

ATTACHMENT 4

RESOLUTION NO. PC-2017-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO EXPAND ONSITE ALCOHOLIC BEVERAGE SALES FROM BEER AND WINE TO INCLUDE LIQUOR IN CONJUNCTION WITH AN EXISTING RESTAURANT AT 14073 MAIN STREET, SUITE 109 (CUP17-00002)

WHEREAS, Katsunori Corp. has filed an application requesting approval of Conditional Use Permit CUP17-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an existing restaurant at 14073 Main Street, Suite 109 and consists of Assessor's Parcel Number 3057-071-05; and

WHEREAS, the Application, as contemplated, proposes to expand the sale of alcoholic beverages from beer and wine (Type 41) to beer, wine and liquor (Type 47) for on-site consumption within the existing restaurant; and

WHEREAS, the subject site is presently occupied by an existing 3,029 square foot restaurant. All adjacent properties are developed, except for those to the north, which are vacant. The properties to the east and west contain retail development and the properties to the south are developed with a park and single-family residences; and

WHEREAS, the subject property as well as the surrounding properties to the north, east and west are within the Neighborhood Commercial (NC) zone and the properties to the south are zoned Low Density Residential (LDR) 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 by Section 15301, Existing Facilities; and

WHEREAS, on March 9, 2017, 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 March 9, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed expansion of on-sale sales of alcoholic beverages from beer and wine (Type 41) to beer, wine and liquor (Type 47) in conjunction with the existing restaurant is a conditionally allowed use within the Neighborhood Commercial (NC) zone and complies with all applicable provisions of the Development Code with approval of Conditional Use Permit CUP17-00002. The proposed use would not impair the integrity and character of the surrounding neighborhood and the site is suitable for the type and intensity of the use that is proposed.

- (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 expanded on-sale license resulting in the serving of hard liquor in addition to beer and wine as part of the restaurant 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 and Development Code. The proposed use will take place within an existing restaurant. The expanded sale of alcohol to include liquor with beer and wine is consistent with the allowable uses within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan with approval of this conditional use permit.
- (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 infrastructure. The existing transportation infrastructure is adequate to support the type and quantity of traffic that will be generated by the proposed use, considering the expansion of the on-sale alcoholic beverage license to include liquor.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP17-00002, 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 9th day of March 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission