

RESOLUTION NO. 2019-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY THIS CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A RESTAURANT AT 17376 MAIN STREET, UNIT C (CUP19-00002)

WHEREAS, M.O.R.R. has filed an application requesting approval of Conditional Use Permit CUP19-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to a restaurant at 17376 Main Street, Unit C and consists of Assessor's Parcel Number 0410-135-56; and

WHEREAS, the Application, as contemplated, proposes the sale of beer, wine and liquor (Type 47) for on-site consumption within a restaurant; and

WHEREAS, the subject site is presently occupied by an existing 8,157 square foot restaurant. The shopping center from which the unit is located is situated along Main Street and surrounded by commercial and retail businesses. There is a mini-storage to the north; and

WHEREAS, the subject property as well as the surrounding properties to the south, east and west are within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan. The property to the north is zoned Commercial/Industrial Business Park (CIBP); and

WHEREAS, the project is statutorily exempt from the requirements of the California Environmental Quality Act by Section 15270(a), for Projects Which Are Disapproved; and

WHEREAS, on March 14, 2019, the Planning Commission of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

WHEREAS, on May 7, 2019, the City Council 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 CITY COUNCIL AS FOLLOWS:

Section 1. The City Council 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 Council during the above-referenced May 7, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) The site for the proposed use is not adequate in size and shape because the proposed use is within an over concentrated area with respect to alcohol licenses. This will result in an increase in crime and police service calls that cannot be supported by existing services; and

- (b) The proposed use will have a substantial adverse effect on abutting properties as the proposed use will be a nuisance and cause criminal activities that will negatively impact surrounding properties, and will generate excessive disturbances and nuisances in that there will be more calls for service pertaining to public safety as a result of the alcohol establishment; and
- (c) The proposed use is not consistent with the goals and policies of the general plan because the application violates General Plan Land Use Goal LU-3, as the proposed use does not promote a commercial development that is safe to users, and will not strengthen the local economy. The proposed use is already within an over concentrated census tract and will increase crime and nuisance activities; and
- (d) The site for the proposed use does not have adequate access because the proposed alcohol establishment will interfere with the comfortable enjoyment of adjacent properties and premises.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Council hereby denies the appeal and upholds the Planning Commission's decision to deny CUP19-00002.

Section 4. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND DENIED this 7th day of May, 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk