

RESOLUTION 2014-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN SAN JUAN BAUTISTA RECOMMENDING TO THE CITY COUNCIL RESCINDING ORDINANCE 2014-01, WHICH AMENDED SECTION 11-04-110 AND CHAPTER 11-29 OF THE SAN JUAN BAUTISTA MUNICIPAL CODE TO MODIFY PROVISIONS FOR DESIGN AND ARCHITECTURAL REVIEW OF RETAIL BUSINESSES, RESTAURANT BUSINESSES, AND VISITOR ACCOMMODATIONS WITHIN THE CITY OF SAN JUAN BAUTISTA; AND RE-ADOPT MUNICIPAL CODE PROVISIONS RESCINDED BY ORDINANCE 2014-01, RE-ESTABLISHING LIMITS ON THE APPROVAL OF LARGE-SCALE RETAIL BUSINESSES, FORMULA VISITOR ACCOMMODATIONS AND RESTAURANT BUSINESSES

WHEREAS, on March 18, 2014, Ordinance 2014-01 was adopted by the City Council with appropriate environmental review, finding that the ordinance was exempted from the California Environmental Quality Act (CEQA) under CEQA Guidelines 15061(b)(3), 15183, 15308, 15378, and Public Resources Code section 21083.3(e) and under CEQA Guidelines Section 15183 and Public Resources Code section 21083.3(e). The City Council further properly found that the proposed regulations were consistent with the San Juan Bautista General Plan; and the Planning Commission held a public hearing for the amendment to the urban growth boundary, and

WHEREAS, the City was served on June 20, 2014 with a lawsuit filed by Petitioner Alliance of Concerned Citizens Organized for Responsible Development, raising the issues of whether the City complied with CEQA and whether the City made adequate findings of General Plan consistency, and

WHEREAS, in order to moot the issues raised in the lawsuit with no further expenses of public funds on attorneys' fees and without admitting any of the challenges to the City's environmental review raised in the lawsuit, the City wishes to rescind the approval of Ordinance 2014-01.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Juan Bautista does hereby recommend to the City Council rescinding Ordinance 2014-01 of the San Juan Bautista Municipal Code.

PASSED AND ADOPTED by the Planning Commission on this 5th day of August 2014 by the following vote.

AYES: Franco, Guibert, Gularte, Garratt

NOES: Medeiros

ABSTAIN: None

ABSENT: None

Chairperson Ernest J. Franco

ATTEST:

Trish Paetz, Deputy City Clerk