

## **RESOLUTION 2015-42**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW ESTRONEMICAS DMR TO OPERATE IN A GENERAL COMMERCIAL ZONE AT 301 THE ALAMEDA SUITE B-6 (APN 002-520-009)**

**WHEREAS**, applicants Estrella and Ron Johnson, Estronemicas DMR production studio, are applying for a Business License with the City of San Juan Bautista to operate out of 301 The Alameda Suite B-6, and

**WHEREAS**, a Conditional Use Permit is needed for the studio use to be allowed in a General Commercial Zone, and

**WHEREAS**, the activities that will be held in the studio will not cause any nuisance and will operate in a manner that will benefit the public safety and health of the San Juan Bautista Community, and

**WHEREAS**, the applicants will not make any alterations to the venue other than moving in their studio equipment, and

**WHEREAS**, the Planning Commission makes the following findings:

1. That 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.

The General Commercial (C) designation is intended to provide for retail and service uses that meet local and regional demand. The proposed business, a production studio, would suit the purpose of the zone designation. The production studio is permitted in the C zone with a Conditional Use Permit.

2. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate development standards are met. The project is located within an existing building that has been well maintained since its original development. Further, all landowners and business owners within the city of San Juan Bautista are held to Development Standards identified in Chapter 11 of the San Juan Bautista Municipal Code. Specifically, Section 11-04-030 Additional Development Standards: Commercial and Industrial Districts of the Municipal Code states: "The performance standards established in this section apply to the mixed use, commercial and industrial zoning districts. These standards are intended to assure that all commercial and industrial operations carried out in the City are conducted in such a manner as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.”

3. This project is Categorical Exempt pursuant to CEQA Guidelines §15061 (b), (3) - General Rule: the approval of the production studio to operate within a General Commercial zone would have no physical effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of San Juan Bautista does hereby approve the Conditional Use Permit for Estronemicas DMR to function out of the General Commercial zone at 301 The Alameda, Suite B-6 subject to the following conditions:

1. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate business in compliance with all laws, ordinances and regulations. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use permit as provided in the San Juan Bautista Municipal Code Section 11-17-050.
2. The entire site shall be permanently maintained free of accumulated dirt and litter and in otherwise neat and attractive manner.
3. Upon approval of the conditional use permit, any future violations of regulations of codes relating to the public safety, health, and welfare, such as excessive noise causing a public nuisance, could result in revocation of the Conditional Use Permit.
4. No recording of musical instruments and/or loud noises past 8 P.M.
5. The facility shall be operated and maintained to comply with the applicable State and Federal laws, and the City of San Juan Bautista Municipal Code at all times.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission on this 1<sup>st</sup> day of December, 2015 by the following vote:

**AYES: Guibert, Gredassoff, Garratt, Franco**

**NOES: None**

**ABSENT: Medeiros**

**ABSTAIN: None**

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Chairperson Ernest J. Franco

**ATTEST:**

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Deputy City Clerk Trish Paetz