

RESOLUTION 2017-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA APPROVING A CONDITIONAL USE PERMIT (CUP 2017-33) FOR THE USE OF AN OUTDOOR PATIO AS AN ACCESSORY USE TO A WINE AND BEER TASTING ESTABLISHMENT AT 322 THIRD STREET

WHEREAS, the Planning Commission received an application for a Conditional Use Permit for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street; and

WHEREAS, the Planning Commission held a public hearing on April 4th, 2017, to consider a Conditional Use Permit (CUP 2017-33) for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street; and

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

WHEREAS, based upon the whole record before the Planning Commission and in light of the proposed use of an outdoor patio as an accessory use to a wine and beer tasting establishment situated at 322 Third Street, the Planning Commission determined that the project is Categorical Exempt under CEQA §15332 and made the following findings:

1. The project is consistent with the 2035 General Plan designation and polices as well as zoning designation and regulations; and
2. The proposed project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; and
3. The project site has no value as habitat for endangered, rare, or threatened species; and
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all municipal utilities and public services; and
6. The project is consistent with the standards and requirements of the San Juan Bautista Municipal Code; and

WHEREAS, the Planning Commission has made the necessary findings for the Conditional Use Permit (CUP 2017-33) for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street, including:

- A. That 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;
- B. That the use will 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
- C. That 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.

WHEREAS, the applicant has agreed to the following conditions of approval for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street:

- 1. Hours of operation will be between 11 a.m. and 10 p.m.
- 2. Live music is permitted only during hours of operation (no later than 10 p.m.).
- 3. The Planning Commission shall review the conditional use permit six (6) months and twelve (12) months after the Wine and Beer Tasting Establishment begins operation.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Juan Bautista hereby approves the Conditional Use Permit (CUP 2017-33) for the use of an outdoor patio as an accessory use to a wine and beer tasting establishment at 322 Third Street.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on this 4th day of April, 2017, by the following vote:

AYES: **Moore, Freels, Franco, Boyd**

NOES: **None**

ABSENT: **Hopper**

ABSTAIN: **None**

Vice Chairperson Darlene Boyd

ATTEST:

Trish Paetz, Deputy City Clerk