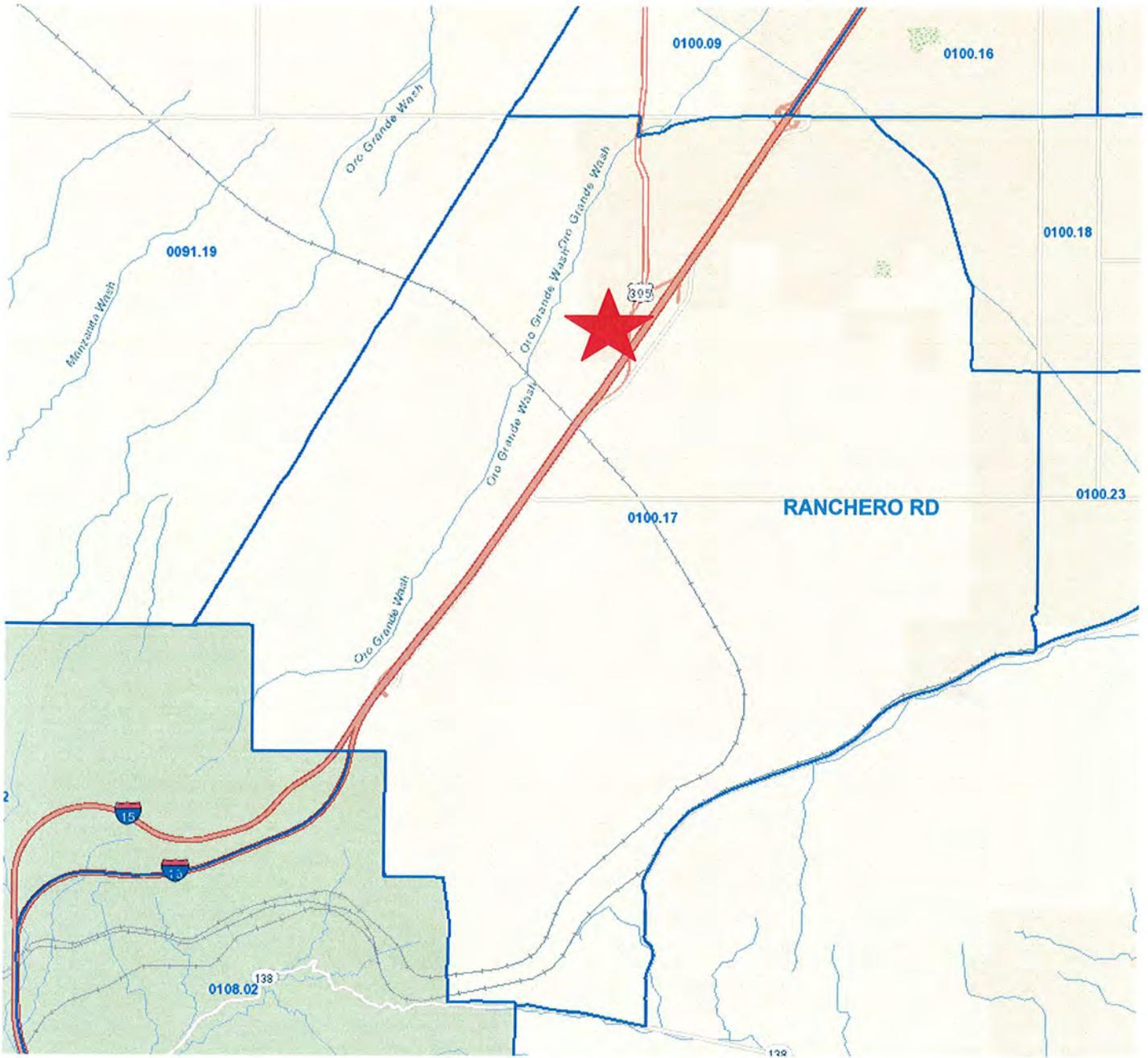
LOCATION: SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT

APN(S):
3039-331-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK

COLOR ELEVATIONS

ATTACHMENT 6



APPLICANT(S): 395 THREE FLAGS LLC

FILE NO(S): CUP15-00009

LOCATION: SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT

APN(S):
3039-331-10

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK



CENSUS TRACT MAP

ATTACHMENT 7

RESOLUTION NO. PC-2016-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 5,120 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES AN ATTACHED 1,255 SQUARE FOOT AUTOMATED CARWASH TUNNEL, A 1,300 SQUARE FOOT FAST FOOD RESTAURANT, AND THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 4,704 SQUARE FOOT FUELING STATION WITH 12 FUEL DISPENSERS, AND A 3,000 SQUARE FOOT DRIVE-THRU RESTAURANT ON APPROXIMATELY 2 GROSS ACRES WITHIN THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN ZONED COMMERCIAL/INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF HIGHWAY 395 AND THREE FLAGS COURT (CUP15-00009)

WHEREAS, 395 Three Flags LLC has filed an application requesting approval of CUP15-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.0 gross acres located on the southwest corner of Highway 395 and Three Flags Court and consists of Assessor's Parcel Number 3039-331-10; and

