

# RESOLUTION 018P-006

## A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS A MODIFICATION OF CONDITIONAL USE PERMIT NUMBER 14-02 APPLICATION NUMBER CUP-M 19-01 FOR THE ISSUANCE OF A PERMIT TO SELL ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AT THE EXISTING BEST WESTERN HOTEL AT 1786 JAYNE AVENUE

WHEREAS, the City of Coalinga Community Development Department has received an application for a Modification to Conditional Use Permit 14-02 (CUP-M 19-01) to allow for the on-site sale of beer, wine and distilled spirits at the Best Western hotel located at 1786 Jayne Ave; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on July 9, 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 request for the sale of alcoholic beverage on-site 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 9<sup>th</sup> Day of July 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 14-02 (Best Western Hotel - 1786 Jayne Ave)**

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.

INCORPORATION: These conditions shall be incorporated and made part of Conditional Use Permit Number 14-02. These conditions do not supersede the conditions of the approval originally issued in CUP 14-02.

LICENSES: The applicant shall apply for and obtain the appropriate license from the California State Department of Alcoholic Beverage Control and must follow the conditions of said license at all times based on the approved use.

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 included signage related to the sale of alcoholic beverages shall be in accordance with temporary sign regulation 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 sale of beer, wine and spirits for on-site consumption in accordance with the approved ABC License.

3. This use permit is non-transferrable to a new tenant unless all conditions in this approval are met, compliance with all zoning regulations are met, and operations are similar in nature to the previous use as determined by the Community Development Director.
4. There shall be no loitering on the premises and shall have the proper postings necessary to discourage loitering.
5. 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.
6. The applicant 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 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.
7. 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.
8. 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.