

ATTACHMENT 8

RESOLUTION NO. PC-2018-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT AND A 6,900 SQUARE FOOT BANQUET ROOM THAT WOULD SERVE BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION (TYPE 47) ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE (CUP18-00001)

WHEREAS, Tom Carpino has filed an application requesting approval of CUP18-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.6 gross acres located on the southwest corner of Eighth Avenue and Juniper Street and consists of Assessor's Parcel Number 0413-021-03; and

WHEREAS, the Application, as contemplated, proposes to construct a two story 9,950 square foot restaurant, bar, wine cellar, outside mezzanine, and service deli that will be constructed in phase 1 and a 6,900 square foot banquet room that will be constructed in phase 2 and the applicant proposes to serve beer, wine, and liquor for on-site consumption (Type 47); and

WHEREAS, the 2.6-acre site is vacant. Hesperia Civic Center Park is located to the north, on the opposite side of Juniper Street, Eagle Plaza is located to the south, a San Bernardino County government building is located to the west and the property to the east on the opposite side of Eighth Avenue is vacant; and

WHEREAS, the subject property as well as the surrounding properties are within the Pedestrian Commercial (PC) Zone of the Main Street and Freeway Corridor Specific Plan (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 March 8, 2018, 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 March 8, 2018 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 and a banquet hall is a conditionally allowed use within the PC Zone 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.

- (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 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 PC zone of the Specific Plan. The development is subject to conditions of approval and 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 will 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.
- (d) The site for the proposed use will have adequate access based upon its frontage along Juniper Street, Eighth Avenue and Yucca Street. 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.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the PC zone of the Specific Plan. A restaurant and banquet hall 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 CUP18-00001, 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 March 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission