

RESOLUTION 2014-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE CONDITIONAL USE PERMIT FOR ALFRED AND CHRISTOL CASTANEDA AT 505 THIRD STREET, APN 002-130-002 CUP 2014-101

WHEREAS, the Planning Commission of the City of San Juan Bautista conducted a special meeting and public hearing on November 5, 2014; and

WHEREAS, the Planning Commission has reviewed the project staff report and conditions of approval and received oral comments and public testimony on the project; and

WHEREAS, there are special circumstances applicable to the subject property, including the fact that the house on it was originally built as a residential house in a residential zone prior to the City changing the zoning to mixed use, making it a lawful prior nonconforming use, which put restrictions on it that do not generally apply to other property in the same vicinity still under residential zone classifications; and

WHEREAS, by leaving open space at the front of the lot that could be used for a structure designed for commercial use in the future, this expansion of the existing lawful prior nonconforming use does not negate a future use of the property that conforms to the Mixed Use zoning classification; and

WHEREAS, by making the expansion fit in with the size and style of buildings in the surrounding area as well as leaving space at the front of the lot that could be used for future commercial use, the use is necessary or desirable in relation to the purposes and intent of the San Juan Bautista General Plan, zoning ordinance, and the economic, social, and environmental status of the City; and

WHEREAS, the use is a minimal expansion of a current lawful nonconforming use that will not restrict the ability of the property to conform to the current zoning classification in the future, the use will continue to be properly related to other uses, transportation facilities, and other public facilities in the area, and will not cause undue environmental impacts relating to noise, odor, pollution, etc.; and

WHEREAS, the use will not adversely affect the health or safety of persons living or working in the vicinity, or be materially detrimental to the public welfare of the City and its residents; and

WHEREAS, the Planning Commission has found, due to the compatibility of the current nonconforming use with surrounding residential uses, other nonconforming uses, and neighborhood aesthetic, as well as the fact that the expansion of the current use leaves space for a commercial structure fronting Third Street that would allow the property to conform to the current mixed use zoning designation at some point in the future, that if more than seventy-five percent (75%) of the value of the nonconforming building above its foundation is damaged by fire, flood, explosion, wind, earthquake, war, riot or other

calamity or act of God, it may be restored, reconstructed or used as before; provided, that such reconstruction shall be started within six (6) months of such happening and prosecuted to completion within one (1) year of such happening; and

WHEREAS, the applicant has agreed to the conditions of approval that will make the project fit in with the look and feel of the historic district, adhere to the San Juan Bautista Municipal Code regarding expansion of a nonconforming use, and leave the property with the ability to conform to the current zoning designation in the future, and

WHEREAS, the applicant will obtain a building permit, pay all applicable fees, and conform to the design specifications set forth by the Planning Commission for the expansion of the current use; and

WHEREAS, the Planning Commission has determined that in light of the whole record before the Commission, the proposed project will not have a significant effect on the environment of the project site and surrounding area.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of San Juan Bautista hereby approves CUP 2014-101, subject to the conditions specified herein.

1. The applicant shall install vertical face curb and gutter along the frontage of Third Street, together with a driveway approach conforming to city standards and repair or replace all broken and damaged sidewalks.
2. The applicant shall, in the event of loss of the structure due to fire, flood, explosion, wind, earthquake, war, riot, or other calamity shall rebuild on the foundation system that currently exists at the time of the loss.
3. The applicant shall install horizontal siding on exterior of the structure facing Third Street with colors to be earth tone.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on the 5th day of November, 2014 by the following vote:

AYES: **Garrett, Gularte, Guibert, Franco**

NOES: **None**

ABSENT: **Medeiros**

ABSTAIN: **None**

Chairperson Ernest J. Franco

ATTEST:

Deputy City Clerk Trish Paetz