

RESOLUTION 2014-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING THE INITIAL STUDY, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR PROJECT DR 2014-101 AND CUP 2014-101, AT 404-408 THE ALAMEDA, CONSISTING OF A FUEL STATION, CONVENIENCE STORE AND QUICK SERVE RESTAURANT

WHEREAS, Harbhajan (Harvey) Dadwal (sometimes herein referred to as “Applicant”), pursuant to Title 11 (“Zoning”) of the San Juan Bautista Municipal Code, has applied for a conditional use permit (No. CUP 2014-11) and a site plan and design review permit (No. DR 2014-11), on property designated in the General Plan as general commercial and zoned accordingly, and located at 404-408 The Alameda (APN: 002-52-012) in the City of San Juan Bautista, for a development (sometimes herein referred to as “Project”) consisting of a 6,144 square foot single story building, covered fuel island with 12 fuel dispensing stations, 35 on-site parking spaces, trash enclosure, open space landscaping, on-site storm drain retention and bio filter system, entrance and existing driveways for free flow traffic, bicycle parking, directional signage, traffic channelization and striping, and on-site lighting; and

WHEREAS, the building is proposed to be divided into two commercial functions with (1) a small convenience store, central retail and fuel checkout counter, and (2) a restaurant with dining room accommodations; and

WHEREAS, the applications were reviewed and considered by the San Juan Bautista Planning Commission at duly noticed meetings and hearings held on January 7, 2014, January 23, 2014, and February 4, 2014; and

WHEREAS, following hearings, the Planning Commission approved a mitigated negative declaration for the Project, and then proceeded to approve the Project, i.e. CUP 2014-11 and DR 2014-11, with mitigation measures and conditions, all as set out in Planning Commission Resolution 2014-04; and

WHEREAS, on February 11, 2014, Daniel J. DeVries, Esq., on behalf of Leal Vineyards, Inc. (sometimes referred to herein as “Appellant”) filed an appeal of the Planning Commission approvals described immediately above; and

WHEREAS, a hearing on the appeal was held by this Council on March 18, 2014, and April 9, 2014; and

WHEREAS, on April 9, 2014, this Council continued the appeal hearing to a date after the 30 day review and comment period ended from the State Clearinghouse. (September 4, 2014) pursuant to the California Environmental Quality Act, which allowed the City to accept public comment and revise the environmental documents accordingly.

WHEREAS, the Initial Study and Mitigated Negative Declaration “MND” prepared for the project was completed in July 2014. As required by law, it was submitted, on August 1, 2014, to the State Clearinghouse for a 30 day review period and circulation by the Clearinghouse to selected state agencies.

WHEREAS, the review and comment period for this Project was extended for 20 days from September 9, 2014 to September 29, 2014 and a public hearing was set for October 21, 2014, which was continued to November 18, 2014.

WHEREAS, the initial study and mitigated negative declaration prepared for the Project have been prepared, noticed, and submitted for review according to law; and

WHEREAS, at the hearing on appeal on November 18, 2014, this Council, having reviewed all materials included with the agenda packet regarding the appeal, heard and considered all comments and materials made and submitted by Appellant, Applicant, staff, and other interested parties; and

WHEREAS, the Initial Study-Mitigated Negative Declaration concluded that the implementation and construction of the Project could result in a number of significant effects on the environment and identified mitigation measures that reduce the significant effects to a less than significant level, and

WHEREAS, the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program are by this reference incorporated into this Resolution as if fully set forth herein, and

WHEREAS, in connection with project approval involving an initial study/mitigation negative declaration that identifies one or more significant environmental effects, CEQA requires the decision making body to incorporate feasible mitigation measures that reduce the significant effects, to a less than significant level, and

WHEREAS, approval of a project requiring implementation of mitigation measures to mitigate or avoid significant effects on the environment also requires adoption of a Mitigation Monitoring or Reporting Program to ensure compliance with mitigation measures during project implementation , and

WHEREAS, the City of San Juan Bautista is the lead agency on the Project, and because the Planning Commission’s approval has been appealed, the San Juan Bautista City Council is the decision making body for the Project, and

WHEREAS, the City Council has reviewed and considered the Initial Study-Mitigated Negative Declaration for the project and intends to take action on the Project in compliance with CEQA and state Guidelines implementing CEQA, and

WHEREAS, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Wildlife Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, HEREBY RESOLVES AS FOLLOWS;

- Section 1.** This Council makes the findings, attached as Exhibit “A” and;
- A. This Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record prior to proceeding to consider action on the Project.
 - B. The Initial Study/Mitigated Negative declaration prepared for the Project has been completed in compliance with CEQA and is consistent with State Guidelines of the California Environmental Quality Act.
 - C. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.
 - D. The City Manager, with offices in City Hall, City of San Juan Bautista, is designated as the custodian of documents and records of proceedings on which action taken by this Resolution are based.
 - E. The Initial Study/Mitigated Negative Declaration, with the mitigation measures, mitigation monitoring program and conditions of approval for Project, shows that there is not substantial evidence in light of the whole record that the project as revised by the mitigation measures and conditions of approval may have a significant effect on the environment.

Section 2. The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program hereby are approved.

Section 3. Consideration of Project approval, and disposition of the appeal of Project approval from the decision of the Planning Commission, shall follow passage and adoption of this Resolution. If the Project is approved, this Council shall require mitigation monitoring in compliance with CEQA.

PASSED AND ADOPTED, at a duly noticed meeting of the City Council of the City of San Juan Bautista held on the 18th day of November, 2014 by the following vote:

AYES: **Cosio, Boch, Lund, Edge, Moore**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

Andy Moore, Mayor

ATTEST:

Connie Schobert, City Clerk

