

ATTACHMENT 4

RESOLUTION NO. PC-2017-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT AT 17014 SMOKE TREE STREET (CUP17-00007)

WHEREAS, Matilde Vera has filed an application requesting approval of Conditional Use Permit CUP17-00007 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a restaurant at 17014 Smoke Tree Street and consists of Assessor's Parcel Number 0410-112-21; and

WHEREAS, the Application, as contemplated, proposes to establish the sale of beer and wine as part of a restaurant; and

WHEREAS, the subject site is developed with a 1,550 square foot building. The properties to the north and south are vacant. Victor Valley Transit Authority's (VVTa) facility is located to the east. A single-family residence exists to the west; and

WHEREAS, the subject property is zoned Commercial/Industrial Business Park (CIBP). The properties are within the GI zone to the north, east, and west. The properties to the south are within the CIBP zone; and

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

WHEREAS, on August 10, 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 August 10, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed on-sale sales of alcohol in conjunction with a restaurant is a conditionally allowed use within the CIBP Zone District of the Specific Plan and complies with all applicable provisions of the Specific Plan and 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 restaurant is restricted to the sale of alcoholic beverages (beer and wine only).
- (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 serving of beer and wine as part of the dining experience 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 Specific Plan, General Plan, and Development Code. The proposed use will take place within an existing stand-alone restaurant. The sale of alcohol (beer and wine only) is consistent with the allowable uses within the CIBP Zone of the Specific Plan with approval of a 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.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP17-00007, 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 10th day of August 2017.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission