

# RESOLUTION 019P-001

## A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS A MODIFICATION TO CONDITIONAL USE PERMIT APPLICATION NUMBER 17-10 FOR A MICROBREWERY INCLUDING FOOD SERVICE TO BE LOCATED AT 466 N. 5<sup>TH</sup> STREET

WHEREAS, the City of Coalinga Community Development Department has received an application to modify Conditional Use Permit 17-10 from a beer and wine taproom to a small producing microbrewery with food service to be located at 466 N. 5<sup>th</sup> Street; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on January 22, 2019 to take testimony with regard to the proposed application, and;

WHEREAS, Public hearing notices were sent to all property owners within 300' feet of the site as required by Local and State law.

WHEREAS, the Planning Commission has determined that this project is exempt for further environmental review under CEQA in accordance with Government Code Section 15301 (existing facilities), and;

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the Planning Commission has made the following findings based on the development proposal:

**General Plan Consistency.** Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

**Neighborhood Compatibility.** The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

**Asset for the Neighborhood.** The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

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NOW THEREFORE BE IT RESOLVED, that the Planning Commission approves the modification of the conditional use permit at the above location with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 22<sup>nd</sup> Day of January 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Planning Commission Chairman/Vice Chairman

ATTEST:

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City Clerk/Deputy City Clerk

## **Exhibit A**

### **General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 17-10-M (466 N. 5<sup>th</sup> Street – Microbrewery)**

REVISIONS: Any proposed changes or revisions to the approved use or activities on the site shall require submittal, review and approval of a revised conditional use permit application.

EXPIRATION: This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within one (1) year of the effective date of conditional approval.

LICENSES: Prior to selling and producing alcoholic beverages on site, the applicant shall obtain the appropriate license from the California State Department of Alcoholic Beverage Control and must follow the conditions of said license at all times. Production shall be limited per the conditions of approval and staff report incorporated including the limitations place on the applicant by the California State Department of Alcoholic Beverage Control.

CONTINUOUS EFFECT: All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

PROPERTY MAINTENANCE: The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

SIGNAGE: All signage related to the sale of alcoholic beverages shall be in accordance with the City's sign regulations located in the City's planning and zoning code.

POLICE DEPARTMENT: Should the Police Department determine that the sale of alcohol at this location has become an excessive burden on police services the Police Department may remedy the situation by recommending to the Planning Commission revoke the Conditional Use Permit.

ADDITIONAL CONDITIONS:

1. The applicant shall maintain, at all times, compliance with the requirements of Section 9-5.103 of the Coalinga Planning and Zoning Code pertaining to commercial establishments involved in the sale of alcoholic beverages.
2. The conditional use permit authorizes the production and retail sale of beer and wine for on and off-site consumption.
3. All exterior lighting shall be reviewed and approved by the Police Chief before certificate of occupancy is granted.

4. Hours of operation are restricted to from 12:00 p.m. to 10:00 p.m. Thursday through Sunday (11pm on Saturday's). Any request for extended days and/or hours of operation shall be approved by the Community Development Director and Police Chief.
5. There shall be no loitering on the premises and shall have the proper postings necessary to discourage loitering.
6. There shall be no outdoor storage permitted on the premises.
7. The business shall be conducted, at all time, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The application and/or business owner shall institute whatever security and operational measures necessary to comply with this requirement.
8. All proposed signage will require the filing of a sign permit application with the Community Development Department.
9. Sound from the premises shall not exceed 65db from the exterior property lines of the property.
10. The presence and consumption of alcohol shall not be visible from adjacent properties or public rights of way.
11. If live entertainment is provided outside the enclosed buildings, a noise management plan shall be submitted to the Community Development Department for review and approval by the Community Development Director and Police Chief. Said plan shall establish the method by which noise impacts, will be regulated to avoid disruption to the immediate neighborhood.
12. Prior to issuing a building permit the conditions of approval shall be required to be incorporated within the approved plans.
13. Food preparation on-site shall be permitted within an approved commercial kitchen.
14. The maximum occupancy, as determined by the provisions of the California Building Code shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the back-patio area and enclosed building shall be marked separately. This shall be reviewed and approved by the Building Official and Fire Marshall.
15. The applicant shall defend, indemnify, and hold harmless the City or any if its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statues. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding

if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

16. This use permit shall be subject to revocation by the Planning Commission at such time as any of the following conditions are found to exist:

- a. Conditions of approval have not been fulfilled;
- b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
- c. The use has resulted in a substantial adverse impact on public facilities or services.