

RESOLUTION NO. 3923

A RESOLUTION OF THE CITY OF COALINGA CITY COUNCIL APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 19-04, SUBSTITUTING A LEGAL NON- CONFORMING USE AT 698 E. POLK STREET (APN: 083-123-04)

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit to substitute a legal non-conforming use to a legal use with legal non-conforming structures located at 698 E. Polk Street; and

WHEREAS, the Applicant requested to convert 6 unoccupied dilapidated non-conforming hotel units to 6 residential studio units;

WHEREAS, Section 9-6.207 of the Planning and Zoning Code states that the City Council may allow the expansion of a Class I use, substitution of a Class II nonconforming use with a Class I nonconforming use, or substitution of a Class I nonconforming use with another Class I nonconforming use, subject to approval of a Conditional Use Permit; and

WHEREAS, the City Council held the scheduled and noticed public hearing on November 7, 2019 to consider and 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 15301(a) (Existing Facilities), 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 substitution of the legal non-conforming use and structure(s):

- The existing nonconforming use was legally established;
- The proposed expansion or substitution of the nonconforming use would not be detrimental to public health, safety, or welfare;
- The proposed expansion or substitution would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable adopted City plan;
- The proposed use will not depress the value of nearby properties; and
- No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

~~~~~

NOW THEREFORE BE IT RESOLVED, that the City Council approves the proposed substitution of the legal nonconforming use and structures use with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga City Council at a regularly scheduled meeting held on the 7<sup>th</sup> Day of November 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Mayor/Mayor Pro-Tem

ATTEST:

---

City Clerk/Deputy City Clerk

## Exhibit A

### Conditions of Approval – Conditional Use Permit 19-04 (698 E. Polk Street – APN: 083-123-04)

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 an administrative site plan approval has not been secured within six (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 or the Conditional Use Permit approval will be null and void.

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 conversion and rehabilitation of the existing structures prior to the issuance of a building permit. The applicant shall adhere to all the requirements related to the site plan approval and the redevelopment the property per Site Plan approval.
- AC-3. Prior to issuance of building permit, the applicant shall pay all applicable city, special district, and regional development impact fees as applicable.
- AC-4. Once converted and occupancy has been issued by the Building Official, the legal non-conforming status of the structures shall remain in effect in accordance with Planning and Zoning Code.