

# RESOLUTION 019P-005

## **A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT APPLICATION NO. 19-03 FOR AN AUTOMOTIVE TIRE AND REPAIR FACILITY LOCATED 234 W. FOREST AVE.**

**WHEREAS**, the City of Coalinga Community Development Department received an application for Conditional Use Permit and Environmental Review from Luis Guzan, Applicant to open an automotive tire and repair facility in two existing commercial buildings on 0.43 acres at 234 W. Forest Ave (APN: 072-125-07; and,

**WHEREAS**, the subject project requires approval of a conditional use permit with environmental review in accordance with Title 9, Chapter 2 of the Coalinga Municipal Code; and

**WHEREAS**, appropriate applications were filed and deemed complete by the Coalinga Community Development Department on April 30, 2019; and

**WHEREAS**, the Planning Commission has determined that this project is exempt from further environmental review under CEQA Guidelines §15301 as a Class 1 exemption (existing facilities), and;

**WHEREAS**, the subject application was reviewed for compliance with all applicable sections of the Coalinga Municipal Code; and

**WHEREAS**, the Planning Commission held the scheduled and noticed public hearing on May 28, 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, 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 conditional use permit 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.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission does approve the Conditional Use Permit Application (CUP 19-03) subject to the conditions attached hereto which are also incorporated by this reference as Exhibit "A".

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at their regularly scheduled meeting held on the 28<sup>th</sup> Day of May 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”**  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT APPLICATION NO. 19-03**

**Administrative**

- COA-1. *Actions voiding approval.* If the construction of a building or structure, or the use(s) established in the building or structure is contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void.

This Conditional Use Permit shall only remain valid so long as the applicant maintains, in good standing. If a property or a portion of a property that received a Conditional Use Permit is abandoned or vacated for more than six (6) months, a new Conditional Use Permit shall be required for the same conditional use to be reinstated.

- COA-2. *Periodic review or monitoring of conditions.* All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.

- COA-3. *Indemnification.* The applicants/developers shall defend, indemnify, and hold harmless the City or any of 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 statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in 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.

- COA-4. *Extensions.* Approval of the site plan may be extended for an additional period or periods of one (1) year upon a written application to the Commission before the expiration of the first approval.

- COA-5. *Fees.* All Community Development Department and Engineering fees shall be paid in full prior to the issuance of a building permit. The Developer is

responsible for paying all applicable development impact fees as well all regional fees related to the project.

- COA-6. *Alterations.* Any minor alternations to the approvals shall be reviewed and approved by the Community Development Director, unless under his/her discretion warrants review and approval by the Commission. This includes but is not limited to site design, floor plans and security related plans. Any change in use shall require review and approval by the Planning Commission.
- COA-7. *Acknowledgement.* Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
- COA-8. *Revocation of approvals.* Any permit granted may be revoked or modified if any of the terms or conditions of approval are violated, or if any law or City Ordinance is violated in connection. The City Council and Planning Commission, by their own action, or following a recommendation from the Community Development Director, may initiate revocation or modification proceedings. A public hearing shall be held pursuant to [Section 9-6.111](#),

#### **Public Works/Engineering**

- COA-9. All improvements shall conform to City Standards and Specifications and be approved by the City Engineer.
- COA-10. The applicant shall comply with all 2016 California Building Code (CBC) Chapter 11B ADA accessibility guidelines.
- COA-11. The applicant shall comply with all of the requirements of the Building Official.
- COA-12. The illegal structure (carport) located on the corner of 6<sup>th</sup> Street and the Alley shall be removed prior to the granting of occupancy.
- COA-13. The applicant shall obtain approval from the City Solid Waste Carrier for the on-site location of the trash enclosure for solid waste disposal and pick up.
- COA-14. The applicant shall confirm with Public Works whether a backflow prevention device for the existing domestic water service to the building is required.
- COA-15. All parking facilities shall be designed and striped to City standards.

- COA-16. The applicant shall provide a 4-foot wide unobstructed sidewalk path of travel behind the existing driveways on 6<sup>th</sup> Street. Commercial driveways shall be reconstructed per City of Coalinga standard P-6.
- COA-17. Applicant shall reconstruct all cracked, broken or raised segments of sidewalk along project frontage as required by the City Engineer.
- COA-18. Applicant shall replace all dead or dying street trees along project frontage.

## **Planning**

- COA-19. An occupancy permit for the existing structure(s) shall not be issued until all proposed buildings, structures and other stated improvements are completed, or the Community Development Director authorizes its issuance upon making a finding that all on-site and off-site conditions relating to the building, structure or use have been or will be met.
- COA-20. The applicant shall adhere to all applicable additional development regulations related to Automobile/Vehicle service and repair, major and minor uses (Section 9-5.106).
- COA-21. Construction hours shall be limited to normal working hours. All construction equipment shall be properly maintained and muffled to avoid nuisances to the surrounding or neighboring property owners.
  - a. Weekdays from 7:00 a.m. to 6:00 p.m.;
  - b. Saturday from 8:00 a.m. to 5:00 p.m.;
  - c. Sunday and Holidays – no construction allowed unless authorization is granted by the City Manager
- COA-22. Disposal of hazardous materials as part of construction and operations shall be in compliance with applicable Federal and State regulations.
- COA-23. All rusted, damaged and unused siding shall be replaced on the buildings located on the property, including the replacement of any broken windows.
- COA-24. All materials such as scrap metal, piping, and other various equipment shall be removed and/or stored within an enclosed building and not visible from any rights of way or alley.
- COA-25. A sign permit shall be obtained for all signage, reviewed and approved by the Community Development Department prior to installation.
- COA-26. A three-foot wide landscaping buffer shall be provided along all 6<sup>th</sup> Street and Forest Ave property lines. Additional landscaping may be required where

necessary to prevent visual impacts on adjacent properties. All landscaped areas shall be permanently maintained in compliance with Section 9-4.204.

- COA-27. At the close of business all vehicles remaining on-site must be stored within an enclosed building and not visible from adjacent properties.
- COA-28. Any other conditions that the Commission deems necessary to improve the public health, safety and welfare.