

## RESOLUTION 2017-09

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING THE REVOCATION OF HRB-DR 2013-33 PERMIT PURSUANT TO SAN JUAN BAUTISTA MUNICIPAL CODE SECTION 11-17-050 (A)**

**WHEREAS**, the City Council of the City of San Juan Bautista conducted a public hearing on January 17<sup>th</sup>, 2017, for the revocation of the Site and Design Review Permit of HRB-DR 2013-33 to receive oral testimony, public input, written communication and comments, and

**WHEREAS**, the Planning Commission approved Resolution 2013-07 consisting of the environmental compliance documents and a recommendation from the Historic Resources Board for a Site and Design Review Permit for the Brewery Project on July 2<sup>nd</sup>, 2013, and

**WHEREAS**, the approval was granted subject to mitigation measures and conditions of approval as outlined in the staff report dated July 2<sup>nd</sup>, 2013, and

**WHEREAS**, the applicant/owner of the Brewery project has failed to perform and complete work on the project during the period between September 15<sup>th</sup>, 2015, to January 17<sup>th</sup>, 2017, and the City has sent a letter to the Applicant notifying them that Building Permit No. 1072 has been revoked and invalidated in accordance with provisions of the California Building Code, Section 105, Subsection 105.5 "Expiration", and

**WHEREAS**, due to the lack of work, maintenance, and upkeep of the grounds, building, and site facilities, the premises are deemed to be a public nuisance to which the City has installed a physical barrier around the brewery building and grounds for the safety and health of the general public and pedestrians walking past the site, and

**WHEREAS**, the City Council of the City of San Juan Bautista has conducted a public hearing on this date for the revocation of the Site and Design Review Permit pursuant to Municipal Code Section 11-17-050 (A).

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Juan Bautista does hereby take enforcement actions under the provisions of Section 11-17-050 of the San Juan Bautista Municipal Code to revoke the Design Review Permit No. 2013-33 of the Brewery Project with the following findings.

**FINDINGS OF FACT:**

The use would be detrimental to the health, safety, morals, comfort or general welfare or persons residing or working in the neighborhood of such use and the businesses around the use because:

- A. The applicant has failed to fulfill the conditions of approval for the Site and Design Review Permit granted under HRB-DR 2013-33.
- B. The applicant has failed to maintain the site adequately by allowing weeds, debris and litter accumulation on the property for an unsightly appearance.
- C. The applicant has not repaired or maintenance the site improvements and allowed damage to facilities enclosed trash area.
- D. That the site is located at the gateway to the City's Historic District and the unsightly site conditions, disrepair of the building is a major distraction to visitors to the City.
- E. The applicant has not properly maintained the drainage facilities of the site to allow surface water to become stagnant, odorous.
- F. The applicant has allowed the surface conditions of the parking lot to be an unsightly conditions.

It is proper to revoke the permit as the applicant has failed to complete the project within the applicable time period as set forth in Municipal Code Section 11-17-040 and has not opened or engaged in any business at the site which resulted in a vested right to the continuation of a business.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on this 21<sup>st</sup> day of March 2017, by the following vote:

**AYES:** Martorana, Boch, West, Freeman

**NOES:** None

**ABSENT:** DeVries

**ABSTAIN:** None

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Mayor Chris Martorana

**ATTEST:**

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Trish Paetz, Deputy City Clerk