WHEREAS, the Application, as contemplated, proposes to construct a 5,120 square foot convenience store that includes an attached 1,255 square foot automated carwash tunnel, a 1,300 square foot fast food restaurant, and the sale of beer and wine for off-site consumption, a 4,704 square foot fueling station with 12 fuel dispensers and a 3,000 square foot drive-thru restaurant; and

WHEREAS, the 2.0-acre site and the properties to the south and west are vacant. A gas station exists to the north, on the opposite side of Three Flags Court and the Pilot Travel Center exists to the east on the opposite side of Highway 395; and

WHEREAS, the subject property as well as the surrounding properties are within the Commercial/Industrial Business Park (CIBP) 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 8, 2016, 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 8, 2016 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 because the site can accommodate all proposed improvements in conformance with the Development Code.
- (b) The proposed sale of beer and wine for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of alcoholic beverages is consistent with the allowable uses within the CIBP zone with approval of a conditional use permit.
- (c) 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 CIBP zone of the Main Street and Freeway Corridor Specific Plan, with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. Further, the sale of alcoholic beverages (beer and wine) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the CIBP zone of the Specific Plan. 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.
- (e) The site for the proposed use will have adequate access based upon its frontage along Three Flags Court. 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 proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the CIBP zone of the Specific Plan. A gas station, carwash and the sale of alcoholic

beverages are allowable uses with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP15-00009, 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 8th day of September 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP15-00009

Approval Date: September 08, 2016
Effective Date: September 20, 2016
Expiration Date: September 08, 2019

This list of conditions applies to: Consideration of Conditional Use Permit CUP15-00009 to construct a 5,120 square foot convenience store that includes an attached 1,255 square foot automated carwash tunnel, a 1,300 square foot fast food restaurant, and the sale of beer and wine for off-site consumption, a 4,704 square foot fueling station with 12 fuel dispensers, and a 3,000 square foot drive-thru restaurant, on approximately 2 gross acres within the Main Street and Freeway Corridor Specific Plan zoned Commercial/Industrial Business Park (CIBP) located on the southwest corner of US Highway 395 and Three Flags Court (APN 3039-331-10; Applicant: 395 Three Flags LLC).

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

| | | |
|--|---------------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (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> | 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> | N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E) |
| <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. The Final Map CDP improvement plans requested studies and CFD annexation must be submitted as a package. The developer shall coordinate with the Citys Engineering Department for any additional fees. Any outstanding fees must be paid before final inspection and the release of bonds. (E) |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | IRREVOCABLE OFFER OF DEDICATION. The Developer shall submit an "Offer of |

NOT IN COMPLIANCE

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)

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)

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

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. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Highway 395. The right of way full width for Highway 395 shall be one-hundred thirty (130') 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 approach 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

GRANT OF EASEMENT FOR DOUBLE DETECTOR CHECK VALVE. The Developer shall grant to the City an easement for any part of a required double detector check valve that encroaches onto private property. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

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. (E)

COMPLETED **COMPLIED BY** ON SITE RETENTION (FUELING STATIONS). The Developer shall design / construct on site retention facilities, which satisfies L.I.D. (Low Impact Development) requirements and which has a minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. It is the Developers responsibility to remove existing on site storm drain facilities per the City Inspector. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. The Developer shall provide an E.P.A. approved oil and gasoline stop valve for the proposed on site retention system. The documentation shall be provided to the City for their review. (E)

COMPLETED **COMPLIED BY** TRAFFIC SIGNAL(S). The Developer shall design to construct, relocate, and modify traffic signal at the intersection of Highway 395 and Three Flags Court. Traffic signal preemption device for emergency vehicle operation shall be included. (E)

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

COMPLETED **COMPLIED BY** THREE FLAGS COURT. Improvements shall consist of:

- A. Sidewalk (width = 6 feet) per City standards.
- B. Streetlights per City standards.
- C. Intersection improvements including handicapped ramps per City standards.
- D. Commercial driveway approaches per City standards.
- E. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- F. Provide a signage and striping plan per City standards.
- G. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY** HIGHWAY 395. Saw-cut (2-foot min.) and match-up asphalt pavement on Highway 395 across the project frontage, based on City's Special Street Section for U.S. Highway 395 130' Urban Arterial Highway. The curb face is to be located at 53' 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. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index to be determined by Caltrans.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 8" ACP water line in Highway 395 per City Standards.

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 10" PVC sewer main in Highway 395 per City standards.

D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS 150+ FT. Dead End roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. [F 45]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of one points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE FLOW TEST. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE TURNAROUND. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul de sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty (40) foot radius for residential turns and forty five (45) for non residential turns. [F 43]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE PROTECTION. Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)

A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

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

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

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

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

| | | |
|--|---------------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE SURFACE-MINIMUM 80K POUNDS. All roads shall be designed to 85 compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,500 GPM for a two hour duration at 20 psi residual operating pressure. Fire Flow is based on a 5,120 sq.ft. structure. [F 5] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than three hundred (300) feet from any portion of a structure. [F 54] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | LANDSCAPE AND IRRIGATION 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SOLID MASONRY WALL/FENCE PLANS. 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. (P) |

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

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. 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. (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

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HOOD AND DUCT SUPPRESSION. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8 scale) with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 65]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

KNOX BOX. An approved Fire Department key box is required. [F85]

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 and Main Street and Freeway Corridor Specific Plan 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)

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



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 10, 2016**

A. PROPOSALS:

1. JOSEPH KARAKI/WESTERN STATES ENGINEERING INC; (CUP15-00009)

Proposal: Consideration of a Conditional Use Permit to construct a new 5,128 square foot convenience store and carwash, a new 4,704 square foot fueling station with 12 fuel dispensers, and a new 3,000 square foot drive-thru restaurant, on approximately 2 gross acres.

Location: Southwest corner of Highway 395 and Three Flags Court (3039-331-10)

Planner: Ryan Leonard

Action Taken: Forwarded to Planning Commission Meeting of September 8, 2016

2. SILVERWOOD AVIATION, INC.; (CUPR16-00004)

Proposal: Consideration of Revised Conditional Use Permit to install nine aircraft hangars within the Hesperia Airport.

Location: 7070 Summit Valley Road (0397-144-01)

Planner: Stan Liudahl

Action Taken: Continued to the August 24, 2016, DRC Meeting

3. JUST GO SPORTS ZONE; (CUPR16-00005)

Proposal: Consideration of a Revised Conditional Use Permit to establish a youth sports training facility.

Location: 10968 'I' Avenue, Suite D (0415-231-21)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

4. **JJ&J DEVELOPMENT, LLC; (TTE16-00013)**

Proposal: Consideration of a first extension of time for Tentative Tract TT-17153, to create 66 single-family residential lots on 43.2 gross.

Location: East side of Glendale Avenue, approximately 1000 feet north of Rock Springs Road (0411-191-08 & 58)

Planner: Ryan Leonard

Action Taken: Administrative Approval

5. **ALCOHOLIC BEVERAGE CONSULTING; (CUP16-00006)**

Proposal: Consideration of a Conditional Use Permit to allow the sale of beer and wine for off-site consumption.

Location: 17255 Main Street (0410-182-51)

Planner: Daniel Alcayaga

Action Taken: Forwarded to Planning Commission Meeting of September 8, 2016

6. **ROVAR BUILDERS, INC; (TTR16-00001)**

Proposal: Consideration of Revised Tentative Tract TTR16-00001, to amend the street improvement requirements for Tentative Tract 17732.

Location: Southwest corner of Cromdale Street and Redwood Avenue (0405-441-23)

Planner: Stan Liudahl

Action Taken: Administrative Approval

7. **KHOSRAVI FAMILY TRUST; (SPRE16-00004)**

Proposal: Consideration of a Site Plan Review Extension to allow a fifth extension of time for Site Plan Review SPR-2007-74, to construct a two-story, 21,047 square foot medical office building on 1.1 gross acres.

Location: South side of Main Street, approximately 380 feet west of Ninth Avenue (0413-111-45)

Planner: Stan Liudahl

Action Taken: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, AUGUST 24, 2016**

A. PROPOSALS:

1. YANETH MARTINEZ; (SPR15-00010)

Proposal: Consideration of a Site Plan Review to construct an 1,800 square foot retail building on 0.2 gross acres.

Location: North side of Walnut Street, 300 feet west of Fifth Avenue (0413-091-13)

Planner: Stan Liudahl

Action Taken: Administrative Approval

2. MICHAEL GALLAGHER; (TPM16-00003)

Proposal: Consideration of Tentative Parcel Map (PM-19781) to create three parcels on approximately 13 gross acres.

Location: Southeast corner of Rancho Road and Mariposa Road (0357-561-73 thru 76)

Planner: Stan Liudahl

Action Taken: Administrative Approval

3. CITY OF HESPERIA; (PFR16-00001)

Proposal: Consideration of a Public Facilities Review to construct a reservoir and booster station.

Location: North side of Live Oak, approximately 185 feet west of Mount Whitney Way. (0405-072-59)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

4. CITY OF HESPERIA; (TPM16-00004)

Proposal: Consideration of a tentative parcel map to create two parcels from 10 acres.

Location: North side of Live Oak, approximately 185 feet west of Mount Whitney Way. (0405-072-59)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

5. J. G. INVESTMENT TRUST UTA; (SPR16-00011)

Proposal: Consideration of a Site Plan Review to construct a 8,754 square foot multi-tenant retail building on a 1.0 gross acre parcel.

Location: Northwest corner of Main Street and Cataba Road (3064-471-09)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

6. SILVERWOOD AVIATION, INC.; (CUPR16-00004)

Proposal: Consideration of Revised Conditional Use Permit to install nine aircraft hangars within the Hesperia Airport.

Location: 7070 Summit Valley Road (0397-144-01)

Planner: Stan Liudahl

Action Taken: Administrative Approval