



AGENDA

PLANNING COMMISSION

155 W. DURIAN, COALINGA, CA 93210

TUESDAY JULY 9, 2019

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

<i>Chairman Sailer</i>
<i>Vice Chairman Jacobs</i>
<i>Commissioner Helmar</i>
<i>Commissioner Garza</i>
<i>Commissioner Pruitt</i>

Staff:

<i>Sean Brewer, Community Development Director</i>
<i>Marissa Trejo, City Manager</i>

PUBLIC COMMENTS

Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.

INFORMATION/CONSENT CALENDAR

PUBLIC HEARINGS

1. Planning Commission Approval of Resolution 019P-007 Recommending to the

City Council Approval of a City Initiated Zoning Text Amendment (ZTA 19-02)
Adopting an Ordinance Amending Article 2 of Chapter 6 of the Planning and
Zoning Code Related to Legal Non-Conforming Status

2. Planning Commission Adoption of Resolution No. 019P-006, Approving a
Modification to Conditional Use Permit 14-02 (Application CUP-M 19-01),
Approving the On-Site Sale of Beer, Wine and Distilled Spirits at the Existing
Best Western Hotel Located at 1786 Jayne Ave.

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

ADJOURN



Staff Report- Chairman and Planning Commission

Subject: Planning Commission Approval of Resolution 019P-007 Recommending to the City Council Approval of a City Initiated Zoning Text Amendment (ZTA 19-02) Adopting an Ordinance Amending Article 2 of Chapter 6 of the Planning and Zoning Code Related to Legal Non-Conforming Status

Meeting Date July 9, 2019

Project Location: City of Coalinga

Applicant: City of Coalinga

Owner: City of Coalinga

Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Planning Commission Approval of Resolution 019P-007 Recommending to the City Council Approval of a City Initiated Zoning Text Amendment (ZTA 19-02) Adopting an Ordinance Amending Article 2 of Chapter 6 of the Planning and Zoning Code Related to Legal Non-Conforming Status.

II. BACKGROUND:

Nonconforming use, as defined, means a lawful existing use that does not conform to the City's current land use ordinances, either because it was established prior to the enactment of City ordinances governing the use, or because the use conformed at the time it was established but applicable City ordinances have since changed. The legal non-conforming section of the planning and zoning code designed is to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Ordinance in a manner that does not impair public health, safety, and general welfare.

These provisions apply to structures, land and uses that have become nonconforming by operation of this Ordinance and that remain in a nonconforming status by application of this chapter, as well as structures, land, and uses that hereafter become nonconforming due to annexation to the City or amendments to the zoning map or development Ordinance text.

Currently, no nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months, except as provided for in the planning zoning code. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit after making specific findings in addition to any other required findings the Council deems necessary.

There have been several instances where properties have discontinued use activity where the previous use

was operating as a legal non-conforming use and the turn around to sell the property or find a new tenant is not always quick. Therefore, the property would lose it's legal non-conforming use and would no longer permit certain land use activities. This ordinance will extend the six (6) month period to one (1) year to maintain legal non-conforming status.

III. PROPOSAL AND ANALYSIS:

The draft ordinance updates section 9-6.210 of the Coalinga planning and zoning code related to the abandonment of non-conforming uses. Staff has amended the section to increase the time of property inactivity from six (6) months to one (1) year. This will allow properties the ability to sell to similar tenants/property owners should a use wish to continue.

This change would effect low impact uses where possible amortization is exempt from legal non-conforming status. These are uses that if remain in perpetuity would not have a significant impact on the health, safety and welfare of the surrounding properties and uses.

A copy of the draft ordinance has been attached to this report for the Commission's consideration.

Public Notification: Public hearing notices were circulated in accordance with planning and zoning code in addition to state law.

Environmental Review: Staff has determined that the follow action before the Commission is not subject to CEQA and is covered by the general rule common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore the activity is not subject to CEQA.

IV. FISCAL IMPACT:

Non determined at this time.

V. REASONS FOR RECOMMENDATION:

The following standard findings must be made for each Zoning Ordinance amendment. Specific findings may also be required by the decision-making body on a case-by-case basis. Staff feels that all of these finds have been met in order to approve the proposed text amendment for legal non-conforming uses.

(1) The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

(2) The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.

(3) If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.

(4) The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

ATTACHMENTS:

Description

- ▣ Resolution No. 019P-007 - Legal Non-Conforming Use
- ▣ Draft Ordinance ZTA 19-02 (Exhibit A)

RESOLUTION 019P-007

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION RECOMMENDING APPROVAL OF A ZONING TEXT AMENDMENT TO AMEND THE PLANNING AND ZONING CODE AMENDING THE TIMEFRAMES FOR MAINTAINING LEGAL NON-CONFORMING USE STATUS

WHEREAS, Article 2 of Chapter 6 of the Coalinga Planning and Zoning code permits the continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of the current version of the Planning and Zoning Code; and

WHEREAS, Section 9-6.210 of the planning and zoning code prohibits nonconforming uses to resume, reestablish, reopen or be replace by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months; and

WHEREAS, the City desires to amend section 9-6.210 of the planning and zoning code to allow a longer period of time for a non-conforming use to resume, reestablish, reopen or be replace by any other nonconforming use; and

WHEREAS, a Public Hearing has been advertised and conducted pursuant to Public Resources Code Section 21092 and 21092.3, and public comment has been solicited, and;

WHEREAS, a Notice of Public Hearing was provided to the Coalinga Press, posted at City Hall, Police Department bulletin board, Fire Department Bulletin Board, Coalinga District Library, and Chamber of Commerce on June 26, 2019, and;

WHEREAS, the Planning Commission held the noticed Public Hearing on July 9, 2019 to take testimony with regard to the proposed Zoning Text Amendment; and

WHEREAS, the Planning Commission completed its review of the proposed Zoning Text Amendment and details in the Staff Report and has considered the testimony received during the public hearing process, and;

WHEREAS, the Planning Commission has made the following findings based on the Zoning Text Amendment proposal:

- The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
- If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of

physical constraints) for the requested zoning designations and anticipated land uses/developments.

- The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends approval to the City Council adoption of a draft ordinance (Exhibit "A") to amend the planning and zoning code related to amending the timeframes for a legal non-conforming use to resume, be replaced or reestablish in accordance with State Law.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regular meeting held on the 19th day of July 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

Exhibit "A"

Draft Legal Non-Conforming Ordinance

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA ADDING COALINGA MUNICIPAL CODE SECTION 9-6.210 "ABANDONMENT OF NONCONFORMING USES".

WHEREAS, Article 2 of Chapter 6 of the Coalinga Planning and Zoning code permits the continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of the current version of the Planning and Zoning Code; and

WHEREAS, Section 9-6.210 of the planning and zoning code prohibits nonconforming uses to resume, reestablish, reopen or be replaced by any other nonconforming use after it has been abandoned or vacated for a period of six (6) months; and

WHEREAS, the City desires to amend section 9-6.210 of the planning and zoning code to allow a longer period of time for a non-conforming use to resume, reestablish, reopen or be replaced by any other nonconforming use; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council hereby amends Section 9-6.210 to Article 2 of Chapter 6 in Title 9 of the Coalinga Municipal Code to read as follows:

Sec. 9-6.210. - Abandonment of nonconforming uses.

- (a) No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of one (1) year, except as provided for in this section. The nonconforming use of a legally established structure may be reestablished if the City Council approves a Conditional Use Permit after making all the following findings in addition to any other required findings:
 - (1). 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;
 - (2). 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
 - (3). The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.
- (b) As a condition of approving the resumption of such nonconforming use, the City Council may impose a time limit on its duration if necessary in order to make the required findings.

SECTION 3. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Coalinga ordinance.

SECTION 5. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

Ron Lander, Mayor

ATTEST:

Shannon Jensen, City Clerk

APPROVED AS TO FORM:

Mario U. Zamora, City Attorney



Staff Report- Chairman and Planning Commission

Subject: Planning Commission Adoption of Resolution No. 019P-006, Approving a Modification to Conditional Use Permit 14-02 (Application CUP-M 19-01), Approving the On-Site Sale of Beer, Wine and Distilled Spirits at the Existing Best Western Hotel Located at 1786 Jayne Ave.

Meeting Date July 9, 2019

Project Location: Best Western Plus Hotel, 1786 Jayne Ave, Coalinga, CA 93210

Applicant: Michael Merchant, 1808 Avondale Drive, Roseville, CA 95747

Owner: Michael Merchant, 1808 Avondale Drive, Roseville, CA 95747

Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff recommends approval of Modification to Conditional Use Permit 14-02 (Application No. CUP-M 19-01) by adopting Resolution No. 019P-006 with conditions.

II. BACKGROUND:

On June 24, 2019, the Community Development Department received a Modification of Conditional Use Permit application from Michael Merchant (further identified as “applicant”) requesting a permit to allow for the on-site sales and consumption of beer, wine and spirits at the existing Best Western Hotel at 1786 Jayne Ave. Staff accepted the application on June 25, 2019 and began processing the application for a modification of conditional use permit. In accordance with Section 9-5.103(b) of the Planning and Zoning Code, an application for a Conditional Use Permit shall be filed with the Community Development Department, prior to the application to Department of Alcoholic Beverage Control of the State of California ("ABC") for a new liquor license or change in location.

The requirements of a conditional use permit are intended to prevent problems associated with commercial establishments involved in the sale of alcohol for consumption on-site (on-sale) or off-premises (off-sale), and to prevent over-concentration. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. Therefore, the purpose of the CUP is to establish regulations to govern land uses involved in the dispensing of alcoholic beverages.

III. PROPOSAL AND ANALYSIS:

Project Summary: The project applicant is requesting a permit to sell beer, wine and spirits for

consumption on the premises of the hotel. The State ABC License Type that the applicant is seeking is a Type 70 On-Sale General – Restrictive Service which authorizes the sale or furnishing of beer, wine and distilled spirits from consumption on the premises to the establishments overnight transient occupancy guests or their invitees. The license is normally issued to “suite type” hotels and motels, which exercise the privileges for guest’s complementary happy hour. Minors are allowed on the premises.

CUP Analysis

General Plan/Zoning Consistency: The current zoning and land use designation for the subject property is (CS) Service Commercial. The sale of alcohol is permitted subject to approval of a conditional use permit.

Location/Building: The existing hotel is located at 1786 Jayne Ave.

Surrounding Land Use Setting:

South	Residential
West	Residential
East	Commercial
North	Agriculture

Staff has determined that there are no land use compatibility and/or transitional concerns related to allowing the sale of alcoholic beverages at the existing use.

Operations: Michael Merchant will remain under current ownership and the applicants will be the ABC permit holders. The sale and consumption of alcohol will only be permitted within the existing hotel in accordance with ABC regulations. The applicant will be applying for a type 70 (On-Sale General – Restrictive Service) through the State of California Alcohol and Beverage Control.

ON SALE GENERAL – RETRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits from consumption on the premises to the establishments overnight transient occupancy guests or their invitees. The license is normally issued to “suite type” hotels and motels, which exercise the privileges for guest’s’ “complementary” happy hour. Minors are allowed on the premises.

Hours: The hotel operates 24 hours and the bar service is expected to operate 3:00 p.m. to 11:00 p.m. seven (7) days a week. Hours of operations may be amended upon approval of the Police Chief.

Noise: No additional noise is expected to be generated from the existing use based on the sale and consumption of beer, wine and distilled spirits.

Special Events: There may be cases where special events take place at this location and the applicant will be required to ensure the appropriate measures are taken to provide adequate crown control and noise control.

Parking: The sale and consumption of beer, wine and distilled spirits is primarily for hotel guests but occasionally for the public. It is not expected to impact the existing parking demand for the hotel as the parking requirements for the hotel takes into consideration public use of hotel facilities such as conference rooms.

Public Notification: Public hearing notices were sent to all property owners within 300’ feet of the site as required by Local and State law.

Environmental Considerations: The proposed project has been determined to be exempt from CEQA in accordance with Section 15301(a) for existing facilities. A notice of exemption will be filed with the Fresno County Clerk's Office once approval has been granted for this application.

IV. FISCAL IMPACT:

None, determined at this time.

V. REASONS FOR RECOMMENDATION:

A Conditional Use Permit shall only be granted if the Planning Commission determines that the project as submitted or as modified conforms to all of the following criteria. If the Planning Commission determines that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established for the record.

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;

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.

ATTACHMENTS:

Description

- ☐ CUP-M 19-01 Application
- ☐ Resolution No. 018P-006

**CITY OF COALINGA
MODIFICATION OF
USE PERMIT APPLICATION**

CVP-M 19-01

Application Number

June 20, 2019

Date

APPLICANT INFORMATION:

Applicant/Property Owner: Mike Merchant / Merchant Family Living Trust

Applicant's Mailing Address: 1808 Avondale Dr., Roseville, California 95747

Telephone Number: 916-786-7227 Assessor Parcel No.: 083-280-34S

Property Location: Best Western Plus Coalinga Inn & Suites 1786 Jayne Ave., Coalinga California 93210

Legal Description (lot, block, tracts, etc.) Exhibit A (

PROPERTY USE INFORMATION:

Current Zoning: CS-Service Commercial Existing Use: Best Western Plus Coalinga Inn & Suites

Existing Number of Lots: 1 Proposed Number of Lots: N/A

Area of Parcel (s): 083-280-34S

Proposed Use: The Sale of beer, wine and mixed drinks for consumption on the premises to our hotel transient occupancy guests and their invitees. (Please see attached description of Type 70 License)

(If additional space is required attach separate sheet of paper)

Describe any new structures or improvements associated with modification of the use (indicate total square foot of structures):

None

(If additional space is required attach separate sheet of paper)

Describe operational characteristics of use (Hours of operation, Number of Employees, Vehicle Traffic, to and from use, Parking requirements, etc.): Hours of Operation 3:00pm to 11:00pm, No. of Employees: 3, No additional traffic and or parking requirements needed, as we will only be serving to our guests or their invitees.

(If additional space is required attach separate sheet of paper)

Give justification for Modification of existing use permit: Several of our guests are requesting for us to serve beer, wine and cocktails along with hors d'oeuvres- appetizers. Reference to Type 70 License

The undersigned applicant has the ability and intention to proceed with the actual construction work in accordance with these plans (as approved) within one year from the date of approval and the applicant understands that this Conditional Use Permit, if granted, becomes null and void and of no effect if the applicant does not commence with the actual construction work in accordance with these plans within one year from the date of approval of this application and diligently proceed to completion. An extension to commence the work at a later date may be granted by the Planning Commission, upon the written petition of applicant for such extension before the expiration of the one-year period. The applicant understands that the Commission may also establish a deadline for the completion of said project.

Signature of BOTH the APPLICANT and RECORDED PROPERTY OWNER(S) are required below as applicable.

The forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Mahmoud S. Gumbaut

Signature of APPLICANT/AGENT

Mike Merchant

Name of APPLICANT/AGENT (Please Print)

1808 Avondale Dr., Roseville California 95747

Mailing Address

(916) 786-7227

Telephone Address

Mahmoud S. Gumbaut

Signature of OWNER

Mike Merchant

Name of OWNER (Please Print)

1808 Avondale Dr., Roseville California 95747

Mailing Address

(916) 786-7227

Telephone Address

EXHIBIT A

The land referred to is situated in the County of Fresno, City of Coalinga, State of California, and is described as follows:

Parcel 3 of Parcel Map No. 04-01, recorded in Book 65 Page 83 of Parcel Map in the City of Coalinga, County of Fresno, State of California, Fresno County Records.

Also excepting therefrom all oil, gas and other hydrocarbons; non-hydrocarbon gases or gaseous substances; all other minerals of whatsoever nature, without regard to similarity to the above-mentioned substances; and all substances that may be produced therewith from the property.

Also excepting therefrom all geothermal resources, embracing, indigenous steam, hot water and hot brines; steam and other gases, hot water and hot brines resulting from water, gas or other fluids artificially introduced into subsurface formations; heat or the associated energy found beneath the surface of the earth; and by-products of any of the foregoing such as minerals (exclusive of oil or hydrocarbon gas that can be separately produced) which are found in solution or association with or derived from any of the foregoing as reserved in the conveyance from Chevron U.S.A. Inc., a corporation recorded July 6, 1990, as Document No. 90078694, Official Records.

LICENSE TYPE	DESCRIPTION
51	CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. No off-sale privileges. Food service is not required. Minors are allowed on the premises.
52	VETERAN'S CLUB - Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guest only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
57	SPECIAL ON SALE GENERAL - Generally issued to certain organizations who cannot qualify for club licenses. Authorizes the sale of beer, wine and distilled spirits, to members and guests only, for consumption on the premises where sold. Authorizes the sale of beer and wine, to members and guests only, for consumption off the licensed premises. Food service is not required. Minors are allowed on the premises.
59	ON SALE BEER AND WINE – SEASONAL - Authorizes the same privileges as a Type 41. Issued for a specific season. Inclusive dates of operation are listed on the license certificate.
60	ON SALE BEER – SEASONAL - Authorizes the sale of beer only for consumption on or off the premises where sold. Issued for a specific season. Inclusive dates of operation are listed on the license certificate. Wine or distilled spirits may not be on the premises. Minors are allowed on the premises.
61	ON SALE BEER – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer only for consumption on or off the licensed premises. Wine or distilled spirits may not be on the premises. Minors are not allowed to enter and remain (warning signs required). Food service is not required.
67	BED AND BREAKFAST INN - Authorizes the sale of wine purchased from a licensed winegrower or wine wholesaler only to registered guests of the establishment for consumption on the premises. No beer or distilled spirits may be on the premises. Wine shall not be given away to guests, but the price of the wine shall be included in the price of the overnight transient occupancy accommodation. Removal of wine from the grounds is not permitted. Minors are allowed on the premises.
70	ON SALE GENERAL – RESTRICTIVE SERVICE - Authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises.
75	ON SALE GENERAL – BREWPUB - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on a bona fide eating place plus a limited amount of brewing of beer. This license does not authorize the sale of alcoholic beverages for consumption off the premises where sold. Minors are allowed on the premises.
80	BED AND BREAKFAST INN – GENERAL - Authorizes the sale of beer, wine and distilled spirits purchased from a licensed wholesaler or winegrower only to registered guests of the establishment for consumption on the premises. Alcoholic beverages shall not be given away to guests, but the price of the alcoholic beverage shall be included in the price of the overnight transient occupancy accommodation. Removal of alcoholic beverages from the grounds is not permitted. Minors are allowed on the premises.
86	INSTRUCTIONAL TASTING LICENSE - Issued to the holder of and premises of a Type 20 or Type 21 licensee, authorizes the tasting of alcoholic beverages as authorized to be sold from the off-sale premises, on a limited basis. Requires physical separation from the off-sale premises while tasting is taking place and generally requires the participation of a specifically-authorized manufacturer or wholesaler licensee.

COMMON ABC LICENSE TYPES AND THEIR BASIC PRIVILEGES

LICENSE TYPE	DESCRIPTION
01	BEER MANUFACTURER - (Large Brewery) Authorizes the sale of beer to any person holding a license authorizing the sale of beer, and to consumers for consumption on or off the manufacturer's licensed premises. Without any additional licenses, may sell beer and wine, regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises or at a bona fide eating place contiguous to the manufacturer's licensed premises. May conduct beer tastings under specified conditions (Section 23357.3). Minors are allowed on the premises.
02	WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct winetastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.
20	OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.
21	OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.
23	SMALL BEER MANUFACTURER - (Brew Pub or Micro-brewery) Authorizes the same privileges and restrictions as a Type 01. A brewpub is typically a very small brewery with a restaurant. A micro-brewery is a small-scale brewery operation that typically is dedicated solely to the production of specialty beers, although some do have a restaurant or pub on their manufacturing plant.
40	ON SALE BEER - (Bar, Tavern) Authorizes the sale of beer for consumption on or off the premises where sold. No wine or distilled spirits may be on the premises. Full meals are not required; however, sandwiches or snacks must be available. Minors are allowed on the premises.
41	ON SALE BEER & WINE – EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
42	ON SALE BEER & WINE – PUBLIC PREMISES - (Bar, Tavern) Authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
47	ON SALE GENERAL – EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licensee's premises. Authorizes the sale of beer and wine for consumption off the licensee's premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.
48	ON SALE GENERAL – PUBLIC PREMISES - (Bar, Night Club) Authorizes the sale of beer, wine and distilled spirits for consumption on the premises where sold. Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are not allowed to enter and remain (see Section 25663.5 for exception, musicians). Food service is not required.
49	ON SALE GENERAL – SEASONAL - Authorizes the same privileges and restrictions as provided for a Type 47 license except it is issued for a specific season. Inclusive dates of operation are listed on the license certificate.



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.