

RESOLUTION NO. 3897

A RESOLUTION OF THE CITY OF COALINGA CITY COUNCIL APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 19-02, RE-ESTABLISHING THE LEGAL NON- CONFORMING STATUS OF THE STRUCTURE LOCATED AT 358 E. POLK STREET

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit to reestablish the legal non-conforming status of the structure located at 358 E. Polk Street; and

WHEREAS, The Coalinga Planning and Zoning Code permits the City Council reestablish the legal non-conforming status of a structure or use with the approval of a conditional use permit; and

WHEREAS, the City Council held the scheduled and noticed public hearing on May 16, 2019 to take testimony with regard to the proposed application, and;

WHEREAS, the City Council has determined that this project is exempt for further environmental review under CEQA in accordance with Government Code Section 15302 (Replacement or Reconstruction), and;

WHEREAS, the City Council 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 City Council has made the following findings regarding the reestablishment of the structures legal non-conforming status:

- The structure cannot be used for any conforming use because of its original design or because of legal structural changes made for a previous nonconforming use;
- The structure can be reasonably expected to remain in active use for a period of twenty (20) years without requiring repairs or maintenance in excess of fifty (50) percent of the replacement cost of the structure, as defined in this chapter, within any five (5) year period; and
- The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

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NOW THEREFORE BE IT RESOLVED, that the City Council approves the proposed mini-storage expansion as a non-conforming use with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga City Council at a regularly scheduled meeting held on the 16<sup>th</sup> Day of May 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Mayor/Mayor Pro-Tem

ATTEST:

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City Clerk/Deputy City Clerk

## **Exhibit A**

### **Conditions of Approval – Conditional Use Permit 19-02 (358 E Polk Street)**

REVISIONS: Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application. Any minor changes can be reviewed and approved by the Community Development Director unless determined that the City Council shall approve such change.

EXPIRATION: This approval shall become null and void if a demo permit has not been secured within 6 months of approval. In addition, all conditions must be completed and the occupancy or use of the land must take place within one (1) year of the effective date of conditional approval.

PERMITS: Prior to occupancy, all licenses and permits shall be obtained from all applicable City Departments (Fire department, Building Department, Business, ect.).

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.

ADDITIONAL CONDITIONS:

- AC-1. The applicant shall obtain the appropriate approvals from the San Joaquin Air Pollution Control District prior to the City issuing a demo permit.
- AC-2. The applicant shall file an application for an administrative site plan review with the Community Development Department for the reconstruction of the new residence prior to the issuance of a building permit.
- AC-3. Prior to issuance of building permit, the applicant shall pay all applicable city, special district, and regional development impact fees.
- AC-4. Prior to approval of a building permit, all stored equipment, trailers, and searain containers shall be removed from the property.
- AC-5. The legal non-conforming status of the structure shall remain in effect in accordance with Planning and Zoning Code. The legal non-conforming status shall only remain so long as the use is in constant existence.