

**RESOLUTION 2020-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
APPROVING A SITE AND ARCHITECTURAL DESIGN REVIEW PERMIT  
(SDR 2019-03) FOR A MIXED USE DEVELOPMENT CONSISTING OF A  
RESTAURANT, BAR, AND RESIDENTIAL UNITS LOCATED AT  
107 THIRD STREET, SAN JUAN BAUTISTA (APN: 002-021-004)**

**WHEREAS**, the City of San Juan Bautista Community Development Department received an application for Site and Design Review (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and 4 residential units (1-2 bed/2 bath unit and 3 – 1 bed/1 bath units) on September 24, 2019; and

**WHEREAS**, in October 2019, a preliminary informative presentation was presented to the Planning Commission, in an effort to gauge City interest in the Project, and preliminary feedback was given to the applicant; and

**WHEREAS**, following the October 2019 presentation, the applicant further refined aspects of the Project, and City staff subsequently reviewed the application materials and timely processed the permit to public hearing; and

**WHEREAS**, the application was timely processed and brought before the Planning Commission for consideration on December 3, 2019, due to a lack of quorum, the public hearing was continued to December 12, 2019; and

**WHEREAS**, on December 12, 2019, the Planning Commission held a duly noticed public hearing, received oral comments, received public input, and received the staff report for the application and approved the project as proposed; and

**WHEREAS**, on December 18, 2019, Emily Renzel (appellant) timely filed an appeal of the December 12, 2019 Planning Commission decision, and agreed in writing to delay the appeal hearing to the next regularly scheduled City Council hearing on January 21, 2019; and

**WHEREAS**, the City Council timely conducted a public hearing on January 21, 2020, to consider approval of a Site and Design Review (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units (4; 3-1 bed/1 bath and 1-2 bed/2 bath) located at 107 Third Street (APN: 002-021-004); and

**WHEREAS**, City Staff reviewed the application, made the required determination under San Juan Bautista Municipal Code (SBJMC) Section 11-06-120(B) and, based on those determinations, followed the Appropriate Review Application Procedure(s) in SBJMC Section 11-06-120(C)(5); and

**WHEREAS**, the City Council reviewed the application, a previously prepared historic resource evaluation and impact report, received oral testimony, public input, and a staff report for the mixed use project; and

**WHEREAS**, the City Council, upon reviewing the proposed building plans, site layout of the structures, setbacks, height, exterior elevations, architectural style, density, and design of the overall project in relationship to the surrounding area, determined that the project is Categorically Exempt under Section 15331 (Class 31) of the California Environmental Quality Act (CEQA) Guidelines, “Historical Resource Restoration/Rehabilitation”, because the proposed project will restore/rehabilitate a designated historical building within the San Juan Bautista Historic District, in manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings”, and in compliance with the previously prepared historical report (2017); and

**WHEREAS**, upon reviewing the proposed building plans, site layout of the structures, setbacks, height, exterior elevations, architectural style, density, and design of the overall project in relationship to the surrounding area, the City Council found that the project meets all of the Site and Design Review requirements in Section 11-06 and 11-18 of the San Juan Bautista Municipal Code, City of San Juan Bautista Historic Design Guidelines, and 2035 San Juan Bautista General Plan, as detailed below:

**SECTION 11-06 HISTORIC RESOURCES FINDINGS:**

Section 11-06-120, “Site plan and design review permit procedure for historic resources”, Staff must review permit applications and determine the following:

- 1) **If the structure is more than forty-five (45) years old;**  
This structure was originally built in 1870 and is more than forty-five years old.
- 2) **If the property has been previously inventoried as part of a Citywide comprehensive survey and what the current status code for the property is (see SJBMC 11-06-090 for status codes);**  
This property was previously inventoried as part of the citywide comprehensive survey, and has a status code of 5D1.
- 3) **If the property is listed on the City Register of Historic Resources;**  
This property is listed on the City Register of Historic Resources.
- 4) **If the Property is located within the boundaries of a designated historic district regardless of individual significance;**  
This property is located within the boundaries of the designated historic district.
- 5) **If the property will require additional evaluation as part of the application process; and**

As part of the previous entitlement process (2017), a historic report (“Secretary of the Interior’s Standards Review”) was prepared to analyze the previously proposed exterior modifications.

The current project is designed to include/mimic the same exterior modifications and recommendations from the 2017 report. No additional review beyond that conducted in 2017 is required.

**6) If the proposed alteration is a minor or major alteration.**

The 2017 entitlement was considered a major alteration due to the potential to degrade the exterior features and façade of the original building. The original entitlement was processed a “major” alteration.

The current proposal mimics the prior entitlement, with regards to the main historic building (main floor restaurant and second floor residence), the rear, non-historic, portion of the site will be developed with three (3) new residential units instead of the originally proposed garage, storage and utility area(s). Therefore, the current proposal is also considered to be a “major” alteration.

**SECTION 11-06-120(C)(7) – NEW CONSTRUCTION ON HISTORIC SITES:**

Approval of all site plan and design review permit applications shall require the following findings:

**7) The project has been reviewed in compliance with the California Environmental Quality Act (CEQA);**

The project is categorically exempt from CEQA per Section 15331 (Class 31) as it incorporates the restoration/rehabilitation of a historic resource, and the all new proposed additions will not diminish or degrade the historical character or nature of the subject property.

**8) The project is consistent with the Secretary of the Interior’s Standards for Treatment of Historic Properties;**

The 2017 historical resources report confirmed that the project as designed is “generally compliant with all ten of the Secretary of the Interior’s Standards for the Treatment of Historic Properties.” There is no need for a historical analysis for the rear portion of the site, as it was not previously deemed to be of a historic nature or contribute to the historical context of the site and/or main building.

**9) The project is consistent with the goals and policies of the San Juan Bautista Historic Design Guidelines;**

There is no evidence on the record that the proposed project is inconsistent with the San Juan Bautista Historic Design Guidelines. The proposed project will

restore and rehabilitate the front (historical) portion of the existing structure, and the proposed rear addition will be constructed in a manner to compliment and blend in with the historical construction on site.

**10) That the proposal will not adversely affect the character of the historic resource or designated historic district; and**

There is no evidence on the record that the proposed project will adversely affect the character of the historic resource or designated historic district. The project will restore/rehabilitate an existing historic structure and will revive the historical uses (restaurant and residence) of the main/front building. The proposed rear addition will be constructed to be consistent with the character of the neighborhood and will not be readily visible from Third Street.

**11) That the proposal will be compatible with the appearance of existing improvements on the site and that the new work will be compatible with massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**

The project involves the restoration of the existing front (historical) building to the same massing, size, scale and features. The rear addition is the same footprint as previously entitled in 2017 (see project comparison above). The proposed massing, size, and scale of the additions are in keeping with the main building (two stories) and will not be visible from Third Street. The architectural style of the addition will be of a consistent style to blend and compliment the historic architecture. There is no evidence on the record to indicate that the project will be incompatible with existing improvements on site.

**SECTION 11-18 - SITE PLAN AND DESIGN REVIEW FINDINGS:**

The following findings are required for the approval of a Site Plan and Design Review Application:

**12) The project is consistent with the standards and requirements of the San Juan Bautista Municipal Code.**

As designed the project is consistent with the standard and requirements of the San Juan Bautista Municipal Code, in so much as the project is compliant with all development standards applicable to the Mixed Use zoning designation and the Historic Preservation Ordinance(s).

**13) The project is consistent with the goals and policies of the General Plan and any applicable specific or community plans.**

As designed, the project is consistent with goals and policies of the General Plan, specifically relating to Infill Development (Policy LU-2.1.3; Objective LU-2.4; Objective LU-2.5; Policy LU-4.1.2), and Housing (Objective HO-1.1; Program HO-2.1.1.3; Policy HO-3.3.1; Policy HO-4.1.2.1).

*Policy LU-2.1.3 – Encourage mixed-use and commercial developments along the corridor of Muckelemei Street, 3<sup>rd</sup> Street, and The Alameda.*

The project is located on 3<sup>rd</sup> Street and consists of a mixed-used (residential/commercial) development.

*Objective LU-2.4 – Increase the amount of infill development in the City.*

The project consists of infill development. The current site houses a mostly demolished structure, and will restore and/or rehabilitate the historic structure and add residential units on the site.

*Objective LU-2.5 – Diversify housing stock to accommodate all San Juan residents.*

The project will provide new affordable housing units, as the “moderate income” level, which will provide additional housing stock to a specific income level of San Juan Bautista residents.

*Policy LU-4.1.2 – Identify and diversity land uses compatible with mixed-use land use patterns.*

The proposed project will continue and re-establish the mixed use land use pattern within the identified historic downtown area.

*Objective HO-1.1 – Accommodate at least 450 additional housing units by 2035 to fulfill Regional Housing Needs Assessment (RHNA) housing unit projects as mandated by the San Benito Council of Governments.*

The City is required to construct 24 “affordable housing” units under its assigned Regional Housing Needs Assessment (RHNA), of which 8 units shall be at the “moderate income” level. If entitled, this project would provide 50% (4) of the required 8 “moderate income” units; and nearly 17% (4 of 24) of the overall RHNA “affordable units” assigned to San Juan Bautista.

*Program HO-2.1.1.3 – Provide development incentives for affordable housing, such as reductions in minimum parking requirements, density bonuses, and minimum lot sizes for single family residential districts.*

As detailed throughout the report, the project is requesting a reduction/waiving for the parking requirements, and requesting increased density allowance(s) to provide new housing units, and have an economically viable project to allow the restoration/rehabilitation of a historic building.

*Policy HO-3.3.1 – Allow for medium- and high-density housing in the downtown core.*

The project will provide housing on the rear of the property on two various levels of the building in a mixed-use building.

*Program HO-4.1.2.1 – Adopt an ordinance with incentives for housing developments in the Mixed-Use District through the use of regulatory mechanisms such as, but not limited to, density bonuses, development fee waivers, or expedited permitting.*

While an ordinance has yet to be fully developed, the project is within a Mixed-Use District and is requesting a density bonus, and reduction/waiving in parking standards. Staff has attempted to process this application timely (expedited permitting). All of these requests/actions are in keeping with the intent of the policy.

**14) The project contributes to safeguarding the City's heritage and cultural and historic resources.**

The project is designed to restore/rehabilitate a historical structure within the downtown area. The restoration and rehabilitation the structure will contribute to the City's heritage, cultural and historical resources.

**15) The project is compatible with the surrounding character of the environment because the architectural design, materials and colors harmonize with the character of surrounding development, or other improvements on the site and specific design elements (e.g., balconies, fencing, screening of equipment and utility installations, signs, and lighting) are incorporated into the project.**

The project incorporates the same architectural design, materials and colors, as the existing historical main structure. Therefore once completed the project, plus rear addition, will harmonize with the aesthetics and character of the surrounding developments both on and off site.

**16) The location and configuration of the project harmonizes with the site and with surrounding sites or structures. Structures do not dominate their surroundings to an extent inappropriate to their use and do not unnecessarily block significant views or solar access to adjacent properties.**

The location and configuration of the proposed project is similar to prior development on site, which was previously demolished without permits. The design of the project harmonizes with the style of the surrounding sites and structures, in so much as it two stories, screened from view of Third Street, and will restore/rehabilitate the main building to its historic character and design. The project will not unnecessarily block views or solar access to adjacent properties in any direction.

**17) The project effectively uses architectural details to break up mass. Roof planes are varied without being overly complex. Otherwise monotonous long or two-story walls are well-articulated with details such as building off-sets and window features that are compatible with the design and not overly ornate.**

The project is designed to mimic the prior "shed-roof" design of the prior development (rear of the property) and will restore/rehabilitate the main historic building to its original design (windows/doors), architecture (roof/overhangs) and familiar color (pink).

- 18) The landscape design, if any, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements have been considered to create visual relief and complement the structures to provide an attractive and water-conserving environment.**

The project has been conditioned to provide landscape plan prior to issuance of any construction permits (building and/or grading). The only area available for potential landscaping is in the rear patio/courtyard, which is not visible from adjacent streets. At the time of landscape plan submittal, Staff will ensure that landscaping will provide adequate visual relief and will be consistent with existing landscaping within the surrounding neighborhood(s).

- 19) The design and layout of the proposed project does not interfere with the use and enjoyment of neighboring existing or future development, does not result in vehicular and/or pedestrian hazards, and promotes public health, safety, and welfare.**

The project as designed will not interfere with the use and/or enjoyment of neighboring existing or future development. The project re-establishes the previous historic and entitled uses within the main building (restaurant, bar and residence), and reconstructs the prior footprint to add supplemental "allowed" uses within the mixed uses designation (residential). The surrounding properties include the same mixed uses and the project would be consistent with those adjacent/neighboring uses/properties. The project would not result in hazards associated with public health, safety, and welfare, in so much that the project is required to be constructed to be in compliance with fire and building codes, and the associated building permits will be reviewed by public safety and building personnel prior to issuance.

- 20) The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, width and pavement of adjoining streets, etc.) are available to serve the subject site.**

Existing public facilities (sewer and water) exist to accommodate the proposed project. The property has existing connections to both sewer and water. The project site is fronted by existing public sidewalk(s). The project does not require street lights or other traffic control devices.

#### **SECTION 11-03 – MIXED USE STANDARDS:**

- 21) Projects shall comply with all development standards for the mixed use zoning designation.**

The project is consistent with all development standards including allowable Floor Area Ratio (FAR) of 1.5, in that it proposes an FAR of approximately 0.95; height as the proposed height is below 3 stories and does not exceed 50 feet; and lot coverage, in so much as the proposed lot coverage is about 0.60 [2,472 sq. ft. / 4,172 sq. ft. (lot size)], below the 0.85 allowance.

**SECTION 11-11-120 – PARKING –MIXED USE:**

San Juan Bautista Municipal Code Section 11-11-120 details the parking requirements for Mixed Use zoning designations:

- 22) On-Street Parking.** Existing or required paved parking spaces for standard-sized vehicles in a public street or alley that abuts a parcel are eligible to meet part or all of the parking requirements for the development on that parcel. For parcels with mixed use development within the MU district, the number of on-street parking spaces for standard-sized vehicles within one hundred fifty feet (150') of a parcel, or the number that will be within one hundred fifty feet (150') upon completion of planned street/parking improvements, whichever is greater, may be counted toward the required number of parking spaces for commercial or mixed uses.

Staff conducted research regarding the available on-street parking within the vicinity of 150-feet of the subject property. The areas identified, included along Third Street, Franklin Street, and Washington Street. These three streets, provide as many as 20-25+ available parking spaces at any given time. Staff believes that available on-street parking is sufficient to meet the requirement of 3 additional parking spaces.

- 23) Off-Street Parking Reduction.** For parcels with mixed use development within the MU district, the number of off-street parking spaces required by this Section shall be reduced by ten (10) spaces or twenty-five percent (25%) of the otherwise required number of spaces, whichever is greater, if the parcel is within four hundred feet (400') of a public parking lot or garage. To be eligible for the parking space reduction, the property owner shall pay an in-lieu parking fee in accordance with subsection (F) of this Section.

The City Council could determine that the project is subject to a parking reduction (10-spaces or 25% of required, which is greater), as the parcel is located in the vicinity of various public parking lots/areas located north along Washington Street (see photo). Should the Council determine the project is eligible, the project could be subject to payment of a parking in-lieu fee, in an amount to be determined.

- 24) In-Lieu Fee.** The City Council may determine that strict compliance with the off-street parking standard set forth in this Chapter is contrary to the goal of preserving and enhancing the historical character and pedestrian nature of the MU district. Upon making such a determination, an in-lieu parking fee shall be imposed in the manner and amount set by City Council. The funds shall be



**retained by the City and shall be used exclusively for the purpose of acquiring and developing public off-street parking facilities to serve the MU district.**

If the City Council determines that the project is entitled to an “Off-Street Parking Reduction” subject to subsection (b) above, the City Council should determine if the payment of an in-lieu fee is required for the Project. If an in-lieu if required, the City Council should also determine the appropriate amount of such payment for the waving of three-parking spaces.

As mentioned above, adequate on-street parking is available within 150-feet of the development site and could also be used to satisfy the parking requirement for the three additional units. At this time, Staff has not conditioned the project with the payment of an in-lieu fee.

**SECTION 11-11-130 – OFF-SITE PARKING ALLOWANCE:**

**25) In order to allow a use to meet its parking requirements in a location other than on the same parcel on which the use is located, the City Manager or designee must make the finding that said parcel is unable to accommodate the required parking due to its size, shape, location, or the presence of existing buildings.**

The configuration of the subject parcel does not allow “on-site” parking. The only existing “driveway” to the site is located off Franklin Street, measures approximately 10-feet in width (doesn’t allow two-way vehicular movement), and is located immediately adjacent to (within 1-foot) the property line of the two surrounding properties.

**26) AFFORDABLE HOUSING – GOVERNMENT CODE 65915 COMPLIANCE:**

Under government code Section 65915(b)(1)(D), and 65915(f)(4), the applicant would qualify for a density bonus of 35%, and 1 entitlement/concession (by right) for the provision of the affordable housing at a level exceeding forty-percent (40%) of the total unit count.

The Mixed Use zoning classification allows densities between 8-15 units/acre, which would allow a baseline of approximately 1-2 units. A density bonus of 35%, as afforded through Section 65915, would allow 1 extra unit to be constructed, for a total of 3 units. The Project will provide 4 total units (1-2bd/2bth unit; 3-1bd/1bth units) all of which would be available as “affordable housing” at the “moderate income” level.

The applicant/developer is requesting to his entitled incentive/concession to allow one additional unit to be constructed on site, for a total of 4 units. The justification for this request, is due to the cost of the required restoration/rehabilitation of the historic structure. Without the ability to generate additional rental income/revenue from the

residential portion of the development, the overall project is not economically feasible.

In order for the City to deny the requested incentive/concession, the three specific findings need to be made, as detailed in Section 65915(d)(1), which specifically states:

*“d)(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:*

*“(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*

*(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.*

*(C) The concession or incentive would be contrary to state or federal law.”*

Findings for denial of the incentive/concession cannot be made, as the increased density allowance is: 1) not contrary to state or federal law; 2) will not have a specific adverse impact upon public health and safety or on the physical environmental or on real property that is in the California Register of Historical Resources (the rear of the property is not historic and the three units are not within the historic main building); and 3) the without the incentive/concession the project is not economically feasible to construct (restoration/rehabilitation of the main building) and would render the construction of affordable housing unachievable.

The City is required to construct 24 “affordable housing” units under its assigned Regional Housing Needs Assessment (RHNA), of which 8 units shall be at the “moderate income” level. If entitled, this project would provide 50% (4) of the required

8 “moderate income” units; and nearly 16% (4 of 24) of the overall RHNA “affordable units” assigned to San Juan Bautista.

## **27) APPEAL CONTENTIONS:**

### **Contention 1 – Housing.**

The appellant contends that two units have been approved where 1.35 units would normally be allowed, and then two additional units have been granted in exchange for 8 years of restricted affordable housing. The appellant then contends that all four units would be access via a right-of-way corridor from Franklin Street.

#### ***Staff Response:***

*The appellant is correct in stating that a total of 4 units was approved on the project site. However, it should be clarified that all four units are proposed to be “affordable” at the Moderate Income rate, not just two units. The provision of 100% affordable housing triggers different right, incentives, and concessions, as detailed in Government Code 65915, which is intend to guide development of affordable housing in California.*

*As detailed in the December 3, 2019 Planning Commission Staff Report, and during the December 12, 2019 Planning Commission hearing, the project will provide 4 total units (1-2bd/2bth unit; 3-1bd/1bth units) all of which would be available as “affordable housing” at the “moderate income” level.*

*Under government code Section 65915(b)(1)(D), and 65915(f)(4), the applicant would qualify for a density bonus of 35%, and 1 entitlement/concession (by right) for the provision of the affordable housing at a level exceeding forty-percent (40%) of the total unit count.*

*The Mixed Use zoning classification allows densities between 8-15 units/acre, which would allow a baseline of approximately 1-2 units. A density bonus of 35%, as afforded through Section 65915, would allow 1 extra unit to be constructed, for a total of 3 units. However in this case, the applicant/developer is requesting to his entitled incentive/concession to allow one additional unit to be constructed on site, for a total of 4 units. The justification for this request, is due to the cost of the required restoration/rehabilitation of the historic structure. Without the ability to generate additional rental income/revenue from the residential portion of the development, the overall project is not economically feasible.*

*The appellant is correct that access to all housing units will be supplied via the right-of-way off Franklin Street, which is designed for pedestrian access only, and no vehicular access/parking will be provided in this area, due to health and safety*

*concerns. See the analysis/discussion pertaining to parking for additional information.*

### **Contention 2 – Access to second story units.**

The appellant contends that the outdoor access/staircase is not compatible with a building that is 150+ years old, since it is not an interior staircase. The appellant further contends that an exterior staircase will be intrusive on the quiet and privacy of Casa de Anza. Finally the appellant contends that the since the building will be sprinklered, an interior staircase should be safe in case of fire.

#### ***Staff Response:***

*See response to Contention 5(b) for information pertaining to additions to historic structures and the proposed exterior access/staircase.*

*Regarding effects to “quiet and privacy of Casa de Anza”, the proposed project is located within the Mixed Use zone, which allows structures of three (3) stories and fifty (50) feet in height. The project is proposed at two (2) stories and below fifty (50) feet. Additionally, the project and all uses will need to be in compliance with the San Juan Bautista noise limitations. The project has been conditioned to install down-lit lighting and reduce glare on adjacent properties.*

*The appellant is correct that the project is required to install fire sprinkler throughout all construction areas, to comply with fire protection codes. It is irrelevant if proposed staircases are located internally or externally, as they may pertain to fire code compliance/safety.*

### **Contention 3 – Entitlements.**

The appellant contends that Staff interpreted the previous 2017 (Burda) entitlement incorrectly, and is treating the entitlement be for a physical structure, rather than proposed uses. The appellant further contents that if this proposed project is approved, it may be further used to leverage a different larger project.

#### ***Staff Response:***

*Staff analysis regarding the 2017 (Burda) entitlement was intended to provide a factual basis on past City actions and approvals. The current project is similar to the prior entitlement in terms restoration/rehabilitation of the main building, uses (commercial/residential), and general size. The December 3, 2019 Planning Commission Staff Report provides an analysis of the 2017 versus 2019 proposals.*

*If the 2019 project approval is upheld it would simply permit the restoration/rehabilitation of the main building, uses (commercial/residential) and size of the development. If the 2019 project is not constructed, and remains valid, it would not approval a larger project/development, but could be used to*

*analyze/compare any future projects. Regardless, any future projects would need to stand-alone and would need to be found consistent with applicable zoning, general plan, and development standards.*

*The 2017 entitlement does not allow the 2019 project. The 2019 project was been reviewed, analyzed, and considered, by the Planning Commission, based on its own merits.*

#### **Contention 4 – Parking.**

The appellant contends that no off-street parking can be provided on the Casa Rosa site. The appellant contents Staff stated that only 3 parking spaces is required for 4 housing units. Further the appellant states that the parking ordinance allows all parking spaces within 150-feet of the project site to be counted towards required parking, and contents that housing that the site should require a permanent long-term parking solution. The appellant states that staff cited that “public parking lots” were available along Washington Street (between Second and Third) and the school district’s hockey field (along the Alameda), and that in fact these two parking areas are not “public”. The appellant contents that at a minimum, parking in-lieu fees should be required to be paid, and the money generated should be uses to acquire public lots or lease private lots.

#### ***Staff Response:***

*The December 3, 2019 Planning Commission Staff Report, and Staff’s presentation during the December 12, 2019 Planning Commission hearing, provided a throughout analysis of parking zoning requirements, and how the proposed project could be consistent. Staff did present that spaces are available within 150-feet of the project site [11-11-120(a)], within 400-feet of the project site [11-11-120(b)], and the applicability of parking in-lieu fees [11-11-120(f)]. Ultimately the Planning Commission determined that the project was consistent with all applicable parking regulations and would not be required to pay any parking in-lieu fees.*

*See the December 3, 2019 Planning Commission Staff Report for the full analysis of parking and project compliance.*

#### **Contention 5 – Secretary of Interior Standards NOT Met.**

The appellant states that CEQA review may only be waived in a project is in compliance with the Secretary of Interior Standards. The appellant believe the project does not comply for the following reasons:

##### **a) Preservation of Historic Fabric and Character Defining Features.**

The appellant states that the Casa Rosas is an important historic structure. The appellant contends that the current project would “remove siding, the delicate Victorian detail on

front overhang, and probably remove the historic doors”, leaving nothing historic but pink paint.

***Staff Response:***

*The appellant is correct in saying that Casa Rosa is a historic structure. The City of San Juan Bautista previously identified the Casa Rosa as a historic resource within the downtown area. Staff concurs and identified the Casa Rosa as a designated historic structure, and explains the permitting process and requirements for historic structures in the December 3, 2019 Planning Commission Staff Report.*

*The appellant is not correct in claiming that the propose project would remove siding, remove the details on the front overhang (porch), and/or remove the historic doors. The project was designated, reviewed, and conditioned to restore the historic features of the main building, under the strict guidance of the 2017 historic report/analysis prepared by Garavaglia Architects (Rebecca Salgado). In order to comply with the guidance found in the 2017 report, none of the original siding, original doors, or details of the overhang (porch) are allowed to be removed, and should be reconditioned/rehabilitated, unless damaged beyond repair, in which case all removed material(s) need to be replaced with identical material(s), features, and details. Conditions 22 through 24 of the original approval address historic resources and rehabilitation/restoration on the project site.*

*The proposed project would rehabilitate/restore the building and features consistent with the recommendation of the 2017 Historic Report, which outlines how to restore and/or rehabilitate the main building in a manner consistent with the Secretary of Interior Standards, the project can be considered to be compliant and consist with Section 15331 of the California Environmental Quality Act (CEQA), which explicitly exempts project involving restoration/rehabilitation of historic structure, the proposed use of the CEQA exemption detailed in the December 12, 2019 Planning Commission Staff Report and attached Resolutions is appropriate and valid.*

**b) Stairs.**

The appellant contends that removal of the existing interior staircase is not appropriate and the staircase should be retained and incorporated into the building, potentially as lobby entry to separate it from the commercial use. The appellant further contends that the proposed exterior staircase in the rear of the property (to serve the residential units) should in constructed to be interior, as would have been typical of the 1870's.

***Staff Response:***

*The 2017 Garavaglia report does not identify the main building interior staircase as being historical in any way, nor holding historical value as a feature. As such, the proposed removal of the staircase would not in violation of the Secretary of Interior Standards, and could be proposed for removal.*

*The Secretary of Interior Standards pertaining to new additions states:*

*“New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.” (Standard 9)*

*The proposed rear addition (residential units, utility closet) will be minimally visible from the public thoroughfare, will be differentiated from the main building by using slightly different siding configuration(s) and roof treatment(s), and the addition(s) will not affect any historic character-defining features on the reconstructed/rehabilitated main building. For these reasons, the proposed project and rear area addition(s) are considered to be compliant with Standard 9.*

**c) Compatibility of New Addition.**

The appellant provides an uncited/undocumented quote, which states:

*“A new addition must preserve the building’s historic character, form, significant materials, and features. It must be compatible with the massing, size, scale, and design of the historic building while differentiated from the historic building. It should also be designed and constructed so that the essential form and integrity of the historic building would remain if the addition were to be removed in the future. There is no formula or prescription for designing a compatible new addition or related new construction on a site, nor is there generally only one possible design approach that will meet the Standards.”*

**Staff Response:**

*The appellant does not provide the source for quote. Staff cannot validate or analyze the quote for context or accuracy. Without this information, Staff cannot provide guidance on the quote.*

*See Response 5(b) above for how the proposed rear addition will be consistent with Standard 9 of the Secretary of the Interior Guideline for historic properties.*

**d) Historic Context.**

The appellant provides an uncited/undocumented quote, which states:

*“New construction should be appropriate scaled and located far enough away from the historic building to maintain its character and that of the site and setting.”*

The appellant states that the Project wraps around the historic Anza Adobe (which she owns and lives in) and she has worked hard to preserve and restore. The appellant contends that the Project will drastically impact the setting of the Adobe, but does not provide evidence to support the claim.

***Staff Response:***

*The appellant does not provide the source for quote. Staff cannot validate or analyze the quote for context or accuracy. Without this information, Staff cannot provide guidance on the quote.*

*The appellant does not provide evidence or documents to support the claim that the Project will affect her historic property. Staff cannot respond to undocumented and/or supported claims.*

*The Project is consistent with the development standards (height, stories, setback, coverage, and Floor-Area-Ratio (FAR) for the Mixed Use Zoning designation.*

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of San Bautista approves the Site and Design Review Application (SDR 2019-03) for the mixed use development consisting of a restaurant, bar, and 4 residential units (1-2 bed/2 bath unit and 3 – 1 bed/1 bath units), located at 107 Third Street (APN: 002-021-004) San Juan Bautista, subject to the Conditions of Approval attached as **Exhibit A** and in substantial conformance to the plans attached as **Exhibit B**.


**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on this 21<sup>st</sup> day of January, 2020, by the following vote:

**AYES:** DeVries, Freeman, Jordan, Flores, Edge

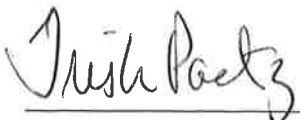
**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
Mary V. Edge, Mayor

**ATTEST:**

  
Trish Paetz, Deputy City Clerk



**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

- 1) All Conditions of Approval shall be placed as “Notes” and shown on a separate sheet of all proposed building and/or grading plans.
- 2) The Applicant/Owner shall enter into an Indemnification and Hold Harmless Agreement with the City of San Juan Bautista for the approval of the proposed project. The Applicant/Owner shall be responsible to pay fees for all review time and City/Legal costs prior to recordation and acceptance of the document.
- 3) The Applicant/Owner shall enter into an Affordable Housing Agreement for the restriction of all units to be rented at the “Moderate Income” level. The Affordable Housing agreement shall be reviewed, signed and notarized by both the City and Applicant prior to recordation. The Applicant/Owner shall be responsible to pay fees for all review time and City/Legal costs prior to recordation and acceptance of the document.
- 4) Prior to issuance of a building and/or grading permit, the Applicant/Owner shall submit a landscaping and irrigation plan to the City for review and approval by the City Manager.
- 5) The Applicant/Owner shall submit an on-site lighting plan conforming to the City’s “Dark Sky” regulations and provided hooded shield deflectors on all lighting fixtures. All lighting within the inner courtyard shall be directed downward or deflected in a direction/manner away from adjacent residential homes. All on-site exterior lighting shall be equipped with warm white illumination.
- 6) The Applicant/Owner shall obtain appropriate encroachment permit(s) for all work required within the City of San Juan Bautista public right of way.
- 7) The Applicant/Owner shall install/upgrade the domestic water, fire sprinkler, and monitoring service to each residential unit and commercial use within the proposed project. The applicant shall comply with all requirement within the Fire Code and/or those determined to be appropriate by the Fire Chief.
- 8) Prior to issuance of a building permit, the Owner/Applicant shall ensure that a complete One-Hour separation wall/ceiling from the first floor to the second floor has been shown on the proposed plans.
- 9) The proposed kitchen in the restaurant on the first floor shall be determined if it is a commercial kitchen. A Class One Hood shall be required if the kitchen is a commercial kitchen.

- 10) The occupancy load needs to be determined for the proposed restaurant. If the occupancy load is 50 or above, two exits to the Public Right-of-Way shall be provided.
- 11) Prior to issuance of construction permits, the Owner/Applicant shall ensure each residence has its own water meter. All meters (size and services) shall be clearly shown on the proposed plans.
- 12) Mail service for all residential units of the project shall be picked up at the Post Office located in the Windmill Market complex. The Applicant/Owner shall work with the City and the Post Office to ensure that separate addresses are assigned to each residential unit (4 in total) and each commercial use (1 in total).
- 13) The Applicant/Owner shall submit to the Planning Department an application for all temporary on-site sales/rental signs and/or business signs for marketing purposes of both the residential and commercial use of the site. Such application(s) may include approval of a sign permit(s).
- 14) The Applicant/Owner shall have the following note placed on all construction drawings and plans:  
*"If prehistoric archaeological resources or human resources are unexpectedly discovered during construction, work shall be immediately halted within 10 meters (25 feet) of the find until it can be evaluated by a qualified professional archeologist. If the find is determined to be significant, appropriate measures shall be formulated and implemented."*
- 15) The Applicant/Owner shall submit to the City a solid waste disposal plan for all solid waste material disposed of from the project site.
- 16) The Applicant/Owner shall submit a copy of the permit from the Monterey Bay Air Resources District (MBARD) any demolition and/or construction activities.
- 17) Prior to occupancy of the residential and/or commercial use(s), a final building inspection shall be performed by the City.
- 18) Prior to issuance of a building permit, school impact fees shall be paid to the Aromas-San Juan school District, for the residential uses. A copy of such payment shall be submitted to the City.
- 19) All residential units shall be constructed and designed to allow future solar conversions.
- 20) The Applicant/Owner shall show undergrounding of all utilities (electrical, water, sewer, gas, telephone/internet, cable) on improvement and construction plans.

- 21) The Applicant/Owner shall provide sound reduction-type windows on all residential units (except the front of the historical building).
- 22) The Applicant/Owner shall follow the recommendations and preservation/rehabilitation standards found within the "Secretary of the Interior's Standard Review" (Historical Report) prepared by Garavaglia Architects on March 24, 2017. Any deviation of the recommendations and/or standards contained in this report will require review by the City of San Juan Bautista Historical Review Board and Planning Commission.
- 23) The Applicant/Owner shall NOT use the historic balcony as "occupied space" or as a porch/deck. The historical architectural design and features of the balcony shall be retained and restored/rehabilitated, pursuant to the recommendations found in the Historical Report prepared on March 24, 2017 by Garavaglia Architects.
- 24) The Applicant/Owner shall retain the existing chimney on the exterior of the historical structure. The chimney shall be abandoned and sealed from interior use, and structurally re-enforced/strapped, per the recommendations of a qualified structural engineer. The Owner/Applicant shall bear all responsibility and cost for the preservation of this feature.
- 25) Construction on the site shall be restricted to the hours of 7:00 AM to 6:00 PM (Monday through Friday) and 8:00 AM to 5:00 PM (Saturday). No construction shall be allowed on Sundays or Federal Holidays.
- 26) The applicant shall select mechanical equipment to meet applicable noise standard. To be considered "Normally Acceptable" mechanical noise would need to be limited to DNL 60 dB at the nearest residential property line.
- 27) All truck deliveries to the site that require the use of back-up alarms shall be limited to daytime hours only.
- 28) All grading permits shall reference specific City of Hollister Design Standards for storm drains, water laterals, sewer cleanouts, storm drain inlets and other public improvements. (<http://hollister.ca.gov/government/city-departments/engineering/engineering-standards/>)
- 29) Any required erosion control measures including construction entrance and inlet protection along Third Street shall be shown on the grading permit(s).
- 30) Prior to issuance of a grading and/or building permit, the Applicant/Owner shall provide detailed cost estimate for all construction within public right-of-way (Utilities, drainage, sidewalk, driveway approach, etc.). Proposed plans shall show replacement of any broken sidewalk(s) along the property frontage(s).

- 31) Prior to issuance of a building permit, the Applicant/Owner shall show location of storage of trash, recycle and green waste containers.
- 32) All retail/restaurant uses within the Casa Rosa main building shall be done in compliance with Section 11-04-110 of the San Juan Bautista Municipal Code. Any future retail/restaurant use(s) of a "large scale retail, formula retail/restaurant" shall be subject to additional discretionary review by the Planning Commission, pursuant to additional application(s) and appropriate fee(s) for each proposed "large scale retail" and/or "formula retail/restaurant" use.
- 33) Prior to issuance of building permits, the Owner/Applicant shall prepared full plans, including site plan, elevations, and proposed colors boards (paint, materials, etc.) and submit plans to San Juan Bautista planning staff for routing to the Planning Commission for consideration and final approval.
- 34) Any commercial/business use conducted within the mixed use portion of the building, shall be consistent/compliant with the noise restrictions of the City of San Juan Bautista. Additional business hours, including deliveries, shall be limited to no later than 10pm Monday – Sunday, 365 days/year.
- 35) Prior to issuance of a grading and/or building permit, the Owner/Applicant/Developer shall comply with one of the following: 1) pay a parking in-lieu of \$25,000.00 directly to the City for future use of supplying public parking lots/spaces and/or structure; or 2) provide evidence to the City Manager of an execute agreement/lease (minimum of 5 year term) for three dedicated off-site parking spaces within close proximity to the Casa Rosa development site.
- 36) Prior to issuance of a grading and/or building permit, the Owner/Applicant/Developer shall clearly identify the location of a trash enclosure/collection area and evidence of agreement for solid waste management services from the appropriate provider. Design and placement of the trash enclosure/collection area shall comply with all City design standards.



# SHEET NOTES

- PROPERTY LINES & EXISTING STRUCTURE ARE BASED ON A SURVEY CONDUCTED BY SAN BERNITO ENGINEERS, INC., DATED 2/15/2017.
- REQUIRED ATTIC VENTILATION PER 2018 CBC 1203.2.

FRONT ATTIC  
 FURNISHED VENTILATION: 961 SF  
 RECTO VENTILATION: 961 SF / 150 = 6.4 SF = 621.8 SQ IN  
 FURNISHED VENTILATION: 961 SF / 150 = 6.4 SF = 621.8 SQ IN  
 DOWN SLOPE ROOF PANES: 625 SQ IN / 150 = 4.17 SF = 400.5 SQ IN  
 FURNISHED VENTILATION: 625 SQ IN / 150 = 4.17 SF = 400.5 SQ IN  
 (HIGH COR-A-VENT V-400E)  
 TOTAL COR-A-VENT V-400E: 150 SQ IN / 150 = 1 SF = 97.5 SQ IN  
 TOTAL COR-A-VENT V-400E: 150 SQ IN / 150 = 1 SF = 97.5 SQ IN

KITCHEN ATTIC  
 AREA: 44.5714 SF = 445 SF  
 RECTO VENTILATION: 445 SF / 150 = 2.97 SF = 289.2 SQ IN  
 619.2 SQ IN / 150 = 4.13 SF = 400.5 SQ IN (TOTAL OF 3)  
 FURNISHED VENTILATION: 445 SF / 150 = 2.97 SF = 289.2 SQ IN  
 A = 61.917' x 7' = 850 SQ IN (A2:4)  
 850 SQ IN / 150 = 5.67 SF = 548.1 SQ IN  
 = 5' x 10' USE 10' VENT

REAR ATTIC  
 RECTO VENTILATION (U-SHAPED ATTIC)  
 RECTO VENTILATION: 406 SF / 150 = 2.71 SF = 263.5 SQ IN  
 FURNISHED VENTILATION: 406 SF / 150 = 2.71 SF = 263.5 SQ IN  
 418 SQ IN / 150 = 2.79 SF = 270.5 SQ IN  
 = 10' x 16' SQ IN GABLE END VENT  
 TOTAL: 512 SQ IN (GROSS)  
 512 SQ IN (GROSS)

- REQUIRED UNDER FLOOR VENTILATION PER CBC 1203.4

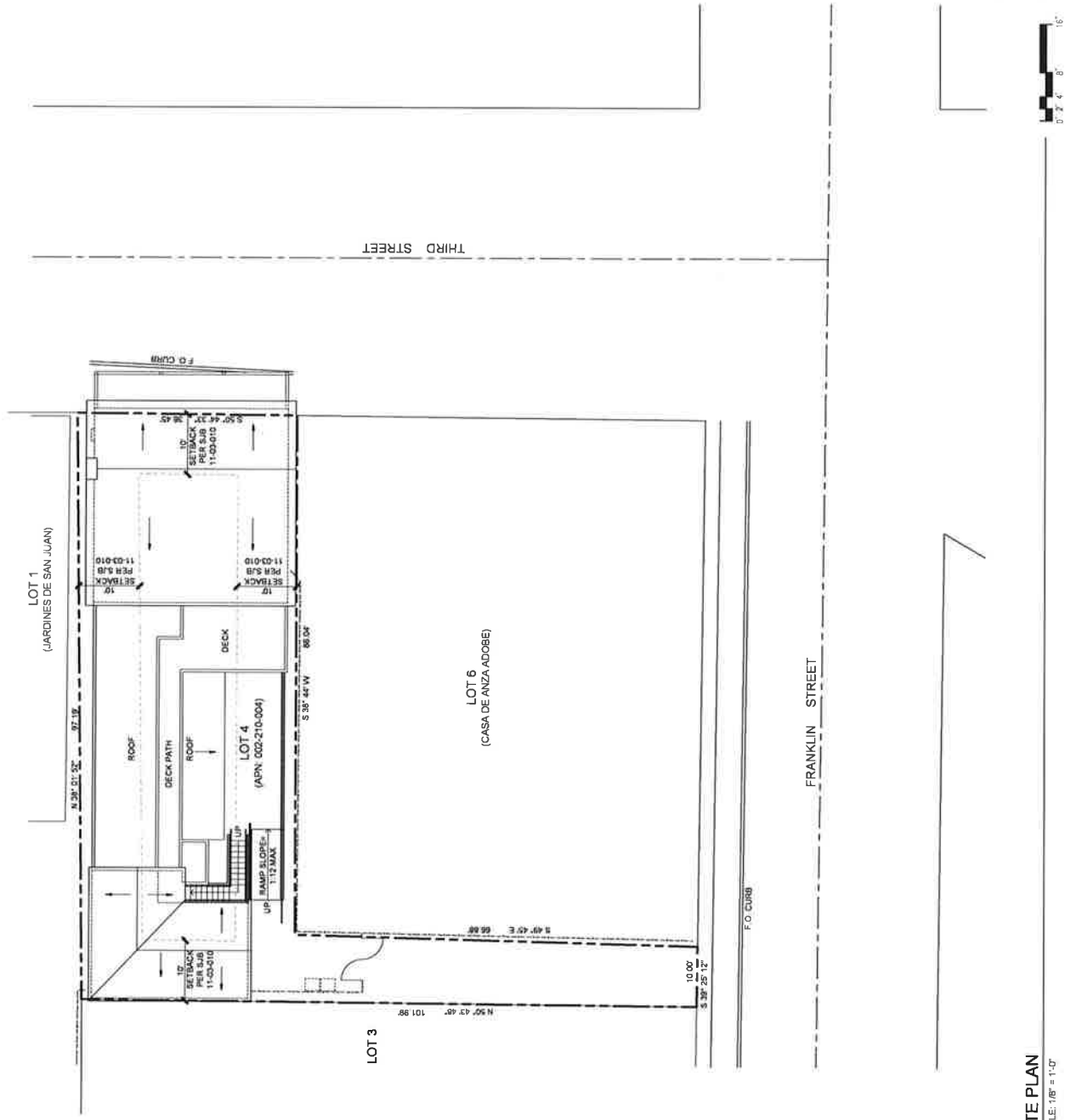
AREA:  
 FRONT: 31'x21' = 651 SF  
 REAR: 10'x10' / KITCHEN: 915 SF  
 TOTAL = 1,566 SF

REQUIRED VENTILATION OPENINGS:  
 1,566 SF / 150 = 10.44 SF  
 TOTAL VENT AREA: 1,566 SF / 150 = 10.44 SF

FURNISHED OPENINGS:  
 TYP. 10' VENT  
 = 6' x 14' = 84 SQ IN = 8 SF  
 12.5 SF / 8 SF / VENT  
 = 1.56 VENTS REQUIRED  
 ARRANGE TO PROVIDE  
 REQ. CROSS-VENTILATION

## KEY NOTES

- TWO-STORY EXISTING BUILDING: RESTAURANT ON 1ST FLOOR; RESIDENTIAL ON 2ND FLOOR.
- ONE-STORY BUILDING: RESTAURANT KITCHEN & SUPPORT AREAS.
- 2ND STORY REAR ADDITION OVER GARAGE.
- 2ND FLOOR ROOF DECK.
- PARAPET WALL TO CONCEAL MECHANICAL EQUIPMENT, ALIGN HEIGHT WITH ROOF SIDE.
- BALCONY OVER SIDEWALK.
- BRICK PAVING, EXPANDED FOR DRIVEWAY USE.
- ELECTRICAL SERVICE ENTRANCE.
- TRASH CONTAINER LOCATION.
- WALK.
- WOOD FENCE.
- COMPOSITION SHINGLE ROOFING.
- CAP SHEET ROOFING.
- ACCESSIBLE PATH OF TRAVEL.
- PRECAST CONCRETE STAIRS.





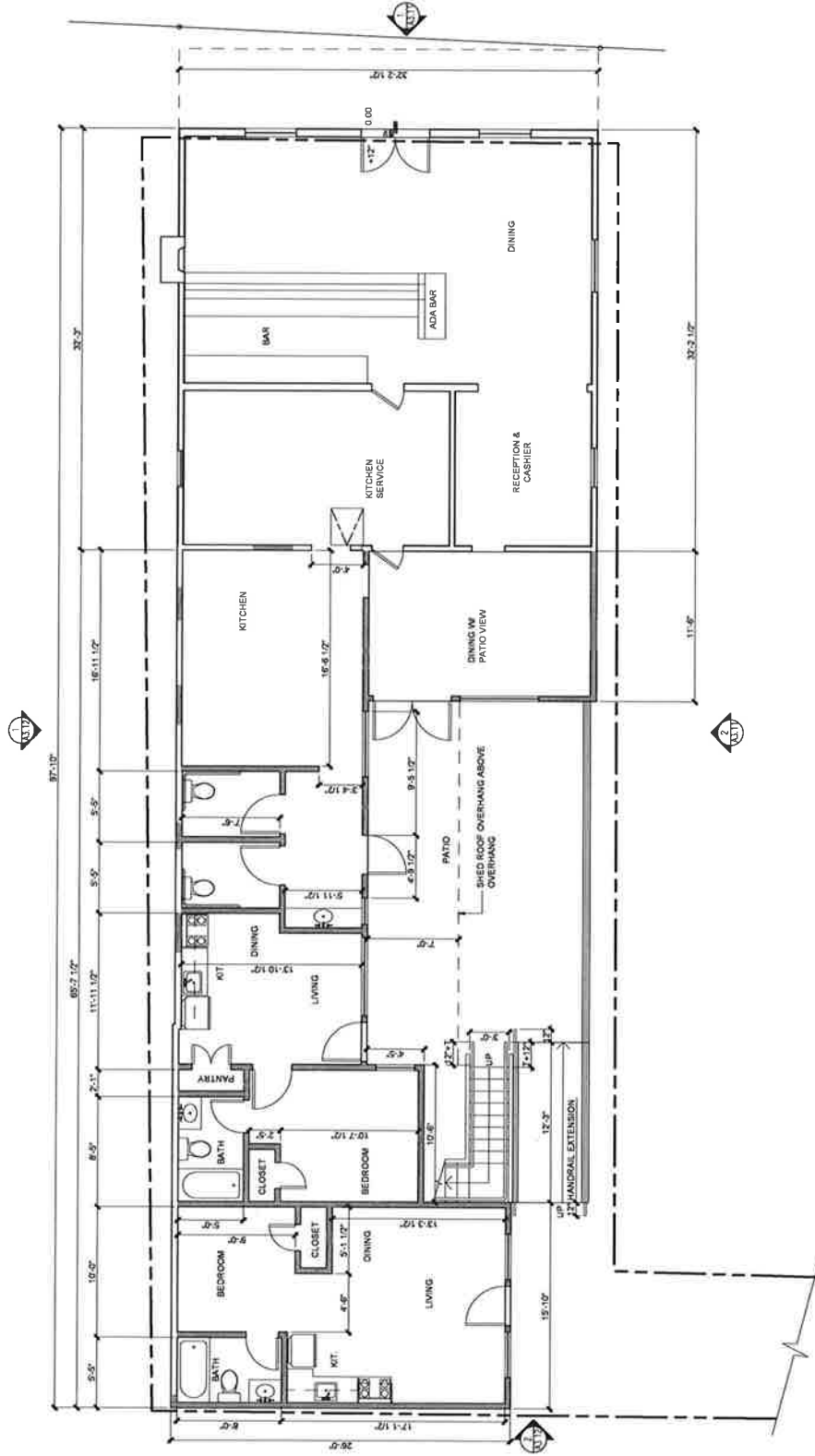
**SHEET NOTES**

1. PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN, TO PREVENT DAMAGE DURING CONSTRUCTION OF (N) PROPOSED ADJACENT AREAS.
2. COORDINATE PROPOSED SCOPE OF WORK W/ ENGINEERING DRAWINGS FOR FOUNDATION, STRUCTURE, MECHANICAL, ELECTRICAL, PLUMBING, SHEAR WALLS & OTHER BUILDING ELEMENTS.

3. ALL (E) HISTORIC WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS ARE TO REMAIN IN PLACE & BE PROTECTED DURING CONSTRUCTION. U.O.N.

**KEY NOTES**

1. EDGE OF BALCONY OVERHANG, ABOVE TRIM & OTHER SIMILAR ELEMENTS ARE TO REMAIN IN PLACE & BE PROTECTED DURING CONSTRUCTION. U.O.N.
2. INSTALL (N) WALL FINISH OVER (E) FIREPLACE OPENING.
3. (N) EXT. SIDING TO MATCH & ALIGN W/ (E) ADJACENT SIDING.
4. (N) PERMEABLE PAVING MAX. SLOPE: 2% SLOPE TO DRAIN.
5. ADD REQUIRED FIRE PROTECTION AT WINDOWS AND EXTERIOR WALLS ADJACENT TO SIDE AND REAR PROPERTY LINES, PER 2016 CHBC 8-402.1.
6. METAL RAILING.
7. DRAIN, SPACE ACCESS.



**FIRST FLOOR PLAN**

SCALE: 1/4" = 1'-0"

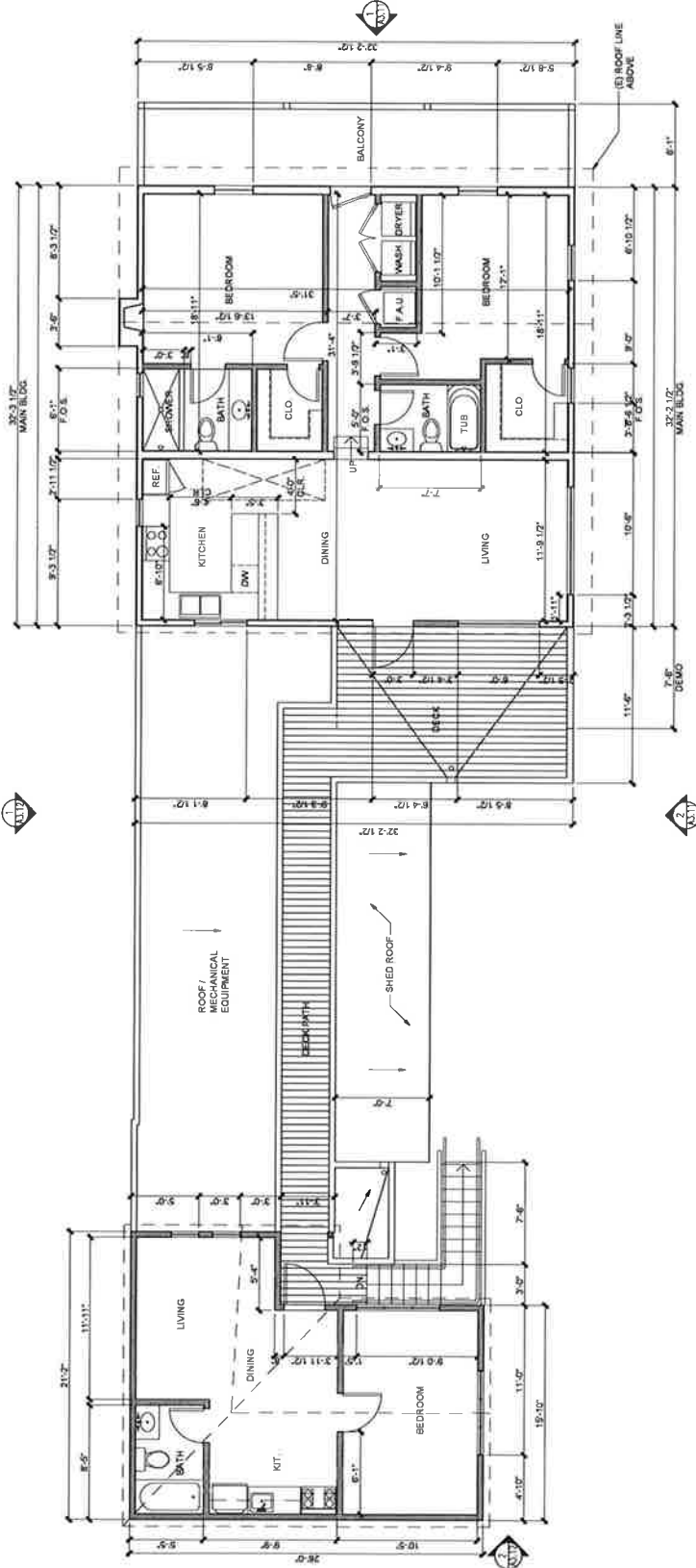


# SHEET NOTES

- PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN. TO PREVENT DAMAGE DURING CONSTRUCTION OF (N) PROPOSED ADJACENT AREAS.
- COORDINATE PROPOSED SCOPE OF WORK WITH EXISTING DRAWINGS FOR LOCATIONS OF EXISTING WALLS, SHEAR WALLS & OTHER BUILDING ELEMENTS.
- ALL (E) HISTORIC WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS ARE TO REMAIN IN PLACE & BE PROTECTED THROUGHOUT THE DURATION OF CONSTRUCTION, U.O.N.

# KEY NOTES

- EDGE OF ROOF OVERHANG, 2" OVERHANG TYP. AT (N) REAR 2ND-STORY ADDITION
- INSTALL (N) WALL FINISH OVER (E) FIREPLACE OPENING.
- ROOF RIDGE ABOVE.
- (N) CAP SHEET ROOFING BELOW DECKING, OR (N) STRUCTURAL BRACING MINIMUM 1/4" SLOPE TO DRAIN.
- (N) 42" HIGH GUARD WALL.
- (N) 36" WIDE BLIND GATE, WITH WD CAP AND FINISH BLIND TO MATCH ADJACENT PARAPET WALL.
- (N) ROOF DRAIN W/ OVERFLOW THRU-WALL SCUPPER.
- (N) WD PALLETIZED DECKING.
- PATCH FLOOR AT FORMER STAIRS
- REPAIR (E) BALCONY OVER SIDEWALK.
- (N) STAIRS W/ HANDRAILS.
- ALIGN T.O. PARAPET W/ T.O. GUARD @ DECK.
- DOOR TO BE KEPT LOCKED, NO ACCESS TO FRONT BALCONY.
- ADD REQUIRED FIRE PROTECTION AT WINDOWS AND EXTERIOR WALLS ADJACENT TO FRONT BALCONY. PROPERTY LINES PER 2016 CHS-C 8-402.1.
- METAL RAILING.



# 1 SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



0' 1' 2' 3' 4' 5'





## KEY NOTES

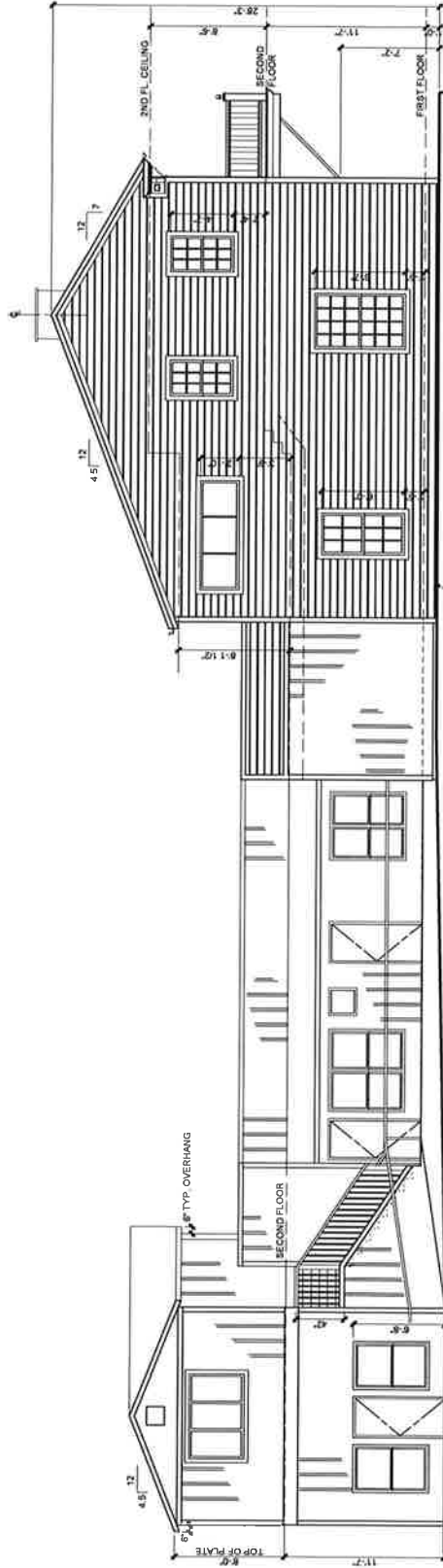
1. PROTECT IN PLACE, ALL EXISTING (E) ELEMENTS TO REMAIN. TO PREVENT DAMAGE DURING CONSTRUCTION OF (I) PROPOSED ADJACENT AREAS.
2. PROTECT IN PLACE, ALL (E) EXTERIOR ROOF OVERHANGS & OTHER TRIM, U.O.N.
3. COORDINATE PROPOSED SCOPE OF WORK W/ ENGINEERING DRAWINGS FOR EXISTING STRUCTURE, TRIM, & OTHER BUILDING ELEMENTS.
4. ALL (E) HISTORIC WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS ARE TO REMAIN IN PLACE & BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION, U.O.N.

## KEY NOTES

- 1 (E) WD. SIDING, REPAIR AS REQUIRED
- 2 (N) WD. BOARD-&-BATTEN SIDING, TO MATCH PROFILE OF (E).
- 3 (E) FRONT BALCONY OVERLOOKING STREET, REPAIR AS REQUIRED
- 4 42" HIGH GUARD WALL
- 5 ALIGN T O PARAPET W T O GUARD DECK

- 6 (N) LAP SIDING
- 7 (N) SHED ROOF
- 8 THRU-WALL OVERFLOW SCUPPER
- 9 (N) "CARRIAGE STYLE" SECTIONAL OVERHEAD GARAGE DOOR
- 10 (N) WOOD WINDOWS
- 11 (N) HANDRAIL @ RAMP

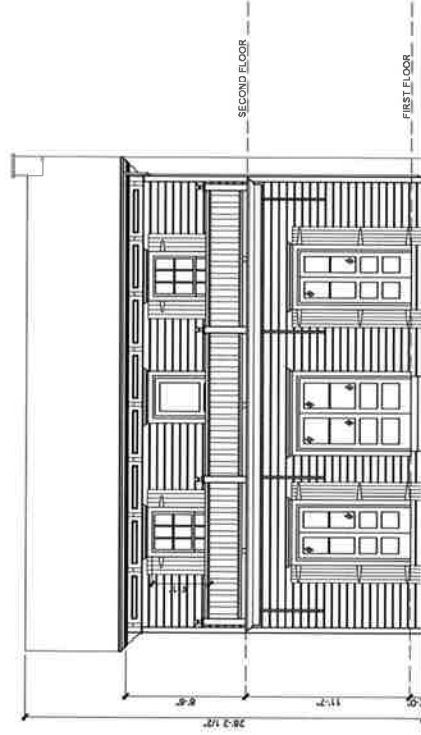
- 12 REPAIR (E) DOORS, ADD FULL PERIMETER WEATHER STRIPPING AND FIXED CLOSED.
- 13 RIDGE VENT, SEE DET. 13/A-801
- 14 GABLE END ATTIC VENT.



SCALE: 1/4" = 1'-0"

## PROPOSED

PROJ NO	2019 - 089	NO DATE	REVISION
SCALE	AS NOTED		
DATE	27 DEC 2016		
PIASE	SD		
	DRAWN	HA	
CHECKED	AW		
			23 SEP 2019 PLANNING SUBMITTAL



## EAST ELEVATION

2 SCALE: 1/4" = 1'-0"

