ATTACHMENT 4

RESOLUTION NO. PC-2019-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO ALLOW THE SALE OF BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT AT 12693 MAIN STREET SUITE 210 (CUP18-00009)

WHEREAS, Mexico Lindo Restaurant has filed an application requesting approval of Conditional Use Permit CUP18-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a restaurant at 12693 Main Street, Suite 210 and consists of Assessor's Parcel Number 3064-601-16; and

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

WHEREAS, the restaurant will occupy an approximately 2,900 square foot tenant space. The surrounding properties to the south and west are vacant. The properties to the north and east are developed with a mix of commercial uses; and

WHEREAS, the subject property as well as the surrounding properties are within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (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 January 10, 2019, 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 January 10, 2019 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 Regional Commercial 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, wine and liquor 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 approximately 2,900 square foot tenant space. The sale of alcohol (beer, wine and liquor) is consistent with the allowable uses within the Regional Commercial 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 CUP18-00009, 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 January 2019.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Cecilia Alonzo, Secretary, Planning Commission