

RESOLUTION 2014-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DENYING AN APPEAL FILED FEBRUARY 11, 2014 BY DAN DEVRIES ON BEHALF OF LEAL VINEYARD INC., OF PLANNING COMMISSION APPROVAL OF USE PERMIT APPLICATION NO. CUP 2014-11 AND DESIGN REVIEW APPLICATION NO. DR 2014-11 FOR A FUEL STATION, CONVENIENCE STORE, AND QUICK SERVE RESTAURANT AT 404-408 THE ALAMEDA AND APPROVING BOTH APPLICATIONS WITH FINDINGS AND CONDITIONS OF APPROVAL FOLLOWING DE NOVO PUBLIC HEARING

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 2014-101) 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”) of a single story building consisting of a separate 2,980 square foot convenience store, a separate 3,342 square foot quick serve restaurant, a covered fuel island with 6 pumps and 12 fuel dispensing stations, 46 on-site parking spaces, trash enclosure, landscaping, irrigation system, on-site storm drain retention and bio filter system, bicycle parking facilities, electric vehicle charging station, traffic channelization, on-site lighting, directional signage, driveway entrance and exits, perimeter architectural fencing, pedestrian sidewalks and traffic safety crosswalk striping; 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 was legally, continued to November 18, 2014; and

WHEREAS, the initial study, mitigated negative declaration and mitigation monitoring program prepared for the Project have been prepared, noticed, and submitted

for review and previously approved according to law, with all resolutions, approvals, documents and findings incorporated into this Resolution as if fully set forth herein; 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

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

Section 1. This Council adopts the Findings attached as Exhibit “A”. In addition to the substantial evidence recited in Exhibit “A,” substantial evidence in support of the findings is included in the 13 page report entitled “CITY OF SAN JUAN BAUTISTA, ADDITIONAL INFORMATION TO STAFF REPORT,” included with the materials reviewed and considered by this Council, and said report is hereby incorporated herein by this reference. The findings are further supported by the conditions of approval, mitigation measures, and mitigation monitoring program, and narrative set out in the record in the Staff Reports and the Initial Study-Mitigated Negative Declaration.

Section 2. The Conditions of Approval attached as Exhibit “B” are hereby approved.

Section 3. Based on the foregoing, this Council concludes, determines, and orders as follows:

1. The appeal is denied.
2. The action of the Planning Commission to approve applications CUP 2014-11 and DR 2014-11 is approved.
3. The Project is approved, subject to the conditions and mitigation measures imposed by the Planning Commission by its Resolution 2014-04, Exhibit “C” hereto.

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