



APPEAL OF PLANNING COMMISSION APPROVAL OF HELENDALE FUEL AND CONVENIENCE CENTER

Applicant: Abraham Maida
Appellant: Leibold McClendon P.C .
Item No. 97

Presented By: Mark Wardlaw, Director
Heidi Duron, Planning Director
Land Use Services Department
August 22, 2023



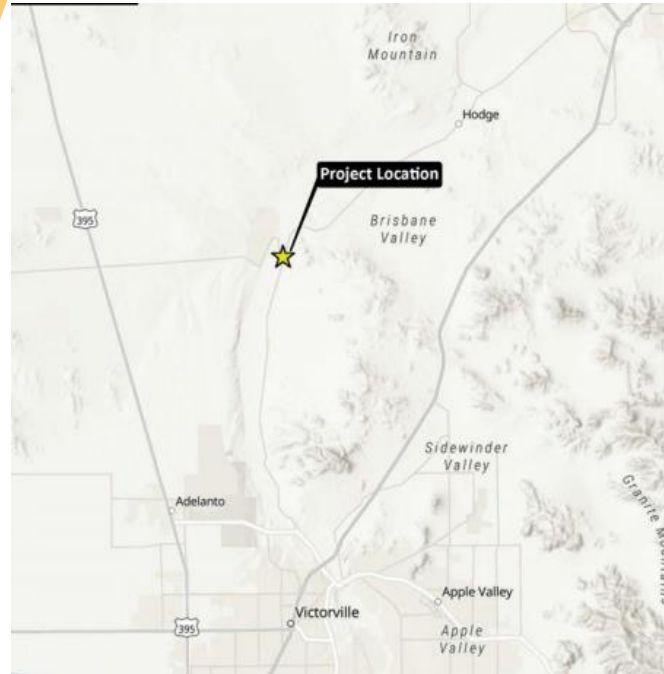
PROJECT DESCRIPTION

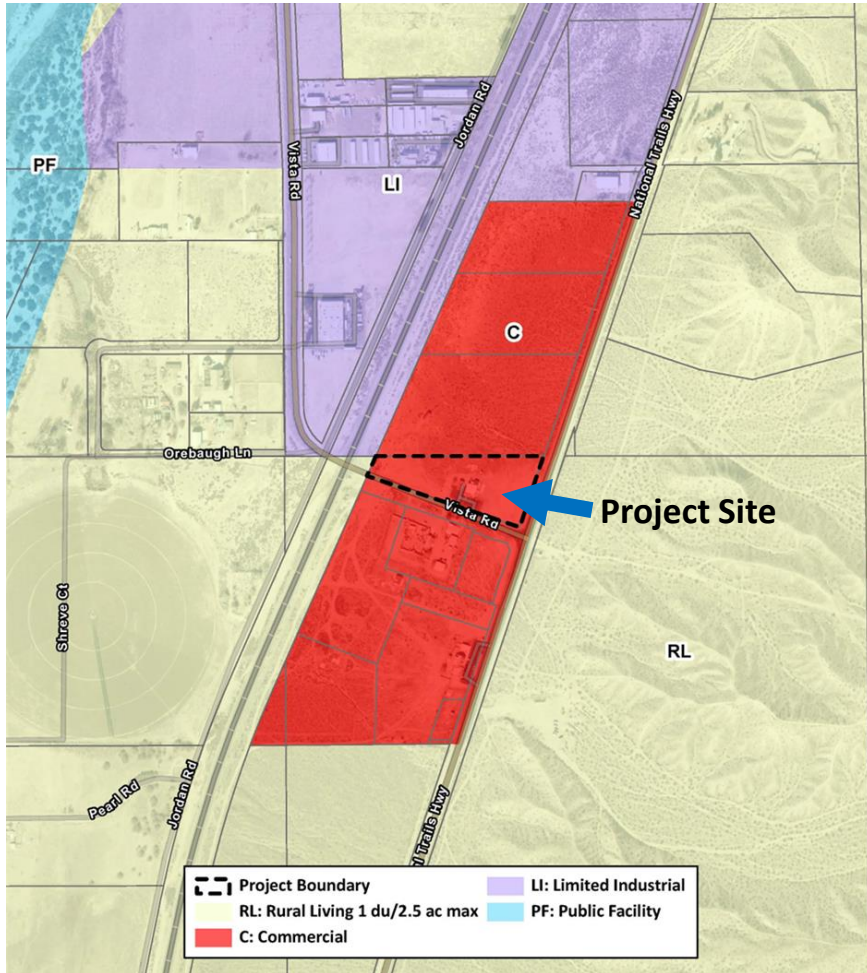
Appeal of the Helendale Fuel and Convenience Center Project approved by the Planning Commission on May 18, 2023.

The Project includes:

- A Conditional Use Permit for a 3,705 square-foot convenience store and fueling station containing four fuel dispenser islands within a 2,724 square-foot fuel canopy.
- Bringing into compliance existing retail structures, including a 1,768 square-foot pub and 804 square-foot salon.

PROJECT SITE LOCATION





LAND USE CATEGORY COMMERCIAL ZONING GENERAL COMMERCIAL



Viewing east at Vista Road and National Trails



Viewing north on Vista Road

Southwest Elevation



Southeast/Northeast Elevations & Signage



BUILDING ELEVATIONS



Project Features

- Total Site Area: 3.7 acres
- Convenience Store: 3,705 square feet
- Fueling Station: Four fuel dispenser islands within a 2,724 square-foot fuel canopy
- Operations: Open 24 hours a day, 7 days a week; employ up to four persons; include liquor sales

General Plan and Development Code Consistency

- Countywide Plan designation is Commercial and Zoned General Commercial
- Complies with all Development Code standards

Technical Studies

- Air Quality and Greenhouse Gas Analysis
- Cultural Resource Assessment
- Traffic Study

PROJECT BACKGROUND

California Environmental Quality Act (CEQA)

Initial Study/Mitigated Negative Declaration was made available for public review.

Public Comments

- Comment letter was received from the Desert Tortoise Council.
- Staff concluded the north block wall installation will mitigate tortoise encroachment. No new significant impacts to the environment raised by the Desert Tortoise Council were identified that were not previously discussed and mitigated in the Initial Study/Mitigated Negative Declaration.



CEQA REVIEW AND PUBLIC COMMENTS



- Overconcentration of liquor stores.
- County has a requirement to provide for very-low and moderate-income housing.
- The Initial Study/Mitigated Negative Declaration is inadequate, and an environmental impact report should have been prepared.
- Link cited in the Planning Commission's staff report to review the Initial Study/Mitigated Negative Declaration was inaccurate.

ARGUMENTS IN THE APPEAL



- The Project is a multi-purpose commercial use and does not exclusively function as a liquor store.
- The Project site is designated commercial and is not zoned for residential development.
- IS/MND concluded that environmental impacts could be mitigated to a level of insignificance, therefore Environmental Impact Report not required.
- The Planning Commission was informed at the start of the public hearing that a link to the MND in the Staff Report was inaccurate. The Staff Report also included the correct link to the MND under the list of attachments of the report.

BASIS FOR STAFF RECOMMENDATION

RECOMMENDATIONS

Deny the appeal and take the following actions for the approval of the Conditional Use Permit:

1. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Adopt the findings as contained in the Planning Commission staff report for the approval of the Conditional Use Permit.
3. Approve the Conditional Use Permit to establish a new convenience store that includes 3,705 square-foot of retail space and a 2,724 square-foot fuel canopy, and to bring into full compliance all existing retail structures and operations that include a 1,768 square-foot pub and an 804 square-foot salon.
4. Direct the Clerk of the Board of Supervisors to file and post the Notice of Determination.