

### **ATTACHMENT 3**

#### **RESOLUTION NO. PC-2017-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADD SECTION 16.16.370 TO THE HESPERIA MUNICIPAL CODE ESTABLISHING DEEMED APPROVED OPERATING CONDITIONS AND REGULATING OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENTS (DCA16-00005)**

**WHEREAS**, On January 5, 1998, the City Council of the City of Hesperia adopted its Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

**WHEREAS**, the City of Hesperia has the authority, under its police power, to enact regulations for the public peace, morals and welfare of the City pursuant to California Constitution, Article XI, Section 7; and

**WHEREAS**, California Government Code Section 38771 permits the legislative body of a city to declare what constitutes a nuisance; and

**WHEREAS**, the Planning Commission acknowledges nuisance conditions are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public; and

**WHEREAS**, nuisance and criminal activities such as drug dealing, public drunkenness, loitering and other behaviors that negatively impact neighborhoods occur with disproportionate frequency at and around the premises of on-site and off-site sale alcohol uses; and

**WHEREAS**, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Development Code revisions regarding off-sale alcoholic beverage establishments can have significant adverse effects on the environment; and

**WHEREAS**, On January 12, 2017 and March 9, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to donation bins and concluded said hearing on March 9, 2017.

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

**NOW THEREFORE**, THE PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

1. All of the facts set forth in the Recitals, Part A of this Resolution, are true, correct and are adopted as findings.

2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Resolution is consistent with the goals and objectives of the adopted General Plan.
3. The proposed Development Code revisions are exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Code revisions regarding off-sale alcoholic beverage establishments can have significant adverse effects on the environment.
4. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby recommends that the City Council approve and place on first reading Ordinance No. 2017-03, establishing regulations for off-sale alcoholic beverage establishments.
5. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 9<sup>th</sup> day of March 2017.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission