

RESOLUTION NO. 2019-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING THE APPEAL AND OVERTURNING 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 categorically exempt from the requirements of the California Environmental Quality Act by Section 15301, Existing Facilities; 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 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 May 7, 2019 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed sale of beer, wine and liquor (Type 47) for on-site consumption in conjunction with a 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 CUP19-00002. 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 on-sale alcohol license 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 unit previously used as a restaurant. The sale of alcohol to include beer, wine, and liquor 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 on-sale alcohol use.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves the appeal and overturns the Planning Commission's decision to deny CUP19-00002, 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 7th day of May, 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk