



City of San Juan Bautista

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AGENDA

REGULAR CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS

311 Second Street

San Juan Bautista, California

OCTOBER 15, 2019

In compliance with the American with Disabilities Act, if you need special assistance to attend or participate in the meeting, please call the City Clerk's Office at (831) 623-4661, extension 13 at least 48 hours prior to the meeting.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 311 Second Street, San Juan Bautista, California during normal business hours.

1. Call to Order

**Pledge of Allegiance
Roll Call**

6:00 PM

2. Public Comment

3. Consent Items

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting and Mailing Public Hearing Notice

C. Approve Minutes of the June 18, 2019 Regular Meeting

D. Approve Minutes of the June 18, 2019 Special Meeting

E. Approve Minutes of the June 3, 2019 Special Meeting

F. Approve Resolution for Street Closures for Dia de los Muertos Procession and Christmas Parade

G. Approve by Consensus a Job Description for Code Enforcement Officer

H. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title

4. Presentations, Informational Items and Reports

A. Proclamation for National Philanthropy Day

B. Sheriff's Office Report – Capt. Eric Taylor

C. Monthly Financial Statements

D. City Manager's Report

E. Reports from City Council Appointees to Regional Organizations and Committees

F. Strategic Plan Committee Report

5. Public Hearing Items

A. Adopt the Draft 2015-2019 Housing Element

- i. Approve resolution adopting an addendum to the “San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration”**
- ii. Introduction and waiving of first reading of an ordinance amending the San Juan Bautista Zoning Ordinance (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to add special MU Mixed-Use development conditions that apply only to APN 002-350-002 for the purpose of implementing the San Juan Bautista General Plan Housing Element**
- iii. Introduction and waiving of first reading of an ordinance revising Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration), of the San Juan Bautista Municipal Code to address reasonable accommodations**
- iv. Introduction and waiving of first reading of an ordinance revising Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code; and revising Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), of the San Juan Bautista Municipal Code, both to address priority utility services for affordable housing**
- v. Introduction and waiving of first reading of an ordinance revising various Sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including:**
 - Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix);**
 - Section 11-18-030 (Site Plan and Design Review Procedures); and**
 - Section 11-29-010 (Definitions);****all for the purpose of implementing the San Juan Bautista General Plan Housing Element**

B. Introduce an Ordinance Adding a New Chapter 3.9 to the Municipal Code Establishing a Permitting Process and Standards for Short-Term Rentals

6. Action Items

- A. Award Consulting Services Agreement to Akel Engineering Group for Preparation of Waste Water Master Plans and Evaluation, Not to Exceed \$235,410**
- B. Approve a Contract with CSUMB for a Sustainable City Year Program**

7. Discussion Items

- A. Bond Reduction Request for Public Improvements at the Copperleaf Development**
- B. Update on Bird Bombs**
- C. Emergency Power for San Juan Bautista’s Critical Systems**

8. Comments

- A. City Council**
- B. City Manager**
- C. City Attorney**

9. Adjournment

AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 9th DAY OF OCTOBER 2019, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 9th DAY OF OCTOBER 2019.



TRISH PAETZ, DEPUTY CITY CLERK

AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I, TRISH PAETZ, DO NOW DECLARE UNDER THE PENALTIES OF PERJURY, THAT I AM THE DEPUTY CITY CLERK FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL PUBLIC HEARING NOTICE. I FURTHER DECLARE THAT I POSTED SAID NOTICE ON THE 4th DAY OF OCTOBER 2019, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 9th DAY OF OCTOBER 2019.



TRISH PAETZ, DEPUTY CITY CLERK

NOTICE OF PUBLIC HEARING CITY OF SAN JUAN BAUTISTA

Pursuant to Government Code Section 65090, the City Council of the City of San Juan Bautista gives notice of actions to be taken at the regular meeting of the City Council on **October 15, 2019** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. The following items will be discussed:

- Introduction of an Ordinance Adding a New Chapter 3.9 to the Municipal Code Establishing a Permitting Process and Standards for Short-Term Rentals
- Approval of a resolution adopting an addendum to the “San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration;”
- Introduction and waiving of first reading of an ordinance amending the San Juan Bautista Zoning Ordinance (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to add special MU Mixed-Use development conditions that apply only to APN 002-350-002 for the purpose of implementing the San Juan Bautista General Plan Housing Element;
- Introduction and waiving of first reading of an ordinance revising Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration), of the San Juan Bautista Municipal Code to address reasonable accommodations;
- Introduction and waiving of first reading of an ordinance revising Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code; and revising Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), of the San Juan Bautista Municipal Code, both to address priority utility services for affordable housing; and
- Introduction and waiving of first reading of an ordinance revising various sections of Title 11 (Zoning) of the San Juan Bautista Municipal Code, Including:
 - Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix);
 - Section 11-18-030 (Site Plan and Design Review Procedures); and
 - Section 11-29-010 (Definitions);all for the purpose of implementing the San Juan Bautista General Plan Housing Element.

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **October 8, 2019**. All members of the public are encouraged to attend the meeting and may address the City Council on the issue during the public hearing. Written comments may be hand delivered or mailed to City Hall (311 Second Street, P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to cityplanning@san-juan-bautista.ca.us, not later than **5:00 p.m., October 15, 2019**.

If a challenge is made on the action of the proposed project, pursuant to Government Code Section 65009 court testimony may be limited to only those issues raised at the public hearing described in this notice or in written correspondence delivered to the City at or prior to the public hearing.

**CITY OF SAN JUAN BAUTISTA
REGULAR CITY COUNCIL MEETING
JUNE 18, 2019
DRAFT MINUTES**

- 1. CALL TO ORDER** –Mayor Flores called the meeting to order at 6:02 P.M.
(The Pledge of Allegiance was recited at the beginning of the Special Meeting immediately before the Regular Meeting.)

ROLL CALL Present: Mayor Flores, Vice Mayor Edge, Council Members DeVries, Freeman and Jordan

Staff Present: Interim City Manager Tewes, Assistant City Attorney Rathie, City Clerk Cent, Associate Planner Kennedy

Moment of Silence for Former City Clerk & Council Member Maggie Bilich: Mayor Flores asked for a moment of silence.

2. PUBLIC COMMENT

Jolene Cosio spoke on the inconsistency of start times for construction projects, that stop signs on Muckelemi Street and San Juan-Hollister Road were not passed by a formal resolution of the City Council, and Public Work staff should be walking the streets to be able to see issues that need attention. Wiatt Grant introduced himself and was in favor of support for special education, the arts and youth. Jackie Morris-Lopez spoke in favor of the removal of the stop signs on Muckelemi Street and San Juan-Hollister Road, which had not been approved, and in favor of Code Enforcement on property owners on Third Street rather than the lessees.

3. CONSENT ITEMS

- A. Approve Affidavit of Posting Agenda**
- B. Approve Affidavit of Posting and Mailing Public Hearing Notice for Valle Vista**
- C. Approve Affidavit of Posting Public Hearing Notice for Recology**
- D. Approve Resolution 2019-23 for Street Closures for Rotary Antique and Collectibles Faire, Sesquicentennial Parade and Community Art Project**
- E. Approve Resolution 2019-24 Authorizing the Anzar High School Football and Cheer to Sell Fireworks During the July 4, 2019 Holiday**
- F. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**

Vice Mayor Edge made a motion to approve all items listed in 3. Consent Items. Second by Council Member Jordan. Motion passed 5-0.

4. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. San Benito County Saddle Horse Show and Rodeo, June 20-23

Miss San Benito Rodeo 2019 Queen Bonnie Mansmith and Miss San Benito Rodeo 2018 Queen Kelsee French announced the events scheduled for the 2019 San Benito County Saddle Horse and Rodeo including the parade with floats and past Queens on June 22 and the Bar-B-Que Friday, Saturday and Sunday. There was no public comment.

B. Monthly Financial Statements

Interim City Manager Tewes offered to address any questions of the monthly financial statements. There was no public comment.

C. City Manager's Report

Interim City Manager Tewes gave his report where he covered Pacific Gas & Electric's plans to shut down power in the event of high winds during wild fire season. He stated that all PG&E customers had received a mailer regarding alerts and preparation. There was no public comment.

D. Building and Planning Report

Associate Planner Kennedy offered to answer questions regarding the report. He reported that the Loraza Subdivision was approved at the June 4, 2019 Planning Commission Meeting. There was no public comment.

E. Reports from City Council Appointees to Regional Organizations and Committees

Council Member Freeman reported on the meetings he had attended: Monterey Bay Community Power, AMBAG and Intergovernmental Committee. Council Member Jordan reported on attending the Water Resource Committee. Vice Mayor Edge reported on attending the Leadership Council. Mayor Flores reported on attending LAFCO. There was no public comment.

F. Strategic Plan Committee Report

Strategic Plan Committee Secretary Kennedy reported that the Strategic Plan Committee did not meet on June 6, 2019. There was no public comment.

5. PUBLIC HEARING ITEMS

A. Valle Vista Landscape and Lighting Maintenance Assessment District No. 1

i. Adopt Resolution 2019-25 Confirming a Diagram and Assessment for Fiscal Year 2019-20

Interim City Manager Tewes gave his report calling for a Public Hearing and that the proper notices had been mailed to the homeowners. Mayor Flores opened the Public Hearing. Public comment was received from Ken Houle regarding the retention pond and the odor coming from the lift station. Interim City Manager Tewes responded that the City intends to budget for in FY20 and maintain the retention pond, and the City will address the odor from the lift station. Leeanna Brothers asked if there will be any increase in the assessment this year. Interim City Manager Tewes responded there would be no increase this year. Ms. Brothers brought up that the street lights needed painting and repairs. Mayor Flores closed the Public Hearing. Council Member Freeman made a motion to adopt Resolution 2019-25 Confirming a Diagram and Assessment in Connection with Valle Vista Landscape and Lighting Maintenance Assessment District No. 1 for Fiscal Year 2019-20. Second by Vice Mayor Edge. Motion passed 5-0.

ii. Adopt Resolution 2019-26 Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments and Property Related Fees and Charges

Council Member Jordan made a motion to adopt Resolution 2019-26 Certifying Compliance with State Law with Respect to the Levying of General and Special Taxes, Assessments and Property Related Fees and Charges. Second by Council Member Freeman. Motion passed 5-0.

B. Fiscal Year 2019-2020 Budget

i. Adopt the Budget as Revised

Interim City Manager Tewes reviewed his report. Revisions included new information from the State regarding Gas Tax revenue, conforming revenue for the Valle Vista Landscape and Lighting District, Fourth Street speed tables expenditure, funds for community art project and the San Juan Bautista Community Business Association, and salary increase for City staff. Mayor Flores opened the Public Hearing. There was no public comment. Mayor Flores closed the Public Hearing. Council Member DeVries made a motion to adopt Resolution 2019-27 Adopting the San Juan Bautista Municipal Budget for FY 2019-2020. Second by Council Member Jordan. Motion passed 5-0.

ii. Approve Resolution 2019-28 Making Certain Findings and Determinations in Compliance with Section XIIB Of the California Constitution (Gann Initiative)

Interim City Manager Tewes reviewed the City's Gann Limit. Council Member Freeman made a motion to adopt Resolution 2019-28 Making Certain Findings and Determinations in Compliance with Section XIIB of the California Constitution (Gann Initiative). Second by Vice Mayor Edge. Motion passed 5-0.

iii. Approve Resolution 2019-29 Adopting a Holiday Schedule in Fiscal Year 2019-2020

Interim City Manager Tewes presented the resolution for adopting the Holiday Schedule for FY 20. Council Member Jordan made a motion to adopt Resolution 2019-29 Adopting a Holiday Schedule for the Fiscal Year 2019-2020. Second by Vice Mayor Edge. Motion passed 5-0.

C. Adopt Resolution 2019-30 Approving an Increase to Recology Solid Waste Collection Rates, Effective July 1, 2019 to June 30, 2020

Kathleen Gallagher of the San Benito County Integrated Waste Management Regional Agency reviewed her report. City Clerk Cent reported that four protest letters were received. Ms. Gallagher answered questions from council members. Phil Couchee, general manager of Recology, answered questions about using compressed natural gas as fuel for the trucks. There was no public comment. Vice Mayor Edge made a motion to adopt Resolution 2019-30 Approving Solid Waste Collection Rates Effective July 1, 2019 to June 30, 2020. Second by Council Member Jordan. Motion passed 5-0.

6. ACTION ITEMS

A. Appoint City Manager

Mayor Flores reviewed his report. There was no public comment. Council Member Freeman made a motion to adopt Resolution 2019-31 Approving an Agreement Between the City and Don Reynolds for City Manager services. Second by Vice Mayor Edge. Motion passed 5-0. The Mayor, the Council and those in the audience welcomed Mr. Reynolds, who then spoke to the Council. Mayor Flores thanked Interim City Manager Tewes for his service to the City.

B. Introduce an Ordinance Amending Section 2-8-050 Increasing Solicitation Thresholds in Accordance with New Thresholds Set by the State (Relative to the Bid Process)

Interim City Manager Tewes reviewed his report. There was no public comment. Council Member Jordan made a motion to introduce an Ordinance amending Section 2-8-050 Increasing Solicitation Thresholds in Accordance with New Thresholds Set by the State. Second by Vice Mayor Edge. Motion passed 5-0.

C. Consider Whether to Adopt a City Position on the San Benito County Zone Changes Implementing the Commercial Regional Land Use Designation

Council Member DeVries recused himself and left the Chamber at 7:01 P.M. Interim City Manager Tewes reviewed his report. Cara Vonk from San Juan Bautista and Tom Karis from Aromas opposed the County's zone changes. Matthew Beachy from Aromas asked the Council not to support the re-zone. Kollin Kosmicki, who lives in the County, opposed the County's zone changes. Gina Paolini from Aromas and Vice President of Preserve Our Rural Communities, asked the City to not support the County's zone change. Jackie Morris from San Juan Bautista and Andy Hsia-Coron from Aromas spoke in opposition to the County's zone change. Mary Hsia-Coron from Aromas spoke that the re-zoning should not be allowed unless there is more study done. Jolene Cosio from San Juan Bautista, opposed the County's zoning change. Council members offered their comments. Vice Mayor Edge disclosed that she had discussed the subject with Andy Hsia-Coron and Mary Hsia-Coron. Council Member Freeman disclosed that he had discussed the subject with Council Member DeVries, Mary Shaw Perone, Cara Vonk and many others including some in Aromas. Vice Mayor Edge made a motion to draft a letter to the San Benito County Board of Supervisors stating the City Council's opposition to the County's zone changes and giving direction to Assistant City Attorney Rathie to assist with drafting the letter. Second by Council Member Jordan. Motion passed 4-0-1 with Council Member DeVries recused. Council Member DeVries returned to his seat at the dais at 7:34 P.M.

D. Approve the Reimbursement Agreement with Meritage Homes for Installation of an 18-Inch Sewer Main

Interim City Manager Tewes reviewed his report. Tony Boch asked about what the amount of the reimbursement is. Interim City Manager Tewes responded \$513,800 and change. Council members asked questions to which Interim City Manager Tewes responded. Discussion from council members continued. Joline Cosio asked what percentage had been paid. Interim City Manager Tewes responded half had been received. Council Member Jordan made a motion to approve a reimbursement agreement with Meritage Homes for installation of an 18-inch sewer main. Second by Council Member Freeman. Motion passed 5-0.

E. Review Proposed Amendments to Meritage Development Agreement and Set a Public Hearing for July 16, 2019

Interim City Manager Tewes went over his staff report in detail, including how fees were determined and the current dispute about the fees. Jackie Morris-Lopez spoke in favor of a public hearing on this matter. Vice Mayor Edge made a motion to set a Public Hearing for July 16, 2019 to Amend the Meritage Development Agreement. Second by Council Member Freeman. Motion passed 5-0.

F. Approve Text for Plaque for Sesquicentennial

Wanda Guibert, President of the San Juan Bautista Historical Society gave a report. Mayor Flores asked if he would have a conflict with this Action Item as he is a member of the San Francisco council of E Clampus Vitus. Assistant City Attorney Rathie answered he believed there is not a conflict in this context. John, a member of E Clampus Vitus, gave more details regarding the plaque. There was no public comment. Council Member Freeman made a motion approving the final Text for the Plaque for the Sesquicentennial. Second by Council Member Jordan. Motion passed 5-0.

7. COMMENTS

A. City Council

Mayor Flores thank members of the audience for attending. Council Member Freeman requested that an AirB&B tax be a discussion item on the next City Council agenda.

B. City Manager

Interim City Manager Tewes thanked the Council for the opportunity to serve on a second occasion.

C. City Attorney

Assistant City Attorney Rathie reported City Attorney Mall sends her regards and will return July 8. He also confirmed that the letter requested in Item 6C be for the July 23 San Benito County Board of Supervisors meeting and that the draft letter be brought back to the City Council at the July 16, 2019 meeting. He requested if any Council Members should be delegated to work with him on the letter. Vice Mayor Edge volunteered to do so.

8. ADJOURNMENT

A motion to adjourn was made by Council Member Jordan. Second by Vice Mayor Edge. Motion carried 5-0. The meeting was adjourned at 8:03 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
JUNE 18, 2019
DRAFT MINUTES**

1. CALL TO ORDER –Mayor Flores called the meeting to order at 5:45 P.M.

PLEDGE OF ALLEGIANCE – Vice Mayor Edge led the Pledge of Allegiance.

ROLL CALL Present: Mayor Flores, Vice Mayor Edge, Council Members DeVries, Freeman and Jordan

Staff Present: Interim City Manager Tewes, City Clerk Cent

2. PUBLIC COMMENT – ONLY ON ITEMS ON THE AGENDA

There was no public comment.

3. ACTION ITEMS

A. Approve Affidavit of Posting Agenda

There was no public comment. Council Member Jordan made a motion to Approve the Affidavit of Posting Agenda. Second by Council Member Freeman. Motion passed 5-0.

4. CLOSED SESSION

A. Conference With Negotiator – Unrepresented Employees; Pursuant To Government Code Section 54957.6; City Negotiator: J. Edward Tewes; Anticipated Issue Under Negotiation: Wages

There was no public comment. The closed session began at 5:46 P.M. in the City Manager's Office. At the conclusion Interim City Manager Tewes announced there was no reportable action taken.

5. ADJOURNMENT

The meeting was adjourned at 6:02 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
SPECIAL CITY COUNCIL MEETING
JUNE 3, 2019
DRAFT MINUTES**

1. CALL TO ORDER – Mayor Flores called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE – Council Member Freeman led the Pledge of Allegiance.

ROLL CALL Present: Mayor Flores, Vice Mayor Edge, Council Members Freeman and Jordan

Absent: Council Member DeVries

Staff Present: Interim City Manager Tewes, City Clerk Cent

At this point in the meeting, Mayor Flores went to Item 3A Action Items Approve Affidavit of Posting Agenda

3. ACTION ITEMS

A. Approve Affidavit of Posting Agenda

Vice Mayor Edge made a motion to approve the Affidavit of Posting Agenda. Second by Council Member Jordan. Motion passed 4-0 with Council Member DeVries absent.

At this point in the meeting, Mayor Flores went back to Item 2 Public Comment (Limited to items on the agenda).

2. PUBLIC COMMENT

Marina Gordon spoke regarding cat rescue which she and her husband Eric do in San Juan Bautista. She requested funds to be made available for spaying/neutering and vaccinating the rescued cats through Pet Friends. The funds are used only for cats in San Juan Bautista. It is \$50 per cat to spay/neuter. She and Eric have provided documentation for how funds were used in the past when requested by the City Manager.

4. DISCUSSION ITEMS

A. Fiscal Year 2019-2020 Budget Workshop: Review, Consider, and Provide Direction to Staff Regarding the Recommended Budget; Approval of Final Budget June 18, 2019

Interim City Manager Tewes gave an introduction to the Fiscal Year 2019-2020 Budget Workshop. Bob Quaid spoke representing the San Juan Bautista Community Business Association. Last fiscal year they received \$20,000 to run the Welcome Center and produce commercials promoting San Juan Bautista. The SJB Community Business Association would like to receive the same amount or more if the whole County project revives. Jill Pagan spoke about listening sessions with the Business Council and also with the Mission. A five-year comprehensive program went out to bid, however the County Chamber does not have a full board and they have funding issues. Interim City Manager Tewes recommended that to receive funds, a budget should be presented for using City funds. Ramona Hill of Credo Studio spoke in favor of a Community Art project of three more street mandalas this year. She gave the cost for two more mandalas at

\$1,600 each and the winter mandala at a cost of \$2,500 for a total of \$5,700 for all three. Interim City Manager Tewes spoke regarding the proposed track project at San Juan School as mentioned in an email received from Teresa Lavagnino requesting the City budget \$20,000 towards the track project. He recommended the City and the School have joint use agreements and the Parks & Recreation Master Plan Committee include the track in the Parks & Recreation Master Plan. Interim City Manager Tewes presented printed copies from the Recommended FY20 Budget which had changes and corrections highlighted in yellow. Vice Mayor Edge, Nicholas Bryan and Ramona Hill asked questions regarding items in the budget, which Interim City Manager Tewes responded to. Interim City Manager Tewes presented a line graph showing projected tax revenue, discussed Community Development Fund revenue and water & sewer revenue. Council Members and staff discussed the pellet plant for reducing water hardness.

At this time in the meeting Mayor Flores requested questions from the public. Questions and suggestions included the Fourth Street Speed Tables project, City staffing including adding a part-time event planner and a social media specialist, which were answered by staff. Interim City Manager Tewes proposed the Council develop a process including forms and a deadline, to submit proposals in the future. Council Member Freeman requested that staff list funds for the San Juan Bautista Community Business Association and the mandala projects in the FY20 Budget.

Members of the public, Council Members and staff continued discussions on parks, Franklin Circle green space, a deputy city manager, pay raise for City staff (3% or 5%), and street sweeping. JT and Tyler Jordan of Level 1 Private Security and Interim City Manager Tewes discussed the contract between the City and Level 1. JT reported on different issues Level 1 employees were facing, including tagging at the school and the Copperleaf sound wall. Public Works Supervisor Bryan reported that the tagging on the Copperleaf wall would be painted over tomorrow. Ramona Hill asked for clarification where the Community Art projects would appear in the budget and if requests for funds needed to be made in the future. Interim City Manager Tewes responded Community Art would be in General Government expenditures and requests for funds needed to be made each year. Public Works Supervisor Bryan asked questions about the amounts budgeted in Public Works Parks & Buildings (44), Water (46) and Sewer (48), and appreciated the increase in the training budget.

5. ADJOURNMENT

A motion to adjourn was made by Vice Mayor Edge. Second by Council Member Freeman. Motion carried 4-0, with Council Member DeVries absent. The meeting was adjourned at 7:46 P.M.

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

RESOLUTION NO. 2019-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA AUTHORIZING STREET CLOSURES**

BE IT RESOLVED that El Teatro Campesino is authorized to have a rolling street closure for a procession that will begin at 705 Fourth Street, proceed down Fourth Street to Washington Street, jog over to and proceed up Third Street, make a left on Polk Street and a right on Fourth Street and end at El Teatro Campesino, on Saturday, November 2, 2019, from 6:00 p.m. to 8:00 p.m. for Dia de los Muertos; and

BE IT FURTHER RESOLVED that the San Juan Rotary Club is authorized to close Third Street from Nyland Drive to Monterey Street in San Juan Bautista on Saturday, December 7, 2019 from 3:00 p.m. until 7:00 p.m. for a Holiday of Lights Parade.

PASSED AND ADOPTED this 15th day of October 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

Community Events/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Community events and special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the community events application and submit it to the City **at least 90 days before your event**. The fees associated with your event are due when you submit this form. The **fee schedule** for application is:

Non Profits¹: No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin and Muckelemy Streets and more than 1,000 people ²	\$150.00
Private Promoter Organizations³: No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin and Muckelemy Streets, and more than 1,000 people	\$600.00

Once we receive your application, a City representative will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail accttech@san-juan-bautista.ca.us.

PLEASE NOTE: You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangements with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: Dia de los Muertos Procession Today's Date: September 19, 2019
 Applicant: Louisa Muñoz
 Organization: El Teatro Campesino
 Phone: 623-2444 E-Mail: louisa@elteatrocampesino.com
 Mailing Address: P.O. Box 1240, San Juan Bautista, CA 95045
 Fax: _____

Event Setup Date: 11/2 Time: 6:00 pm Event Ends Date: 11/2 Time: 8:30 pm
 Event Starts Date: 11/2 Time: 6:15 pm Dismantle Date: 11/2 Time: 9:00 pm
 ANTICIPATED ATTENDANCE: Total of the event: 250 Total per Day: 250

LOCATION OF EVENT (please be specific):

Route map Attached

¹ Requires proof of charitable non-profit status.

² All street closures and blockades require review and approval of the City Council.

³ Additional fees for use of public facilities may apply.

INSURANCE

The City will require that you co-insure the City (name as additional insured). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (Alliant). After the application and fee is submitted, the City Manager or designee will contact Alliant with your proposal and the conditions of the insurance will be promptly conveyed to you.

CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☐ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☐ Yes ☐ No

If yes, please specify which streets and cross streets need to be closed.

Does this event involve a parade?

☒ Yes ☐ No

If yes, attach a map of the event. *Route Map Attached*

If you wish to rent barricades, chairs, tables or other equipment from the City, list what and how many. If you do not wish to rent the City's equipment and your event involves a street closure, you will be responsible for providing appropriate barriers.

Moving Temporary Barricade

PRIVATE PROPERTY (A City application is required when attendance at a temporary gathering on private property can be reasonably expected to exceed 250 people)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

VENDORS

Will this event have vendors selling items or promoting their causes/services/products?

☐ Yes ☒ No

If yes, a California Department of Tax & Fee Administration Seller's Permit will be required for each vendor proving that they are appropriately registered with the State of California. Additionally, fees will be assessed on the basis of \$15/day/10 feet of vendor space for vendors on the street, and \$15/day/vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a maximum of five (5) exempt local non-profit 10 ft. spaces, up to a maximum of 5% of the total number of booth feet for an event.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe (Insurance coverage will be required):

FOOD AND ALCOHOL

(All food preparation is subject to state regulations; provide insurance if appropriate.)

If you are serving or selling food, you must obtain and include a permit from the **San Benito County**

Environmental Health Department. Does your event include food concessions and/or preparation areas?

☐ Yes ☒ No

If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the **State Department of Alcoholic Beverage Control**. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.

Does your event involve the use of alcoholic beverages?

☐ Yes ☐ No

PORTABLE REST ROOMS (These permits are handled through the San Benito County Environmental Health Department.)

Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. **Please note:** State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets, and include as part of this application.

Do you plan to provide portable rest room facilities at your event?

☐ Yes ☒ No

Provide a copy of your San Benito County Environmental Health Permit.

If no, what plans have you made to accommodate the public? Provide written permission from the State, if applicable.

LIGHTING AND SOUND

Will you be using any amplified sound (i.e. public address system)? *Small Portable Amp*

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity.):

SOLID WASTE DIVERSION PLAN

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. Therefore, you are required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

No Cleanup or Removable of any kind is Required

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc.
Please note: Events involving road closures will be billed for Public Works time involved in setting up and dismantling.
(If additional space is required, please attach it to this application).

Dia de los Muertos Procession
Route map Attached

3. Please describe your security plan, including crowd control.

El Teatro Campesino will provide staff and volunteers to provide security and crowd control during Procession. Two vehicles will lead and follow the Procession as a rolling temporary barricade and detour.

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

5. Please describe your emergency/medical plan, including your communications procedures.

Communications will be by cell phones with emergency numbers given to all staff and volunteers.

City Benches are for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any time. Thank you. Lm (Initials)

**Please provide a site plan/route map for your event. Attach additional pages as necessary.
The map should include:**

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade or relay), indicate the direction of travel, including starting and ending locations.
- Any street or lane closures and parking tow zones.
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access.
- The location of first aid facilities.
- The location of all stalls, platforms, booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Location of all other event activities



San Jose & 4th
Muckelemi & 4th
Polk & 4th
Mariposa & 4th

Left on Washington & 4th
Washington & 3rd
Mariposa & 3rd
Left on Polk & 3rd
Right Polk & 4th
Muckelemini & 4th
San Jose & 4th

Community Events/Activities – Permit Application

Dear Event Organizer:

Thank you for your interest in holding a community event in San Juan Bautista. Community events and special events can be important ways to build community and celebrate the City's diversity, heritage, and uniqueness. All events require a permit with approvals to ensure a well-planned and safe event. All events require a meeting with City Manager. The City of San Juan Bautista has created a simplified process to help you determine what types of permits and approvals you will need. Simply fill out the community events application and submit it to the City at least 90 days before your event. The fees associated with your event are due when you submit this form. The **fee schedule** for application is:

Non Profits¹: No street blockage and less than 250 people	\$50.00
Non Profits: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$100.00
Non Profits: Street blockage of Second, Third or Fourth Streets and side streets between Franklin and Muckeleme Streets and more than 1,000 people ²	\$150.00
Private Promoter Organizations³: No street blockage and less than 250 people	\$150.00
Private Promoter Organizations: No street blockage or blockage of side streets, up to one block., and less than 1,000 people	\$300.00
Private Promoter Organizations: Street blockage of Second, Third or Fourth Streets and side streets between Franklin and Muckeleme Streets, and more than 1,000 people	\$600.00

Once we receive your application, a City representative will contact you to let you know of any insurance, permits, approvals, or additional fees that apply. We appreciate your time and interest in planning a successful and safe event. A well-planned event translates to a successful activity that benefits everyone. If you need further assistance, call (831) 623-4661 or e-mail accttech@san-juan-bautista.ca.us.

PLEASE NOTE: You are required to have sanitary facilities. If you are serving or selling food you will be required to obtain a permit from the San Benito County Environment Health Department in Hollister. You are also required to coordinate all security arrangements with the San Benito County Sheriff's office.

SECTION 1: CONTACT INFORMATION

Event Title: Holiday at Lights Parade Today's Date: 9-18-2019
Applicant: Rotary San Juan Bautista / Jill Ortiz
Organization: Rotary
Phone: 831-801-3920 E-Mail: ggrammyjill@gmail.com
Mailing Address: P.O. Box 823 SJB CA 95045
Fax: _____

Event Setup Date: 12-7-19 Time: 3:00pm Event Ends 12-7-19 Date: _____ Time: 8:00pm
Event Starts Date: 12-7-19 Time: 6:00pm Dismantle Date: 12-7-19 Time: 7:00pm

ANTICIPATED ATTENDANCE: Total of the event: 500 Total per Day: 500

LOCATION OF EVENT (please be specific):

3rd St. SJB

¹ Requires proof of charitable non-profit status.

² All street closures and blockades require review and approval of the City Council.

³ Additional fees for use of public facilities may apply.

INSURANCE

The City will require that you co-insure the City (name as additional insured). Depending on your event, the minimum "coverage" will be dictated by the City's insurance carrier (Alliant). After the application and fee is submitted, the City Manager or designee will contact Alliant with your proposal and the conditions of the insurance will be promptly conveyed to you.

CITY FACILITIES

Do you plan to hold your event at a City building?

☐ Yes ☒ No

If yes, which facility?

Have you reserved the facility yet?

☐ Yes ☐ No

Will this event require any City streets to be closed? (Public Works charges will apply)

☒ Yes ☐ No

If yes, please specify which streets and cross streets need to be closed. *3rd St*

Does this event involve a parade?

☒ Yes ☐ No

If yes, attach a map of the event.

If you wish to rent barricades, chairs, tables or other equipment from the City, list what and how many. If you do not wish to rent the City's equipment and your event involves a street closure, you will be responsible for providing appropriate barriers.

barricades (we are requesting that they be provided free of cost)

PRIVATE PROPERTY (A City application is required when attendance at a temporary gathering on private property can be reasonably expected to exceed 250 people)

Do you plan to hold your event on private property?

☐ Yes ☒ No

If yes, describe the location:

VENDORS

Will this event have vendors selling items or promoting their causes/services/products?

☐ Yes ☒ No

If yes, a California Department of Tax & Fee Administration Seller's Permit will be required for each vendor proving that they are appropriately registered with the State of California. Additionally, fees will be assessed on the basis of \$15/day/10 feet of vendor space for vendors on the street, and \$15/day/vendor for events not on the streets. Other charges may apply. Allocations are made for local not for profit booths to be exempt from these charges. Each event is allowed a maximum of five (5) exempt local non-profit 10 ft. spaces, up to a maximum of 5% of the total number of booth feet for an event.

Event applicant shall verify that all vendors who do not have a physical presence in SJB, shall obtain from California Department of Tax and Fee Administration a temporary seller's permit or a sub-permit listing the address of the City of San Juan Bautista City Hall for purposes of distribution of sales tax revenue.

Will this event feature any hands-on attractions such as climbing walls, bounce-houses, or petting zoos?

☐ Yes ☒ No

If yes, please describe (Insurance coverage will be required):

FOOD AND ALCOHOL

(All food preparation is subject to state regulations; provide insurance if appropriate.)

If you are serving or selling food, you must obtain and include a permit from the **San Benito County**

Environmental Health Department. Does your event include food concessions and/or preparation areas?

☐ Yes ☐ No

If you plan to sell or furnish alcoholic beverages at your event, you are required to obtain a permit from the **State Department of Alcoholic Beverage Control**. The public consumption of alcohol is illegal in some parts of the City. If your event includes the use of alcohol on City property, you will need to provide Liquor Liability Coverage on your certificate of insurance.

Does your event involve the use of alcoholic beverages?

☐ Yes ☒ No

PORTABLE REST ROOMS (These permits are handled through the San Benito County Environmental Health Department.)

Unless you can substantiate the sufficient availability of both Americans with Disabilities Act and non-ADA accessible facilities in the immediate area of the event site and you have written permission to use this facility, you may be required to provide portable rest room facilities at your event, which will be available to the public during your event. **Please note:** State Parks toilets do not qualify as event facilities unless you obtain written permission from the local State Parks office to allow use of these State owned toilets, and include as part of this application.

Do you plan to provide portable rest room facilities at your event?

☐ Yes ☒ No

Provide a copy of your San Benito County Environmental Health Permit.

If no, what plans have you made to accommodate the public? Provide written permission from the State, if applicable.

LIGHTING AND SOUND

Will you be using any amplified sound (i.e. public address system)?

☒ Yes ☐ No

Will this event use any lighting?

☐ Yes ☒ No

Will you be using any type of generator?

☐ Yes ☒ No

If yes, please describe (type/location/period/noise levels, etc. Preference is given to "silent" generators):

If no, do you need electricity? (Fees will apply for use of City electricity.):

SOLID WASTE DIVERSION PLAN

In accordance with State law (Public Resource Code 42648-42648.7), as a large venue, a waste reduction and recycling plan shall be developed. This plan shall estimate the amount and types of waste anticipated from the event, proposed actions to reduce the amount of waste generation related to the event, and arrangements for separation, collection and diversion from landfill of reusable and recyclable materials, as well as a tracking system that validates the final destination of the materials. The Solid Waste Diversion Plan shall be approved by the San Benito County Integrated Waste Management Regional Agency. The City has trash and recycling receptacles available for rent. Deposits are refundable, daily rental rates are not.

As the venue contractor, you are responsible for a waste prevention strategy for all waste material generated by all venue operations and all subcontractors. Food vendors must use compostable serving products. No styrofoam is allowed. You are encouraged to include a requirement for a "Solid Waste Diversion Plan" in your subcontract agreements.

The City of San Juan Bautista is mandated by the State of California to report annually specified information regarding large venue waste diversion programs. Therefore, you are required to report and provide verification of the quantity of waste disposed and recycled by this event. There is a \$150/event fine for non-reporting. Reporting is due 30 days after the event. The waste hauler can provide this information for you.

1. Please describe your plan for cleanup and removal of recyclable goods and garbage during and after your event.

This event is 1 hour. Residents of SJB can use the provided trash receptacles.

2. Please provide a description of your event, including activities, timeline, sequence of events, road closures, etc.
Please note: Events involving road closures will be billed for Public Works time involved in setting up and dismantling.
(If additional space is required, please attach it to this application).

This is the yearly holiday of light
Parade put on by our local Rotary.
The Parade will proceed down 3rd St.

3. Please describe your security plan, including crowd control.

We will work with JBC Sheriff

4. In order to comply with the American Disabilities Act, describe how your event will be accessible to people with disabilities.

JBC Sidewalks are handicap
accessible

5. Please describe your emergency/medical plan, including your communications procedures.

City Benches are for public use only. It is the responsibility of the promoter to make sure all vendors are aware that public benches are NOT for vendor use at any time. Thank you. (Initials)

Please provide a site plan/route map for your event. Attach additional pages as necessary.

The map should include:

- An outline of the event site including the names of streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind (such as a parade or relay), indicate the direction of travel, including starting and ending locations.
- Any street or lane closures and parking tow zones.
- The locations of fencing, barriers, or barricades. Include any removable fencing for emergency access.
- The location of first aid facilities.
- The location of all stalls, platforms, booths, cooking areas, trash containers, etc.
- Food booth and cooking area configuration including all vendors cooking with flammable gases or barbecue grills.
- Generator locations and/or source of electricity.
- Placement of vehicles or trailers used for the event.
- Parking locations.
- Placement of promotional signs or banners.
- Placement of portable toilets/restroom facilities.
- Exit locations for outdoor events that are fenced.
- Location of all other event activities

Holiday of Lights Parade



Carl Tamm
Cost ?
Capt Tyler
Reg Brown



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE: APPROVE JOB DESCRIPTION AND POSITION OF
CODE ENFORCEMENT OFFICER**

MEETING DATE: October 15, 2019

DEPARTMENT HEAD: Trish Paetz, Administrative Services Manager

Background

The City currently contracts with 4-Leaf for building inspections, plan checking, permitting services, and for code enforcement; specifically, for zoning issues. Code Enforcement Officer Tim Parshall is in City Hall two days each week, during which time these tasks occupy much of his work day. Unfortunately, he does not have time to attend to public complaints regarding parking violations, animal control, construction performed on weekends, and other issues involving more field work.

Recommendation

The City is very fortunate to have crossed paths with retired Sheriff's Deputy Rich Brown. Mr. Brown is very qualified to address citizen complaints and identify violators, provide oversight of activities at the Community Hall, and contact law enforcement when necessary.

Staff is requesting the City Council approve the addition of a regular, part-time non benefitted Code Enforcement Officer. A job description outlining the duties of the Code Enforcement Officer is provided for approval.

Fiscal Impact

Savings from the yet unfilled Community Development Director position will fund this position. Addition of this position will come to Council as an amendment to the budget in December.

Attachments

Job Description

**City of San Juan Bautista
Position Description**

Code Enforcement Officer

Part Time, 20 Hrs./Week

Permanent Employee

Non Exempt Classification – Overtime Provided per Municipal Personnel Policies

DEFINITION

Under limited supervision, investigates and enforces zoning, property maintenance, permit violations, vehicle abatement ordinance and other code violations; performs related duties as required.

EXAMPLES OF DUTIES

Duties may include, but are not limited to the following:

1. Responds to complaints or inquiries regarding zoning, property maintenance, and vehicle abatement; explains code requirements, established policies and procedures.
2. Prepares case files requiring the establishment of legal owner, the verification of the parcel address, and other information necessary to conduct investigation and enforcement action.
3. Conducts site visits; documents violations by taking photographs and recording other pertinent data; surveys and investigates on patrol as directed.
4. Issues routine correspondence and reports; issues misdemeanor violation notices; assists in the conduct of follow-up procedures including the preparation of additional correspondence, communications with complainants, attorneys, and property owners involved in code violation cases; testifies in court as required.
5. Investigates and enforces the City's ordinance regulating the parking of vehicles within the City limits, including recreation and commercial vehicles.
6. Provides routine assistance to the public, and assists other department staff involved in related activity.
7. Assists public works and community development services departments in conducting inspections.

QUALIFICATIONS GUIDELINES

Education and/or Experience

Any combination and/or experience that has provided the knowledge, skills, and abilities necessary for satisfactory job performance. Example combinations include two years of experience in public contact work which required the application of established policies and procedures in performance of assigned tasks.

Knowledge, Skills, and Abilities

Working knowledge of the organization and functions of the various agencies involved in the planning and zoning process; related federal and state laws, ordinances, rules, and regulations. Ability to interpret and explain related federal and state laws, ordinances, rules, and regulations; conduct research and compile data; work independently; use correct English grammar, punctuation, and spelling; communicate effectively both orally and in writing; compose correspondence; read and interpret maps, plans, and legal descriptions; use a camera effectively; deal constructively with conflict and develop effective resolutions; establish and maintain cooperative working relationships.

Special Requirements

Possession of an appropriate California drivers' license at time of appointment, and a satisfactory driving record.

WAIVER OF READING OF ORDINANCES

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

DRAFT

Proclamation Recognizing Philanthropy Day November 15, 2019

Whereas, philanthropic organizations are responsible for enhancing the quality of life of people and voluntary associations that are formed to address societal needs are an integral part of American society; and

Whereas, in recognition of the role played by the uniquely American tradition of philanthropy, the United States Congress has designated November 15th as National Philanthropy Day; and

Whereas, the history of American philanthropy is filled with the names of prominent citizens whose efforts have spawned universities, public libraries, homes for widows and orphans and volunteer fire departments, just to name a few; and

Whereas, in the year 2018, Americans contributed more than \$427.71 billion dollars to over one million non-profit organizations registered with the Internal Revenue Service; and

Whereas, today the non-profit sector affects nearly every citizen in one way or another. They include religious organizations, museums and concerts our children attend, Little Leagues and 4-H clubs that enrich the youth, and social services agencies that provide food, clothing, housing and training to help the indigent.

Now, therefore, be it resolved, the City Council for the City of San Juan Bautista, does hereby proclaim November 15, 2019 as Philanthropy Day in San Juan Bautista and urge all residents to recognize the tradition of American philanthropy as it continues to improve and enhance the lives of all by promoting the common good.

Mayor César E. Flores

City of San Juan Bautista
Revenues ~ Budget Vs. Actual
For the Two Month Period Ended August 31, 2019

Item #4C
City Council Meeting
October 15, 2019

REVENUES	FY19	FY20	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Difference</u>	<u>17%</u>	<u>Notes</u>
General Fund	153,857	196,940	1,854,841	(1,657,901)	11%	
Special Revenue Funds:						
Capital Projects Fund	-	92,000	1,722,000	(1,630,000)	5%	
Community Development	62,186	30,711	553,058	(522,347)	6%	A
COPS	29,935	16,667	100,000	(83,333)	17%	
Parking & Restroom Fd	6,190	6,058	32,200	(26,142)	19%	
Gas Tax Fund	9,408	14,770	53,851	(39,081)	27%	B
Valle Vista LLD	3,346	3,620	21,717	(18,098)	17%	
Rancho Vista CFD	-	15,457	92,744	(77,287)	17%	
Copperleaf CFD	-	5,732	34,390	(28,658)	17%	
Development Impact Fee Funds:						
Public/Civic Facility	19,848	7,068	25,000	(17,932)	28%	A
Library	26,700	9,509	33,000	(23,491)	29%	A
Storm Drain	20,798	-	80,000	(80,000)	0%	A
Park In-Lieu	10,466	-	10,000	(10,000)	0%	A
Public Safety	20,651	7,354	15,000	(7,646)	49%	A
Traffic	22,980	-	10,000	(10,000)	0%	A
Zone 1 TIMF	-	-	30,000	(30,000)	0%	A
Internal Service Funds:						
Blg Rehab. & Replace	9,250	6,333	38,000	(31,667)	17%	
Vehicle Replacement	10,000	10,000	60,000	(50,000)	17%	
Enterprise Funds:						
Water						
Operations	167,495	178,268	979,000	(800,732)	18%	
Capital	225,046	-	100,000	(100,000)	0%	A
Sewer						
Operations	165,912	179,414	1,010,600	(831,186)	18%	
Capital	70,130	-	600,000	(600,000)	0%	A
TOTAL Funds	880,341	582,961	7,455,401	6,872,440	8%	

A ~ These funds are developer derived and are recognized when received. The timing of the projects and the related revenue does not always align with the year-to-date percentages.

B ~ Gas tax funds are received at varying increments during the year, as such the amounts received do not always align with the year to date percentages.

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Two Month Period Ended August 31, 2019

Item #4C
City Council Meeting
October 15, 2019

EXPENDITURES	FY19	FY20	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>17%</u>	<u>Note</u>
General Fund	217,435	228,219	1,740,248	(1,512,029)	13%	
Special Revenue Funds:						
Capital Projects Fund	-	20,666	1,763,000	(1,742,334)	1%	A
Community Development	108,089	74,252	553,058	(478,806)	13%	
COPS	16,667	16,667	100,000	(83,333)	17%	
Parking & Restroom Fd	638	2,624	15,000	(12,376)	17%	
Gas Tax Fund	2,758	8,975	53,851	(44,876)	17%	
Affordable Housing Fund	-	32,546	18,877	13,669	172%	B
Valle Vista LLD	3,123	3,081	26,717	(23,636)	12%	
Rancho Vista CFD	-	1,225	40,904	(39,679)	3%	
Copperleaf CFD	2,809	1,225	21,523	(20,298)	6%	
Development Impact Fee Funds						
Public/Civic Facility	-	5,500	33,000	(27,500)	17%	
Library	-	4,000	24,000	(20,000)	17%	
Storm Drain	-	32,667	196,000	(163,333)	17%	
Park In-Lieu	-	19,167	115,000	(95,833)	17%	
Public Safety	-	4,167	25,000	(20,833)	17%	
Traffic	-	18,167	109,000	(90,833)	17%	
Internal Service Funds:						
Blg Rehab. & Replace	-	3,333	20,000	(16,667)	17%	
Vehicle Replacement	-	1,797	11,890	(10,093)	15%	
Enterprise Funds:						
Water:						
Operations	85,967	107,097	738,921	631,824	14%	
Capital	6,996	116,253	349,979	233,726	33%	
Sewer						
Operations	99,941	202,912	1,608,450	1,405,538	13%	C
Capital	1,880	2,212	638,979	636,767	0%	A
TOTAL Funds	328,868	678,532	8,203,397	7,524,865	8%	

Footnotes:

A ~ Capital costs occur sporadically during the year, and do not always align with the to date percentages
B ~ Current year to date costs, which over budget, are offset from prior period impact funds received.
C ~ Costs are higher than prior year due to the implementation of funds transfers for capital purposes in the current fiscal year.

City of San Juan Bautista
Warrant Listing
As of September 30, 2019

Item #4C
City Council Meeting
October 15, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
101.000 - Union Bank			
101.001 - Operating Acct. 1948			
09/04/2019	212975	3T Equipment Company Inc.	-594.85
09/04/2019	212976	Abbott's Pro Power	-34.11
09/04/2019	212977	CSG Consultants, Inc.	-4,070.00
09/04/2019	212978	Data Ticket Inc.	-200.00
09/04/2019	212979	De Lage Landen Public Finance	-969.18
09/04/2019	212980	Maggiore Bros. Drilling Inc.	-63,681.80
09/04/2019	212981	Mc Kinnon Lumber Co., Inc.	-98.33
09/04/2019	212982	Monterey Bay Analytical Services	-530.00
09/04/2019	212983	Monterey Bay Water Works Association	-200.00
09/04/2019	212984	New SV Media	-97.00
09/04/2019	212985	Orta & Sons Fence Company	0.00
09/04/2019	212986	Pet Friends	-2,500.00
09/04/2019	212987	R & B Company	-294.56
09/04/2019	212988	Regents-U.C.	-260.00
09/04/2019	212989	Sprint	-112.89
09/04/2019	212990	True Value Hardware	-238.24
09/04/2019	212991	Univar USA Inc.	-1,156.00
09/04/2019	212992	Wellington Law Offices	-4,610.00
09/04/2019	212993	Wright Bros. Industrial Supply	-114.21
09/04/2019	212994	AVAYA	-212.86
09/04/2019	212995	Charter Communications	-494.03
09/04/2019	212996	City Clerks Association of CA	-50.00
09/04/2019	212997	EMC Planning Group Inc.	-39,293.45
09/04/2019	212998	Home Depot Credit Services	-511.21
09/04/2019	212999	Level 1 Private Security.	-12,197.34
09/04/2019	213000	Monterey Bay Analytical Services	-1,018.40
09/04/2019	213001	Rx-Tek	-640.00
09/04/2019	213002	San Benito County Auditors Office	-1,822.09
09/04/2019	213003	Smith & Enright Landscaping	-1,150.00
09/04/2019	213004	Staples	-341.77
09/04/2019	213005	State Compensation Insurance Fund	-1,851.50
09/04/2019	213006	United Site Services of California, Inc.	-156.92
09/04/2019	213007	US Bank	-1,789.04
09/04/2019	213008	Wendy L. Cumming, CPA	-2,791.25
09/05/2019	213009	Wells Fargo Bank, N.A.	-466,998.60
09/05/2019	213010	Orta & Sons Fence Company	-12,076.40
09/09/2019	213011	Zachary Freitas	-400.00
09/17/2019	213012	P G & E	-17,013.43
09/18/2019	213013	at&t	-257.08
09/18/2019	213014	at&t	-75.90
09/18/2019	213015	at&t	-70.08
09/19/2019	213016	4Leaf, Inc.	-4,929.18
09/19/2019	213017	A Tool Shed, Inc.	-159.50

City of San Juan Bautista
Warrant Listing
As of September 30, 2019

Item #4C
City Council Meeting
October 15, 2019

Date	Num	Name	Amount
09/19/2019	213018	Abbott's Pro Power	-52.71
09/19/2019	213019	Adriana Heredia.	-700.00
09/19/2019	213020	AFLAC	-152.78
09/19/2019	213021	All Clear Water Services	-4,101.05
09/19/2019	213022	Ana Rosa Cadena	-500.00
09/19/2019	213023	Bruce Gilsenan	-150.00
09/19/2019	213024	Clark Pest Control	-95.00
09/19/2019	213025	Cypress Water Services	-27,572.94
09/19/2019	213026	Design Line & Granger	-349.60
09/19/2019	213027	First Alarm	-440.37
09/19/2019	213028	Freitas + Freitas	-11,676.50
09/19/2019	213029	Harris & Associates	-8,290.00
09/19/2019	213030	J.V. Orta's Rent A Fence	-222.75
09/19/2019	213031	Jorge Martinez.	-650.00
09/19/2019	213032	Jose Aguilar.	-700.00
09/19/2019	213033	Juaquin Bautista.	-532.00
09/19/2019	213034	KBA Docusys	-223.22
09/19/2019	213035	Ken Ferrasci.	-48.59
09/19/2019	213036	KS State Bank	-4,167.22
09/19/2019	213037	Laura Cent.	-552.94
09/19/2019	213038	Level 1 Private Security.	-2,889.00
09/19/2019	213039	Los californios	-700.00
09/19/2019	213040	MailFinance	-573.37
09/19/2019	213041	Maria Isabel Ceja.	-670.00
09/19/2019	213042	Mario Jimenez	-31.53
09/19/2019	213043	Mission Linen Service	-505.13
09/19/2019	213044	Monterey Bay Analytical Services	-1,350.85
09/19/2019	213056	Monterey Bay Area Managers Group	-10.00
09/19/2019	213046	Norma Negrete & David Juarez	-700.00
09/19/2019	213047	R & B Company	-482.29
09/19/2019	213048	San Benito County Integrated Waste Managm	-11,938.70
09/19/2019	213049	San Benito Engineering & Surveying, Inc.	-925.00
09/19/2019	213050	Sentry Alarm System	-552.00
09/19/2019	213051	Steve Azevedo	-750.00
09/19/2019	213052	Studio Sauvageau	-1,500.00
09/19/2019	213053	United Site Services of California, Inc.	-331.73
09/19/2019	213054	Valdez Productions	-650.00
09/27/2019	213057	4Leaf, Inc.	-11,900.40
09/27/2019	213058	ACWA Health Benefits Authority	-8,862.69
09/27/2019	213059	Ann Fritch	-306.71
09/27/2019	213060	ATEC Systems, Inc.	0.00
09/27/2019	213061	CA Water Environment Assn-SCVS	-325.00
09/27/2019	213062	Charter Communications	-534.03
09/27/2019	213063	CMAP	-870.00
09/27/2019	213064	CSG Consultants, Inc.	-12,830.00

City of San Juan Bautista
Warrant Listing
As of September 30, 2019

Item #4C
City Council Meeting
October 15, 2019

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
09/27/2019	213065	Don Reynolds	0.00
09/27/2019	213066	EMC Planning Group Inc.	-9,932.31
09/27/2019	213067	FedEx	-30.57
09/27/2019	213068	Harris & Associates	-660.00
09/27/2019	213069	Hollister Auto Parts, Inc.	-406.06
09/27/2019	213070	Level 1 Private Security.	-1,332.00
09/27/2019	213071	Mary Clark	-88.07
09/27/2019	213072	Monterey Bay Analytical Services	-98.30
09/27/2019	213073	Monterey Bay Economic Partnership	-3,000.00
09/27/2019	213074	MuniBilling	-370.80
09/27/2019	213075	P G & E	-39.62
09/27/2019	213076	Paul Champion	-266.63
09/27/2019	213077	R & B Company	-423.04
09/27/2019	213078	Ready Refresh	-208.15
09/27/2019	213079	Shawna Freels	-141.29
09/27/2019	213080	Staples	-488.26
09/27/2019	213081	Todd Kennedy	-1,736.71
09/27/2019	213082	U.S. Postmaster	-900.00
09/27/2019	213083	US Bank Equipment Finance	-249.61
09/27/2019	213084	Valero Marketing & Supply	-867.76
Total 101.001 - Operating Acct. 1948			-788,666.48
Total 101.000 - Union Bank			-788,666.48
TOTAL			-788,666.48



CITY MANAGER STATUS REPORT SEPTEMBER - OCTOBER 2019

DATE: October 7, 2019
DEPARTMENT HEAD: Don Reynolds, City Manager

Administration- We are making progress as I continue to learn about San Juan Bautista. Using savings from the Deputy City Manager position and other resources, three part-time positions were added. Retired Sherriff Deputy Rich Hill started his code enforcement efforts the week of October 1. Friday September 20, retired Public Works Director Karl Bjarke joined our staff as we kicked off our comprehensive Master Plan for both water and waste water systems. Phillip Galvan joined our maintenance crew in September as a part time MW1. I initiated a study of the community development this past week, and hope to bring forward some immediate assistance for the Associate Planner and City Manager. Community development systems are also being reviewed, as we have learned that many are not consistent with current codes.

Budget/Finance- The City is through its first quarter of the fiscal year. The expenses seem to be in line for the most part. I do expect some mid-year adjustments. We are holding our own as we get ready for the audit to start soon.

Cannabis – Staff will return to this topic in October after the Housing Element is adopted. Staff has met with interested developers concerning the industrial properties and permitted uses on San Juan Hollister Road. Please let me know if the City Council receives any direct inquiries from interested developers.

Deputy City Manager Status- As reported above and last month, we have shifted from a one-position idea to having several smaller positions. The code enforcement effort will take up the budget for this item moving forward.

Developments- Staff is bringing forward a partial bond reduction recommendation for the Copperleaf Development. Staff has completed a third study of the roundabout at First Street for Rancho Vista. In prior discussions there seems to have been a re-design making this a “mini-roundabout” and with this understanding we hope at last to bring this issue to a close. Hats off to the San Benito Health Foundation who are in escrow for the Manning Property at 156/Monterey Street. Casa Rosa was reviewed by the Planning Commission on September 1st. They hope to bring forward a full development application for the Commission in November.

Library- It has been more than a month since the City reached out to Senator Caballero’s office looking for details about using the Library as office space; no reply. Staff is moving forward with \$3,000 in IT improvements using grants funds left from the previous fiscal year. Plans are rolling towards a fun and safe Halloween festival in a few weeks.

Parks- Staff has spent a lot of time working on a Caltrans Sustainable Planning Grant application due October 11, 2019, that will take the draft Parks Master Plan and convert part of it into an “Active Transportation Plan” that will connect bikes and pedestrians to all of the City’s parks, historic and popular destinations. The SB COG has already received this same grant to look at safety at the The Alameda and Hwy 156. The two will work together if awarded. I requested several letters of support from local stakeholders this past week.

Planning- The Housing Element has been the staff focus for the last four weeks. This is critical, and arduous. More than one property owner has been concerned. Council will consider its adoption October 8.

Public Works- The Well 6 Filtration Plant has not been in operation during the past few weeks pending resolution of a technical glitch related to water sampling sensors. CSG is working hard to get this matter resolved. Fortunately, the water quality from Well 6 is great but we are falling short of our requirement to blend this water with Well 5. We are making progress on completing our commitment to Coke Farms with designs for the old Well 3 and electrical designs for a City PG&E panel at the Dias Lift Station. We are also revisiting the design of a sewer line along San Juan Hollister Road to accommodate future development here. The design of the Third Street renovation project will be completed in October. The goal is to bid this project over the holidays and start re-construction after the rainy season ends.

Public Works Crew- We have been actively flushing water and sewer lines, until the equipment broke down last week. We are repairing at least one water leak per month, with two repairs underway this week. We have been trimming brush away from the street signs and a few homeowners have expressed concern. We will work more closely with them in the future. Later this month we will be re-painting crosswalks.

Street Sweeping- Just in time for the fall leaves, San Juan Bautista is very fortunate to buy a used street sweeper from a local landscape contractor. It is a 2010 Johnson 4000 that is in terrific condition.

Waste Water Treatment Plant- There has been a one-year gap maintaining the Coke and Copperleaf lift station to the north of San Juan Bautista. At the Coke lift station, we will re-start the chemical injections that were used to decrease the odors along First Street. An inspection of the lift station at Copperleaf shows neglect over the past year as well. Cleaning the blue rubber gloves from this lift station will improve flow and help with the odors on Ahwahnee Street.

My wife enjoyed our anniversary dinner with Vertigo last week. Great fun.

Don Reynolds



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: APPROVAL OF ADDENDUM TO MITIGATED NEGATIVE
DECLARATION IN SUPPORT OF HOUSING ELEMENT ADOPTION
AND VARIOUS HOUSING ELEMENT IMPLEMENTING ACTIONS

DATE: October 15, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION: Receive a staff report from City staff and housing element consultant and approve Resolution 2019-XX (Attachment 1), which approves an Addendum to the Mitigated Negative Declaration in support of Housing Element adoption and various Housing Element implementing actions.

BACKGROUND INFORMATION: Tonight's City Council action implementing Housing Program 3.1 to provide adequate housing sites to meet the City's Regional Housing Needs Allocation (RHNA), is supported by a CEQA addendum entitled: "San Juan Bautista 2015-2019 Housing Element Addendum to the Mitigated Negative Declaration."

The addendum provides additional environmental analysis and information concerning the addition of special MU (Mixed Use) development conditions and special housing development standards that would apply to one site (Site D – APN: 002-350-002) in the city. The original Initial Study/Mitigated Negative Declaration evaluated the adoption of the San Juan Bautista General Plan Housing Element and various implementing actions. The proposed actions involving Site D would not involve any condition described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent negative declaration.

Resolution 2019-XX, adopting the CEQA addendum, is provided in Attachment 1, and the addendum is attached as an exhibit to the resolution (see Attachment 1, with Exhibit A). The original Mitigated Negative Declaration is also attached for your information (see Attachment 2).

Attachments:

1. Resolution approving Addendum to the Mitigated Negative Declaration, with Addendum attached
2. Original Mitigated Negative Declaration (July 30, 2019)

RESOLUTION 2019-XX**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ADOPTING AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION PREPARED FOR THE ADOPTION OF THE SAN JUAN BAUTISTA GENERAL PLAN HOUSING ELEMENT (2015-2019 CYCLE) AND VARIOUS IMPLEMENTING ACTIONS.**

WHEREAS, the City of San Juan Bautista adopted a Mitigated Negative Declaration on October 8, 2019, in support of its adoption of the San Juan Bautista General Plan Housing Element (2015-2019 Cycle) and various implementing actions; and

WHEREAS, the City of San Juan Bautista is now considering the approval of special housing development standards and MU (Mixed Use) conditions that would apply only to APN 002-350-002, also; and

WHEREAS, under CEQA Guidelines, Section 15164, a Lead Agency shall prepare an Addendum to an adopted mitigated negative declaration if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR have occurred;

WHEREAS, under CEQA Guidelines Section 15162, when a mitigated negative declaration has been adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- A. Substantial changes are proposed in the project which will require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- B. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- C. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted shows any of the following:
 1. The project will have one or more significant effects not discussed in the previous negative declaration;

2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and

WHEREAS, an Addendum need not be circulated for public review, but can be included in or attached to the originally adopted negative declaration (CEQA Guidelines, Section 15164 [c]);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby adopts the Addendum to the Mitigated Negative Declaration prepared for the San Juan Bautista General Plan Housing Element (2015-2019 Cycle) and various ordinances and resolution implementing the Housing Element (see Exhibit A), and makes the following findings:

- A. Only minor technical changes or additions to the adopted Mitigated Negative Declaration are necessary to consider the project, and none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred;
- B. the Addendum was completed in compliance with CEQA;
- C. The City Council reviewed and considered the information contained in the Addendum, along with the adopted Mitigation Negative Declaration, and found it adequate and complete based on the City's independent judgment and analysis;
- D. On the basis of the whole record, there is no substantial evidence that the project will have a significant effect on the environment; and
- E. Documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based are located at the Office of the City Clerk of the City of San Juan Bautista, 311 2nd Street, San Juan Bautista, CA 95045.

THE FOREGOING RESOLUTION was approved by the San Juan Bautista City Council at a meeting of the City Council held on the 15th day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

Exhibits:

A. Addendum

Addendum

San Juan Bautista 2015-2019 Housing Element Addendum to the Mitigated Negative Declaration

October 3, 2019



**Prepared by
EMC Planning Group**

ADDENDUM

**SAN JUAN BAUTISTA 2015-2019
HOUSING ELEMENT ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION**

PREPARED FOR

City of San Juan Bautista

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October 3, 2019

This document was produced on recycled paper.



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San Juan Bautista 2015-2019 Housing Element Addendum to the Mitigated Negative Declaration

CEQA APPROACH

This document is an addendum to the *San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration* (“Mitigated Negative Declaration”), prepared on July 30, 2019 and adopted by the City of San Juan Bautista (“City”) on October 8, 2019. The Mitigated Negative Declaration analyzed the public review draft *City of San Juan Bautista 2015-2019 Housing Element* (“City housing element”), prepared on July 12, 2019 and adopted by the City on October 8, 2019. The environmental analysis herein was prepared pursuant to the provisions of the California Environmental Quality Act (“CEQA”) Guidelines, Sections 15162 and 15164.

The subject addressed by this addendum is the possible re-designation and re-zoning of a fourth potential affordable housing site (“Site D”) to accommodate additional high-density housing needed to meet San Juan Bautista’s Regional Housing Needs Allocation (“project change”). In the Mitigated Negative Declaration, three potential sites (Sites A, B, and C) were analyzed at a site-specific level. Site D is located adjacent to Site B and, therefore, much of the analysis provided for Site B also applies to Site D and will be referenced accordingly. This addendum reviews the project change and examines whether, as a result of this change or new information, any new or worsened impacts could occur that were not identified in the Mitigated Negative Declaration.

In accordance with the CEQA Guidelines, and based on the findings in this document, the City has determined that an addendum to the Mitigated Negative Declaration is an appropriate environmental document for environmental review of the project change. This addendum discusses only the environmental topics and CEQA checklist questions that are specifically relevant to Site D and that were addressed within the Mitigated Negative Declaration for the three previously identified Potential Rezone Sites. Unless otherwise stated, the sources used in this document can also be found in Section E, Sources, of the Mitigated Negative Declaration.

SITE SETTING AND DESCRIPTION

Site D is located on APN 002-350-002 and is 3.84 acres in size. The site, which is immediately adjacent to Potential Rezone Site B (as identified in the Mitigated Negative Declaration), is currently designated Mixed Use on the General Plan Land Use Diagram and zoned “MU” Mixed Use on the Zoning Map. The site is partially vacant, with several existing dilapidated structures and a few trees grouped in an area of the site that measures approximately 0.4 acres in size, and centrally located within the site. The primary structure is known as the Chalmers House and considered by the City to be historically significant. There are also trees located along the edge of the site adjacent to Muckelemei Street.

Adjacent uses include:

- Apartments to the north,
- Single family residences to the east,
- Vacant commercial land to the west, and
- State Route 156 to the south.

See [Figure 1, Potential Site D](#), for an aerial of the site.

CHANGES TO THE PROJECT DESCRIPTION

Site D will be considered as a potential site under Housing Program 3.1.

Possible actions involving Site D could include one or more of the following:

1. Subdividing the site to dedicate a portion for high-density housing, potentially retaining the 0.4-acre part as an historical property. This action may also include rezoning of the property;
2. Rezone the site to High-Density Residential (R-3), with special affordable housing development standards that apply through the year 2024 only, as follows:
 - a. The allowable density for the designated affordable housing site is a minimum of 20 units per acre and a maximum of 24 units per acre;
 - b. Twenty (20) percent of the development on the affordable housing site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households; and
 - c. All development on this affordable housing site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval).



0 200 feet



City Limit



Potential Site D

Source: ESRI 2019, San Benito County GIS 2018

Figure 1

Potential Site D



This side intentionally left blank.

Except for those standards in conflict with the special development standards cited above, all usual development standards for this zoning district also apply to this affordable housing site. The historic structure would be preserved on- or off-site; and/or

3. Retain the Mixed Use (MU) zoning district, but with the special affordable housing development standards cited above, plus requirements that 50 percent of site (either second floor or half of the site) to be developed as apartments and that also provide for the possibility of 100 percent multi-family development at the option of the land owner. The historic structure would be preserved on- or off-site.

It is assumed that high-density housing would occupy a minimum of one (1) acre (to satisfy the Housing Element requirement to achieve at least 16 high density units), and a maximum of 3.44 acres.

TEXT CHANGES/ADDITIONS

The following environmental analysis of Site D supplements the Mitigated Negative Declaration. Only categories of environmental concern that are germane to Site D are included in this analysis. Where similar location and site attributes applies, the analysis of Site D relies on analysis prepared for the other three sites, and where this is the case, reference is made to the analysis in the Mitigated Negative Declaration. Additional information can be found in the Mitigated Negative Declaration.

Section 1.0, Aesthetics

- c. Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.)

Approximately 90 percent of Site D is undeveloped. The remaining 10 percent is developed with the Chalmers House and outbuilding, both of which appear to be in a state of disrepair. Site D is visible from State Route 156 and Muckelemy Street, which are publicly accessible vantage points. Site D is currently zoned for Mixed Use, which has a height restriction of three (3) stories or 50 feet. If Site D is chosen for rezone to high density residential, the allowed height for any future development would be less than what is already anticipated by the general plan. Future development of the site would be subject to the City's design review requirements; for the affordable units, the design review would need to be based only on objective criteria, as State law requires by-right approval. Therefore, the proposed project would not create an adverse impact related to the quality of public views of the site. There would be no increase in visual impacts related to the quality of public views associated with rezoning Site D.

- d. Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

New and/or additional sources of light or glare would occur with development of the anticipated Mixed Uses as designated in the general plan. Regardless of the zoning district (i.e. retain the MU zoning or rezone site to R-3), development of the site would increase the amount of light and glare compared to existing conditions.

Although no mitigation measures are needed for aesthetic impacts as indicated in the City's general plan EIR (p. 78), the City's lighting standards would apply to future residential projects on Site D to reduce impacts to a less-than-significant level.

Section 2.0, Agriculture and Forest Resources

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?

Site D is currently developed with several dilapidated structures and is designated in the general plan for Mixed Use. According to the California Department of Conservation's Important Farmland map, Site D is designated almost entirely as "Grazing Land," with a small portion at the south of the site designated as "Urban and Built-up Land" (California Department of Conservation 2018). Therefore, development on Site D would not result in the conversion of Farmland to nonagricultural use.

Section 3.0, Air Quality

- b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

The California Emissions Estimator Model (CalEEMod) was used to determine air quality impacts associated with construction and operational activities under existing and proposed zoning scenarios on Site D. The results can be found in [Appendix A](#) of this addendum.

Operational Impacts. Based on the CalEEMod results, future development on Site D under the proposed zoning (R-3) would result in fewer operational criteria air pollutant emissions than future development under the existing zoning (MU). However, the results for proposed conditions show that future development on Site D would not result in operational criteria

air pollutant emissions that exceed the air district thresholds, resulting in a cumulatively less-than-significant impact on air quality.

Construction Impacts. Based on the CalEEMod results, the total PM₁₀ emissions during construction on Site D under proposed zoning are less than those under existing zoning. Construction activities on the approximately four-acre Site D are likely to exceed the air district's threshold of 2.2 acres per day, resulting in a significant impact on air quality. Implementation of Mitigation Measure AIR-2g, as identified in the Mitigated Negative Declaration, would reduce this impact to a less-than-significant level.

- c. Would the project expose sensitive receptors to substantial pollutant concentrations?

The general plan EIR includes Mitigation Measure AIR-4a, which prohibits siting new sensitive land uses within 500 feet of a freeway, 300 feet of a dry cleaning operation, and 300 feet of a large gas station; where a large gas station is defined as a facility with throughput of 3.6 million gallons per year or greater (City of San Juan Bautista 2015, p. 121).

Site D is located near sensitive receptors (i.e. residences) and within 500 feet of State Route 156. Therefore, future development on Site D as mixed use or as high-density residential could result in a significant impact to sensitive receptors. However, mixed use development is anticipated by the general plan and implementation of the edited version of Mitigation Measure AIR-4a, as presented in the Mitigated Negative Declaration, would reduce this impact to a less-than-significant level.

- d. Would the project result in other emissions, such as those leading to odors adversely affecting a substantial number of people)

Construction activities under either mixed use or high-density residential zoning at Site D may temporarily generate objectionable odors. However, since odor-generating construction activities would be localized, sporadic, and short-term in nature, this impact would be less than significant.

Section 4.0, Biological Resources

- a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

A review of the California Natural Diversity Database ["CNDDB", California Department of Fish and Wildlife (CDFW) 2019] indicates that special-status species with the potential to occur on Site D include:

- The federally-listed threatened and state-listed threatened California tiger salamander (*Ambystoma californiense*);
- The federally-listed threatened and state-listed species of special concern California red-legged frog (*Rana draytonii*); and
- The state-listed species of concern western pond turtle (*Emmys marmorata*).

The CNDDDB includes California tiger salamander observation number 258 from 1991, located approximately 0.35 miles from Site D.

The potential impacts to special-status species from development of Site D as mixed use or high-density residential would be the same. Mitigation measures from the General Plan EIR are applicable, including Mitigation Measure BIO-1a through BIO-1h and BIO-2d, plus Mitigation Measures BIO-1e and BIO-1f (which were revised in the Mitigated Negative Declaration). These measures would reduce impacts to California tiger salamander, California red-legged frog, and western pond turtle that could result from the development on Site D. With these mitigation measures, impacts to special-status species would be reduced to a less-than-significant level.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

There are no riparian habitats or other sensitive natural communities located on Site D.

- c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?

Upon review of the National Wetlands Inventory, there are no wetlands located on Site D.

Section 5.0, Cultural Resources

- a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5?

Site D is the location of the Chalmers House, a locally significant historical resource. Accordingly, compliance with the City's Historic Resource Preservation Ordinance would be required of any future development of Site D. As identified in the Mitigated Negative Declaration for Site A, the existing structure on Site D would be analyzed under Section 11-06-070 and Section 11-06-080 of the City's Municipal Code. The Chalmers House would be required to comply with the procedures listed within Section 11-06-120 of the City's Municipal Code, whether the site is developed as mixed use or as high-density residential. The Chalmers House would be restored either on or off-site, to preserve its historic integrity.

- b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?

Development of Site D would require the same mitigations and procedures as identified in the Mitigated Negative Declaration, whether developed as mixed use or high-density residential.

- c. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Mitigations Measures CULT-4b and CULT-1a would apply to Site D, as identified in the Mitigated Negative Declaration, whether developed as mixed use or high-density residential.

Section 6.0, Energy

- a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The analysis presented in the Mitigated Negative Declaration would be the same for Site D, whether developed as mixed use or high-density residential.

Section 7.0, Geology and Soils

- a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - (1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
 - (2) Strong seismic ground shaking?
 - (3) Seismic-related ground failure, including liquefaction?
 - (4) Landslides?
- b. Would the project result in substantial soil erosion or the loss of topsoil?
- c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

- d. Would the project be located on expansive soil, creating substantial direct or indirect risks to life or property?
- e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
- f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The analysis presented in the Mitigated Negative Declaration would be the same for Site D.

Section 8.0, Greenhouse Gas Emissions

- a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The California Emissions Estimator Model (CalEEMod) was used to determine air quality impacts associated with construction and operational activities under existing and proposed zoning scenarios on Site D. The results can be found in [Appendix A](#) of this addendum.

Existing Zoning. Total construction emissions are projected at 497.88 MT CO₂e. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 16.60 MT CO₂e per year. Operational emissions are projected at 4,780.32 MT CO₂e per year. Therefore, total GHG emissions associated with future development on Site D under existing zoning would be the sum of amortized construction emissions and operational emissions or 4,796.92 MT CO₂e per year.

Proposed Zoning. Total construction emissions are projected at 428.97 MT CO₂e. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 14.30 MT CO₂e per year. Operational emissions are projected at 953.26 MT CO₂e per year. Therefore, total GHG emissions associated with future development on Site D under proposed zoning would be the sum of amortized construction emissions and operational emissions or 967.56 MT CO₂e per year. This is less than the GHG emissions estimate under existing zoning.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site D under proposed conditions would be the number of residents or 253. Future development on Site D under proposed zoning would generate approximately 3.82 MT CO₂e per year per service population (967.56 / 253). This is below the threshold of 6.6 MT CO₂e per service population per year.

Therefore, future development on Site D under the proposed zoning would generate GHG emissions that do not exceed the threshold of significance and would not conflict an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Section 9.0, Hazards and Hazardous Materials

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The current designation of Site D as mixed use does not involve the transport or use of significant quantities of hazardous materials. The potential rezone of the site to high density residential uses would not change this and, therefore, there would be no impact.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

According to the general plan EIR, there are no land uses proposed in the City that would create accident conditions for the release of hazardous materials in the long-term (p. 259). In addition, the general plan anticipates mixed uses at Site D and, therefore, development at Site D would not involve a significant hazard to the public or the environment through hazardous materials. The potential rezone of Site D to high density residential would not change this and, therefore, there would be no impact.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Site D is not within one-quarter mile of an existing school.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment?
- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?
- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The analysis as presented within the Mitigated Negative Declaration would be the same for Site D. The existing designation of Site D of mixed use does not include changes to any roadways. The potential rezone of Site D to high density residential would not change this and, therefore, there would be no impact related to an emergency response plan or emergency evacuation plan.

- g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Site D is within high and moderate fire severity zones according to San Benito County's WebGIS. As indicated in the Mitigated Negative Declaration, the general plan EIR includes Site D within the "Preferred Land Use and Growth Areas." Therefore, the potential rezone of Site D to high density residential would not increase the potential impacts related to wildfires as development is currently anticipated at the site for mixed uses.

Section 10.0, Hydrology and Water Quality

- a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - 1. Result in substantial erosion or siltation on- or off-site;
 - 2. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;
 - 3. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - 4. Impede or redirect flood flows?
- d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 11.0, Land Use

- a. Physically divide an established community?

- b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 12.0, Mineral Resources

- a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 13.0, Noise

- a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?
- b. Result in generation of excessive ground-borne vibration or ground borne noise levels?
- c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 14.0, Population and Housing

- a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?
- b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 15.0, Public Services

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

- a. Fire protection?
- b. Police protection?
- c. Schools?
- d. Parks?
- e. Other public facilities?

Site D has the potential to result in up to 96 high density housing units with an additional population of 253 people, which has the potential to adversely impact public services. However, the conclusion of the analysis as presented within the Mitigated Negative Declaration remains the same for Site D.

Section 16.0, Recreation

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Site D has the potential to result in up to 96 high density housing units with an additional population of 253 people, which has the potential to adversely impact existing recreational facilities. However, the conclusion of the analysis as presented within the Mitigated Negative Declaration remains the same for Site D.

Section 17.0, Transportation

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities?

As identified in the Mitigated Negative Declaration, multi-family housing produces approximately the same volume (or only slightly more) of daily traffic as retail commercial uses (as is the case with Site D) (commercial use: 1 acre = 43,560 sf; $43,560 \text{ sf} \times .4 \text{ FAR} = 17,424 \text{ sf}$ of floor area; $17,424 \text{ sf} \times 9 \text{ trips}/1,000 \text{ sf} = 157 \text{ trips}$; residential use: 1 acre $\times 24 \text{ du}/\text{acre} = 24 \text{ du}$; $24 \text{ du} \times 7 \text{ trips}/\text{du} = 168 \text{ trips}$). This increase in traffic would be considered a significant adverse impact. However, implementation of Mitigation Measure TRANS-1 would be required and would reduce impacts to a less-than-significant level.

- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e. Result in inadequate emergency access?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 18.0, Tribal Cultural Resources

- a. Cause a significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Pursuant to CEQA Guidelines Section 15164, an invitation to consult on the Mitigated Negative Declaration was transmitted on May 20, 2019 to four tribes determined to be affiliated with the area impacted by the Housing Element update and associated implementing actions. Site D is part of the study area identified in the Mitigated Negative Declaration and, therefore, covered by the invitation for consultation. No further discussion is required.

Section 19.0, Utilities and Service Systems

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 20.0, Wildfire

- a. Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?
- c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

Section 21.0, Mandatory Findings of Significance

- a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this. The potentially historic structures existing on the site would not be removed or damaged as a result of Site D being chosen.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)
- c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The analysis as presented within the Mitigated Negative Declaration remains the same for Site D. The potential rezone of Site D to high density residential uses would not change this.

ADDITIONAL TEXT CHANGES

The following text changes are to the Mitigated Negative Declaration and are not associated with Site D.

Section A, Background

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to four tribes traditionally or culturally affiliated with the project area on May 20, 2019. Only one ~~No~~ California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1. This request was sent via email on June 9, 2019. Several follow up replies to the tribal contact occurred, with no response back. Therefore, no consultation occurred for the proposed project.

Section 18.0, Tribal Cultural Resources

- a. Cause a significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or
 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Letters were sent on May 20, 2019 to a list of four tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. No responses were received under AB 52; therefore, no discussion is required.

~~A response was received under SB 18, which is discussed in Section 5.0 Cultural Resources.~~

APPENDIX A

CALEEMOD RESULTS FOR SITE D

SJB_HE_Site D_Existing - Monterey Bay Unified APCD Air District, Summer

SJB_HE_Site D_Existing
Monterey Bay Unified APCD Air District, Summer

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Low Rise	60.00	Dwelling Unit	0.00	60,000.00	172
Strip Mall	130.68	1000sqft	4.00	130,680.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.8	Precipitation Freq (Days)	53
Climate Zone	4			Operational Year	2023
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 Intensity Factor for 2020

Land Use - population and acreage from project description

acreage of apartments is zeroed out so as to not over calculate construction emissions

Energy Use -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	3.75	0.00
tblLandUse	LotAcreage	3.00	4.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9609	40.5529	22.0744	0.0421	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,110.6520	4,110.6520	1.1978	0.0000	4,127.7803
2022	142.9336	18.8452	19.6525	0.0418	0.8878	0.8227	1.7105	0.2398	0.7741	1.0139	0.0000	4,079.0168	4,079.0168	0.6771	0.0000	4,095.9429
Maximum	142.9336	40.5529	22.0744	0.0421	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,110.6520	4,110.6520	1.1978	0.0000	4,127.7803

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9609	40.5529	22.0744	0.0421	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,110.6520	4,110.6520	1.1978	0.0000	4,127.7802
2022	142.9336	18.8452	19.6525	0.0418	0.8878	0.8227	1.7105	0.2398	0.7741	1.0139	0.0000	4,079.0168	4,079.0168	0.6771	0.0000	4,095.9429
Maximum	142.9336	40.5529	22.0744	0.0421	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,110.6520	4,110.6520	1.1978	0.0000	4,127.7802

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
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Category	lb/day										lb/day					
Area	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579
Energy	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298
Mobile	10.9836	46.6030	96.5743	0.2988	21.6436	0.2424	21.8860	5.7964	0.2264	6.0228		30,305.4000	30,305.4000	1.5366		30,343.8155
Total	15.9453	46.8979	101.6745	0.3006	21.6436	0.2887	21.9323	5.7964	0.2727	6.0691	0.0000	30,611.4063	30,611.4063	1.5510	5.4500e-003	30,651.8032

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579
Energy	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298
Mobile	10.9836	46.6030	96.5743	0.2988	21.6436	0.2424	21.8860	5.7964	0.2264	6.0228		30,305.4000	30,305.4000	1.5366		30,343.8155
Total	15.9453	46.8979	101.6745	0.3006	21.6436	0.2887	21.9323	5.7964	0.2727	6.0691	0.0000	30,611.4063	30,611.4063	1.5510	5.4500e-003	30,651.8032

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	10.9836	46.6030	96.5743	0.2988	21.6436	0.2424	21.8860	5.7964	0.2264	6.0228		30,305.4000	30,305.4000	1.5366		30,343.8155
Unmitigated	10.9836	46.6030	96.5743	0.2988	21.6436	0.2424	21.8860	5.7964	0.2264	6.0228		30,305.4000	30,305.4000	1.5366		30,343.8155

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	395.40	429.60	364.20	1,140,338	1,140,338
Strip Mall	5,791.74	5,493.79	2669.79	8,167,074	8,167,074
Total	6,187.14	5,923.39	3,033.99	9,307,412	9,307,412

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	44.00	18.80	37.20	86	11	3
Strip Mall	9.50	7.30	7.30	16.60	64.40	19.00	45	40	15

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838
Strip Mall	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298
NaturalGas Unmitigated	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298

5.2 Energy by Land Use - NaturalGas

Unmitigated

NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
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Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	1676.52	0.0181	0.1545	0.0658	9.9000e-004		0.0125	0.0125		0.0125	0.0125		197.2380	197.2380	3.7800e-003	3.6200e-003	198.4101
Strip Mall	848.525	9.1500e-003	0.0832	0.0699	5.0000e-004		6.3200e-003	6.3200e-003		6.3200e-003	6.3200e-003		99.8265	99.8265	1.9100e-003	1.8300e-003	100.4197
Total		0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298

Mitigated

	Natural Gas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	1.67652	0.0181	0.1545	0.0658	9.9000e-004		0.0125	0.0125		0.0125	0.0125		197.2380	197.2380	3.7800e-003	3.6200e-003	198.4101
Strip Mall	0.848525	9.1500e-003	0.0832	0.0699	5.0000e-004		6.3200e-003	6.3200e-003		6.3200e-003	6.3200e-003		99.8265	99.8265	1.9100e-003	1.8300e-003	100.4197
Total		0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579
Unmitigated	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.7036					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000

Consumer Products	4.0806					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.1504	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275		8.9417	8.9417	8.6500e-003		9.1579
Total	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.7036					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	4.0806					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.1504	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275		8.9417	8.9417	8.6500e-003		9.1579
Total	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579

SJB_HE_Site D_Existing - Monterey Bay Unified APCD Air District, Winter

SJB_HE_Site D_Existing
Monterey Bay Unified APCD Air District, Winter

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Low Rise	60.00	Dwelling Unit	0.00	60,000.00	172
Strip Mall	130.68	1000sqft	4.00	130,680.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.8	Precipitation Freq (Days)	53
Climate Zone	4			Operational Year	2023
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 Intensity Factor for 2020

Land Use - population and acreage from project description

acreage of apartments is zeroed out so as to not over calculate construction emissions

Energy Use -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	3.75	0.00
tblLandUse	LotAcreage	3.00	4.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9677	40.5672	22.0699	0.0415	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,041.2400	4,041.2400	1.1975	0.0000	4,058.4574
2022	142.9397	18.9183	19.7334	0.0411	0.8878	0.8231	1.7110	0.2398	0.7745	1.0143	0.0000	4,011.1262	4,011.1262	0.6807	0.0000	4,028.1425
Maximum	142.9397	40.5672	22.0699	0.0415	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,041.2400	4,041.2400	1.1975	0.0000	4,058.4574

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9677	40.5671	22.0699	0.0415	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,041.2400	4,041.2400	1.1975	0.0000	4,058.4574
2022	142.9397	18.9183	19.7334	0.0411	0.8878	0.8231	1.7110	0.2398	0.7745	1.0143	0.0000	4,011.1262	4,011.1262	0.6807	0.0000	4,028.1425
Maximum	142.9397	40.5671	22.0699	0.0415	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	4,041.2400	4,041.2400	1.1975	0.0000	4,058.4574

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					

Area	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579
Energy	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298
Mobile	10.0390	48.5034	105.3546	0.2830	21.6436	0.2445	21.8881	5.7964	0.2284	6.0248		28,686.0237	28,686.0237	1.6202		28,726.5278
Total	15.0008	48.7982	110.4548	0.2848	21.6436	0.2907	21.9343	5.7964	0.2747	6.0711	0.0000	28,992.0300	28,992.0300	1.6345	5.4500e-003	29,034.5155

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579
Energy	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298
Mobile	10.0390	48.5034	105.3546	0.2830	21.6436	0.2445	21.8881	5.7964	0.2284	6.0248		28,686.0237	28,686.0237	1.6202		28,726.5278
Total	15.0008	48.7982	110.4548	0.2848	21.6436	0.2907	21.9343	5.7964	0.2747	6.0711	0.0000	28,992.0300	28,992.0300	1.6345	5.4500e-003	29,034.5155

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	10.0390	48.5034	105.3546	0.2830	21.6436	0.2445	21.8881	5.7964	0.2284	6.0248		28,686.0237	28,686.0237	1.6202		28,726.5278
Unmitigated	10.0390	48.5034	105.3546	0.2830	21.6436	0.2445	21.8881	5.7964	0.2284	6.0248		28,686.0237	28,686.0237	1.6202		28,726.5278

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	395.40	429.60	364.20	1,140,338	1,140,338
Strip Mall	5,791.74	5,493.79	2669.79	8,167,074	8,167,074
Total	6,187.14	5,923.39	3,033.99	9,307,412	9,307,412

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	44.00	18.80	37.20	86	11	3
Strip Mall	9.50	7.30	7.30	16.60	64.40	19.00	45	40	15

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838
Strip Mall	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298
NaturalGas Unmitigated	0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					

Apartments Low Rise	1676.52	0.0181	0.1545	0.0658	9.9000e-004		0.0125	0.0125		0.0125	0.0125		197.2380	197.2380	3.7800e-003	3.6200e-003	198.4101
Strip Mall	848.525	9.1500e-003	0.0832	0.0699	5.0000e-004		6.3200e-003	6.3200e-003		6.3200e-003	6.3200e-003		99.8265	99.8265	1.9100e-003	1.8300e-003	100.4197
Total		0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298

Mitigated

	Natural Gas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	1.67652	0.0181	0.1545	0.0658	9.9000e-004		0.0125	0.0125		0.0125	0.0125		197.2380	197.2380	3.7800e-003	3.6200e-003	198.4101
Strip Mall	0.848525	9.1500e-003	0.0832	0.0699	5.0000e-004		6.3200e-003	6.3200e-003		6.3200e-003	6.3200e-003		99.8265	99.8265	1.9100e-003	1.8300e-003	100.4197
Total		0.0272	0.2377	0.1356	1.4900e-003		0.0188	0.0188		0.0188	0.0188		297.0645	297.0645	5.6900e-003	5.4500e-003	298.8298

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579
Unmitigated	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.7036					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	4.0806					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000

Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.1504	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275		8.9417	8.9417	8.6500e-003		9.1579
Total	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.7036					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	4.0806					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.1504	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275		8.9417	8.9417	8.6500e-003		9.1579
Total	4.9345	0.0572	4.9645	2.6000e-004		0.0275	0.0275		0.0275	0.0275	0.0000	8.9417	8.9417	8.6500e-003	0.0000	9.1579

SJB_HE_Site D_Existing - Monterey Bay Unified APCD Air District, Annual

SJB_HE_Site D_Existing
Monterey Bay Unified APCD Air District, Annual

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Low Rise	60.00	Dwelling Unit	0.00	60,000.00	172
Strip Mall	130.68	1000sqft	4.00	130,680.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.8	Precipitation Freq (Days)	53
Climate Zone	4			Operational Year	2023
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	290	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 Intensity Factor for 2020

Land Use - population and acreage from project description

acreage of apartments is zeroed out so as to not over calculate construction emissions

Energy Use -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	3.75	0.00
tblLandUse	LotAcreage	3.00	4.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1595	1.4781	1.2649	2.5400e-003	0.1130	0.0701	0.1831	0.0496	0.0655	0.1151	0.0000	224.0238	224.0238	0.0443	0.0000	225.1323
2022	1.4420	1.4039	1.4865	3.0700e-003	0.0621	0.0619	0.1240	0.0168	0.0582	0.0750	0.0000	271.5695	271.5695	0.0473	0.0000	272.7519
Maximum	1.4420	1.4781	1.4865	3.0700e-003	0.1130	0.0701	0.1831	0.0496	0.0655	0.1151	0.0000	271.5695	271.5695	0.0473	0.0000	272.7519

Total 497.88

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1595	1.4781	1.2649	2.5400e-003	0.1130	0.0701	0.1831	0.0496	0.0655	0.1151	0.0000	224.0236	224.0236	0.0443	0.0000	225.1321
2022	1.4420	1.4039	1.4864	3.0700e-003	0.0621	0.0619	0.1240	0.0168	0.0582	0.0750	0.0000	271.5693	271.5693	0.0473	0.0000	272.7517
Maximum	1.4420	1.4781	1.4864	3.0700e-003	0.1130	0.0701	0.1831	0.0496	0.0655	0.1151	0.0000	271.5693	271.5693	0.0473	0.0000	272.7517

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	7-12-2021	10-11-2021	0.9399	0.9399
2	10-12-2021	1-11-2022	0.7576	0.7576
3	1-12-2022	4-11-2022	0.6769	0.6769
4	4-12-2022	7-11-2022	0.6813	0.6813

5	7-12-2022	9-30-2022	1.3513	1.3513
		Highest	1.3513	1.3513

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.8919	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385
Energy	4.9700e-003	0.0434	0.0248	2.7000e-004		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	267.2651	267.2651	0.0228	5.4100e-003	269.4472
Mobile	1.6780	7.9763	16.3618	0.0477	3.4979	0.0405	3.5385	0.9393	0.0379	0.9771	0.0000	4,388.9044	4,388.9044	0.2357	0.0000	4,394.7965
Waste						0.0000	0.0000		0.0000	0.0000	33.4549	0.0000	33.4549	1.9771	0.0000	82.8832
Water						0.0000	0.0000		0.0000	0.0000	4.3112	13.5384	17.8496	0.4442	0.0107	32.1526
Total	2.5749	8.0269	17.0071	0.0480	3.4979	0.0474	3.5453	0.9393	0.0447	0.9840	37.7661	4,670.7219	4,708.4880	2.6807	0.0162	4,780.3180

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.8919	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385
Energy	4.9700e-003	0.0434	0.0248	2.7000e-004		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	267.2651	267.2651	0.0228	5.4100e-003	269.4472
Mobile	1.6780	7.9763	16.3618	0.0477	3.4979	0.0405	3.5385	0.9393	0.0379	0.9771	0.0000	4,388.9044	4,388.9044	0.2357	0.0000	4,394.7965
Waste						0.0000	0.0000		0.0000	0.0000	33.4549	0.0000	33.4549	1.9771	0.0000	82.8832
Water						0.0000	0.0000		0.0000	0.0000	4.3112	13.5384	17.8496	0.4442	0.0107	32.1526
Total	2.5749	8.0269	17.0071	0.0480	3.4979	0.0474	3.5453	0.9393	0.0447	0.9840	37.7661	4,670.7219	4,708.4880	2.6807	0.0162	4,780.3180

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.6780	7.9763	16.3618	0.0477	3.4979	0.0405	3.5385	0.9393	0.0379	0.9771	0.0000	4,388.9044	4,388.9044	0.2357	0.0000	4,394.7965
Unmitigated	1.6780	7.9763	16.3618	0.0477	3.4979	0.0405	3.5385	0.9393	0.0379	0.9771	0.0000	4,388.9044	4,388.9044	0.2357	0.0000	4,394.7965

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	395.40	429.60	364.20	1,140,338	1,140,338
Strip Mall	5,791.74	5,493.79	2669.79	8,167,074	8,167,074
Total	6,187.14	5,923.39	3,033.99	9,307,412	9,307,412

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	44.00	18.80	37.20	86	11	3
Strip Mall	9.50	7.30	7.30	16.60	64.40	19.00	45	40	15

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838
Strip Mall	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	218.0828	218.0828	0.0218	4.5100e-003	219.9726
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	218.0828	218.0828	0.0218	4.5100e-003	219.9726
NaturalGas Mitigated	4.9700e-003	0.0434	0.0248	2.7000e-004		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	49.1824	49.1824	9.4000e-004	9.0000e-004	49.4746
NaturalGas Unmitigated	4.9700e-003	0.0434	0.0248	2.7000e-004		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	49.1824	49.1824	9.4000e-004	9.0000e-004	49.4746

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Low Rise	611931	3.3000e-003	0.0282	0.0120	1.8000e-004		2.2800e-003	2.2800e-003		2.2800e-003	2.2800e-003	0.0000	32.6550	32.6550	6.3000e-004	6.0000e-004	32.8490
Strip Mall	309712	1.6700e-003	0.0152	0.0128	9.0000e-005		1.1500e-003	1.1500e-003		1.1500e-003	1.1500e-003	0.0000	16.5274	16.5274	3.2000e-004	3.0000e-004	16.6256
Total		4.9700e-003	0.0434	0.0248	2.7000e-004		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	49.1824	49.1824	9.5000e-004	9.0000e-004	49.4746

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Low Rise	611931	3.3000e-003	0.0282	0.0120	1.8000e-004		2.2800e-003	2.2800e-003		2.2800e-003	2.2800e-003	0.0000	32.6550	32.6550	6.3000e-004	6.0000e-004	32.8490
Strip Mall	309712	1.6700e-003	0.0152	0.0128	9.0000e-005		1.1500e-003	1.1500e-003		1.1500e-003	1.1500e-003	0.0000	16.5274	16.5274	3.2000e-004	3.0000e-004	16.6256
Total		4.9700e-003	0.0434	0.0248	2.7000e-004		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	49.1824	49.1824	9.5000e-004	9.0000e-004	49.4746

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	260928	34.3229	3.4300e-003	7.1000e-004	34.6204
Strip Mall	1.39697e+006	183.7598	0.0184	3.8000e-003	185.3522
Total		218.0828	0.0218	4.5100e-003	219.9726

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	260928	34.3229	3.4300e-003	7.1000e-004	34.6204
Strip Mall	1.39697e+006	183.7598	0.0184	3.8000e-003	185.3522
Total		218.0828	0.0218	4.5100e-003	219.9726

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.8919	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385
Unmitigated	0.8919	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1284					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.7447					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0188	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385
Total	0.8919	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1284					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.7447					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0188	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385
Total	0.8919	7.1500e-003	0.6206	3.0000e-005		3.4300e-003	3.4300e-003		3.4300e-003	3.4300e-003	0.0000	1.0140	1.0140	9.8000e-004	0.0000	1.0385

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	17.8496	0.4442	0.0107	32.1526
Unmitigated	17.8496	0.4442	0.0107	32.1526

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	3.90924 / 2.46452	5.1574	0.1278	3.0900e-003	9.2722
Strip Mall	9.6798 / 5.93278	12.6922	0.3164	7.6500e-003	22.8804
Total		17.8496	0.4442	0.0107	32.1526

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	3.90924 / 2.46452	5.1574	0.1278	3.0900e-003	9.2722
Strip Mall	9.6798 / 5.93278	12.6922	0.3164	7.6500e-003	22.8804
Total		17.8496	0.4442	0.0107	32.1526

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	33.4549	1.9771	0.0000	82.8832
Unmitigated	33.4549	1.9771	0.0000	82.8832

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	27.6	5.6026	0.3311	0.0000	13.8801
Strip Mall	137.21	27.8524	1.6460	0.0000	69.0031
Total		33.4549	1.9771	0.0000	82.8832

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	27.6	5.6026	0.3311	0.0000	13.8801
Strip Mall	137.21	27.8524	1.6460	0.0000	69.0031
Total		33.4549	1.9771	0.0000	82.8832

SJB_HE_Site D_Proposed - Monterey Bay Unified APCD Air District, Summer

SJB_HE_Site D_Proposed
Monterey Bay Unified APCD Air District, Summer

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Low Rise	96.00	Dwelling Unit	4.00	96,000.00	253

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.8	Precipitation Freq (Days)	53
Climate Zone	4	Operational Year	2023		
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 Intensity Factor for 2020

Land Use - acreage and population from project description

Energy Use -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	6.00	4.00
tblLandUse	Population	275.00	253.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9609	40.5529	22.0744	0.0401	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,873.2663	3,873.2663	1.1978	0.0000	3,899.7582
2022	67.0011	16.8763	18.7373	0.0354	0.6345	0.8164	1.4509	0.1698	0.7681	0.9379	0.0000	3,410.3344	3,410.3344	0.6462	0.0000	3,426.4895
Maximum	67.0011	40.5529	22.0744	0.0401	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,873.2663	3,873.2663	1.1978	0.0000	3,899.7582

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9609	40.5529	22.0744	0.0401	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,873.2663	3,873.2663	1.1978	0.0000	3,899.7582
2022	67.0011	16.8763	18.7373	0.0354	0.6345	0.8164	1.4509	0.1698	0.7681	0.9379	0.0000	3,410.3344	3,410.3344	0.6462	0.0000	3,426.4895
Maximum	67.0011	40.5529	22.0744	0.0401	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,873.2663	3,873.2663	1.1978	0.0000	3,899.7582

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					

Area	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039
Energy	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
Mobile	1.4715	6.6101	16.4991	0.0546	4.2196	0.0441	4.2637	1.1301	0.0412	1.1713		5,531.2560	5,531.2560	0.2489		5,537.4789
Total	4.1226	6.9486	24.5262	0.0566	4.2196	0.1079	4.3275	1.1301	0.1051	1.2351	0.0000	5,861.0978	5,861.0978	0.2687	5.7900e-003	5,869.5390

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039
Energy	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
Mobile	1.4715	6.6101	16.4991	0.0546	4.2196	0.0441	4.2637	1.1301	0.0412	1.1713		5,531.2560	5,531.2560	0.2489		5,537.4789
Total	4.1226	6.9486	24.5262	0.0566	4.2196	0.1079	4.3275	1.1301	0.1051	1.2351	0.0000	5,861.0978	5,861.0978	0.2687	5.7900e-003	5,869.5390

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.4715	6.6101	16.4991	0.0546	4.2196	0.0441	4.2637	1.1301	0.0412	1.1713		5,531.2560	5,531.2560	0.2489		5,537.4789
Unmitigated	1.4715	6.6101	16.4991	0.0546	4.2196	0.0441	4.2637	1.1301	0.0412	1.1713		5,531.2560	5,531.2560	0.2489		5,537.4789

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	632.64	687.36	582.72	1,824,541	1,824,541
Total	632.64	687.36	582.72	1,824,541	1,824,541

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	44.00	18.80	37.20	86	11	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
NaturalGas Unmitigated	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2682.44	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562

Total		0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
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Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartment Low Rise	2.68244	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
Total		0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039
Unmitigated	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3292					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.0544					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.2387	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439		14.2610	14.2610	0.0137		14.6039
Total	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3292					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.0544					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.2387	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439		14.2610	14.2610	0.0137		14.6039
Total	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039

SJB_HE_Site D_Proposed - Monterey Bay Unified APCD Air District, Winter

SJB_HE_Site D_Proposed
Monterey Bay Unified APCD Air District, Winter

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Low Rise	96.00	Dwelling Unit	4.00	96,000.00	253

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.8	Precipitation Freq (Days)	53
Climate Zone	4			Operational Year	2023
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 Intensity Factor for 2020

Land Use - acreage and population from project description

Energy Use -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	6.00	4.00
tblLandUse	Population	275.00	253.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9677	40.5672	22.0699	0.0400	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,865.7145	3,865.7145	1.1975	0.0000	3,892.2013
2022	67.0060	16.9298	18.7514	0.0350	0.6345	0.8165	1.4511	0.1698	0.7682	0.9380	0.0000	3,367.3155	3,367.3155	0.6470	0.0000	3,383.4904
Maximum	67.0060	40.5672	22.0699	0.0400	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,865.7145	3,865.7145	1.1975	0.0000	3,892.2013

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	3.9677	40.5671	22.0699	0.0400	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,865.7145	3,865.7145	1.1975	0.0000	3,892.2013
2022	67.0060	16.9298	18.7514	0.0350	0.6345	0.8165	1.4511	0.1698	0.7682	0.9380	0.0000	3,367.3155	3,367.3155	0.6470	0.0000	3,383.4904
Maximum	67.0060	40.5671	22.0699	0.0400	18.2141	2.0457	20.2598	9.9699	1.8820	11.8519	0.0000	3,865.7145	3,865.7145	1.1975	0.0000	3,892.2013

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					

Area	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039
Energy	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
Mobile	1.3660	7.0001	17.0921	0.0519	4.2196	0.0443	4.2639	1.1301	0.0414	1.1715		5,255.4958	5,255.4958	0.2552		5,261.8764
Total	4.0172	7.3386	25.1192	0.0539	4.2196	0.1082	4.3278	1.1301	0.1053	1.2353	0.0000	5,585.3377	5,585.3377	0.2750	5.7900e-003	5,593.9364

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039
Energy	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
Mobile	1.3660	7.0001	17.0921	0.0519	4.2196	0.0443	4.2639	1.1301	0.0414	1.1715		5,255.4958	5,255.4958	0.2552		5,261.8764
Total	4.0172	7.3386	25.1192	0.0539	4.2196	0.1082	4.3278	1.1301	0.1053	1.2353	0.0000	5,585.3377	5,585.3377	0.2750	5.7900e-003	5,593.9364

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.3660	7.0001	17.0921	0.0519	4.2196	0.0443	4.2639	1.1301	0.0414	1.1715		5,255.4958	5,255.4958	0.2552		5,261.8764
Unmitigated	1.3660	7.0001	17.0921	0.0519	4.2196	0.0443	4.2639	1.1301	0.0414	1.1715		5,255.4958	5,255.4958	0.2552		5,261.8764

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	632.64	687.36	582.72	1,824,541	1,824,541
Total	632.64	687.36	582.72	1,824,541	1,824,541

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	44.00	18.80	37.20	86	11	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
NaturalGas Unmitigated	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2682.44	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562

Total		0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
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Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Apartments Low Rise	2.68244	0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562
Total		0.0289	0.2472	0.1052	1.5800e-003		0.0200	0.0200		0.0200	0.0200		315.5809	315.5809	6.0500e-003	5.7900e-003	317.4562

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039
Unmitigated	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3292					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.0544					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.2387	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439		14.2610	14.2610	0.0137		14.6039
Total	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.3292					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	2.0544					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.2387	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439		14.2610	14.2610	0.0137		14.6039
Total	2.6222	0.0913	7.9219	4.2000e-004		0.0439	0.0439		0.0439	0.0439	0.0000	14.2610	14.2610	0.0137	0.0000	14.6039

SJB_HE_Site D_Proposed - Monterey Bay Unified APCD Air District, Annual

SJB_HE_Site D_Proposed
Monterey Bay Unified APCD Air District, Annual

1.0 Project Characteristics**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Apartments Low Rise	96.00	Dwelling Unit	4.00	96,000.00	253

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.8	Precipitation Freq (Days)	53
Climate Zone	4			Operational Year	2023
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MW hr)	290	CH4 Intensity (lb/MW hr)	0.029	N2O Intensity (lb/MW hr)	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics - CO2 Intensity Factor for 2020

Land Use - acreage and population from project description

Energy Use -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	6.00	4.00
tblLandUse	Population	275.00	253.00
tblProjectCharacteristics	CO2IntensityFactor	641.35	290

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1534	1.3811	1.2181	2.2400e-003	0.1017	0.0698	0.1714	0.0464	0.0652	0.1116	0.0000	196.3312	196.3312	0.0430	0.0000	197.4050
2022	0.7503	1.2664	1.4219	2.6400e-003	0.0449	0.0615	0.1063	0.0120	0.0578	0.0698	0.0000	230.4271	230.4271	0.0453	0.0000	231.5594
Maximum	0.7503	1.3811	1.4219	2.6400e-003	0.1017	0.0698	0.1714	0.0464	0.0652	0.1116	0.0000	230.4271	230.4271	0.0453	0.0000	231.5594

Total 428.97

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1534	1.3811	1.2181	2.2400e-003	0.1017	0.0698	0.1714	0.0464	0.0652	0.1116	0.0000	196.3310	196.3310	0.0430	0.0000	197.4048
2022	0.7503	1.2663	1.4219	2.6400e-003	0.0449	0.0615	0.1063	0.0120	0.0578	0.0698	0.0000	230.4269	230.4269	0.0453	0.0000	231.5592
Maximum	0.7503	1.3811	1.4219	2.6400e-003	0.1017	0.0698	0.1714	0.0464	0.0652	0.1116	0.0000	230.4269	230.4269	0.0453	0.0000	231.5592

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	7-12-2021	10-11-2021	0.9026	0.9026
2	10-12-2021	1-11-2022	0.6843	0.6843
3	1-12-2022	4-11-2022	0.6089	0.6089
4	4-12-2022	7-11-2022	0.6134	0.6134

5	7-12-2022	9-30-2022	0.6989	0.6989
		Highest	0.9026	0.9026

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.4648	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561
Energy	5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	107.1647	107.1647	6.4900e-003	2.0900e-003	107.9510
Mobile	0.2291	1.1495	2.7174	8.7600e-003	0.6857	7.4000e-003	0.6931	0.1841	6.9200e-003	0.1911	0.0000	805.6653	805.6653	0.0378	0.0000	806.6097
Waste						0.0000	0.0000		0.0000	0.0000	8.9641	0.0000	8.9641	0.5298	0.0000	22.2081
Water						0.0000	0.0000		0.0000	0.0000	1.9844	6.2674	8.2518	0.2044	4.9400e-003	14.8355
Total	0.6992	1.2060	3.7268	9.1000e-003	0.6857	0.0165	0.7022	0.1841	0.0161	0.2002	10.9484	920.7146	931.6630	0.7800	7.0300e-003	953.2604

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.4648	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561
Energy	5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	107.1647	107.1647	6.4900e-003	2.0900e-003	107.9510
Mobile	0.2291	1.1495	2.7174	8.7600e-003	0.6857	7.4000e-003	0.6931	0.1841	6.9200e-003	0.1911	0.0000	805.6653	805.6653	0.0378	0.0000	806.6097
Waste						0.0000	0.0000		0.0000	0.0000	8.9641	0.0000	8.9641	0.5298	0.0000	22.2081
Water						0.0000	0.0000		0.0000	0.0000	1.9844	6.2674	8.2518	0.2044	4.9400e-003	14.8355
Total	0.6992	1.2060	3.7268	9.1000e-003	0.6857	0.0165	0.7022	0.1841	0.0161	0.2002	10.9484	920.7146	931.6630	0.7800	7.0300e-003	953.2604

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.2291	1.1495	2.7174	8.7600e-003	0.6857	7.4000e-003	0.6931	0.1841	6.9200e-003	0.1911	0.0000	805.6653	805.6653	0.0378	0.0000	806.6097
Unmitigated	0.2291	1.1495	2.7174	8.7600e-003	0.6857	7.4000e-003	0.6931	0.1841	6.9200e-003	0.1911	0.0000	805.6653	805.6653	0.0378	0.0000	806.6097

4.2 Trip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated	Mitigated
	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Apartments Low Rise	632.64	687.36	582.72	1,824,541	1,824,541
Total	632.64	687.36	582.72	1,824,541	1,824,541

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Apartments Low Rise	10.80	7.30	7.50	44.00	18.80	37.20	86	11	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Apartments Low Rise	0.548027	0.027585	0.202302	0.122366	0.020382	0.005069	0.019066	0.040819	0.003078	0.002466	0.006906	0.001095	0.000838

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	54.9167	54.9167	5.4900e-003	1.1400e-003	55.3926
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	54.9167	54.9167	5.4900e-003	1.1400e-003	55.3926
NaturalGas Mitigated	5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	52.2480	52.2480	1.0000e-003	9.6000e-004	52.5584
NaturalGas Unmitigated	5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	52.2480	52.2480	1.0000e-003	9.6000e-004	52.5584

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Low Rise	979090	5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	52.2480	52.2480	1.0000e-003	9.6000e-004	52.5584
Total		5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	52.2480	52.2480	1.0000e-003	9.6000e-004	52.5584

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Apartments Low Rise	979090	5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	52.2480	52.2480	1.0000e-003	9.6000e-004	52.5584
Total		5.2800e-003	0.0451	0.0192	2.9000e-004		3.6500e-003	3.6500e-003		3.6500e-003	3.6500e-003	0.0000	52.2480	52.2480	1.0000e-003	9.6000e-004	52.5584

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			

Apartments Low Rise	417485	54.9167	5.4900e-003	1.1400e-003	55.3926
Total		54.9167	5.4900e-003	1.1400e-003	55.3926

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Apartments Low Rise	417485	54.9167	5.4900e-003	1.1400e-003	55.3926
Total		54.9167	5.4900e-003	1.1400e-003	55.3926

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.4648	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561
Unmitigated	0.4648	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0601					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.3749					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0298	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561

Total	0.4648	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561
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Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0601					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.3749					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0298	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561
Total	0.4648	0.0114	0.9902	5.0000e-005		5.4800e-003	5.4800e-003		5.4800e-003	5.4800e-003	0.0000	1.6172	1.6172	1.5600e-003	0.0000	1.6561

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	8.2518	0.2044	4.9400e-003	14.8355
Unmitigated	8.2518	0.2044	4.9400e-003	14.8355

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	6.25479 / 3.94323	8.2518	0.2044	4.9400e-003	14.8355
Total		8.2518	0.2044	4.9400e-003	14.8355

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Apartments Low Rise	6.25479 / 3.94323	8.2518	0.2044	4.9400e-003	14.8355
Total		8.2518	0.2044	4.9400e-003	14.8355

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	8.9641	0.5298	0.0000	22.2081
Unmitigated	8.9641	0.5298	0.0000	22.2081

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	44.16	8.9641	0.5298	0.0000	22.2081
Total		8.9641	0.5298	0.0000	22.2081

Mitigated

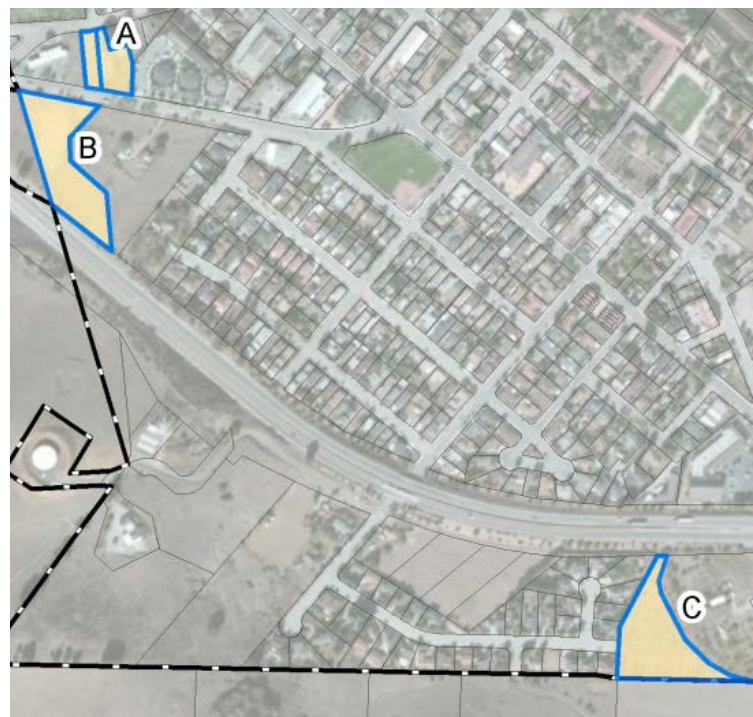
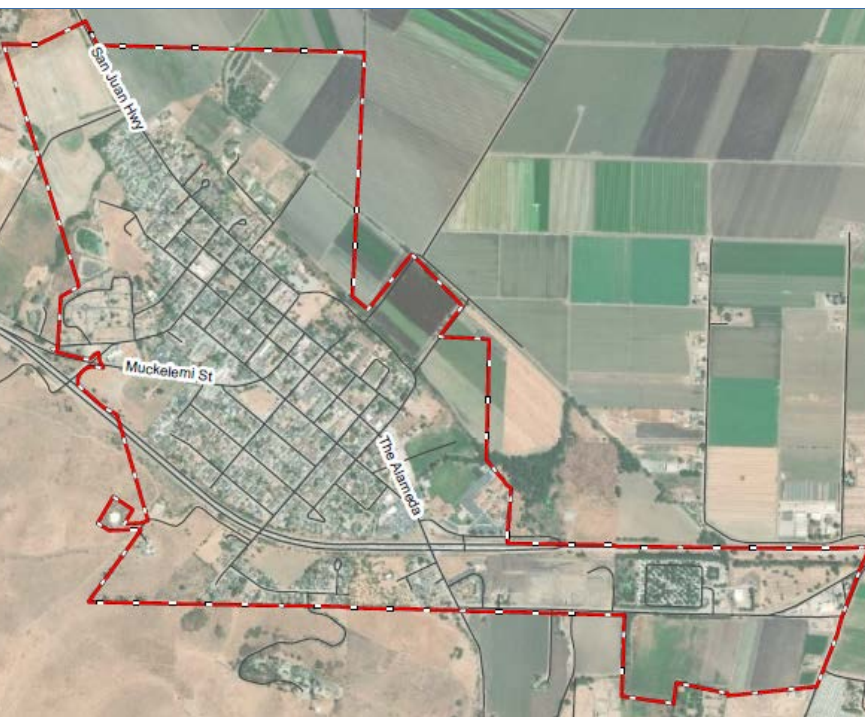
	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Apartments Low Rise	44.16	8.9641	0.5298	0.0000	22.2081

Total		8.9641	0.5298	0.0000	22.2081
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Proposed Mitigated Negative Declaration

San Juan Bautista 2015-2019 Housing Element

July 30, 2019



Prepared by
EMC Planning Group



City of San Juan Bautista

The “City of History”

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**City Council
Mayor**
César E. Flores

Vice V. Mayor
Mary Edge

Councilmember
John Freeman

Councilmember
Dan DeVries

Councilmember
Leslie Jordan

City Manager
Don Reynolds

City Clerk
Laura Cent

City Treasurer
Chuck Geiger

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

In compliance with the California Environmental Quality Act (CEQA), City of San Juan Bautista has undertaken environmental review for the proposed Housing Element Update and adoption of various ordinances, and intends to adopt a Mitigated Negative Declaration. The City of San Juan Bautista invites all interested persons and agencies to comment on the proposed San Juan Bautista 2015-2019 Housing Element Mitigated Negative Declaration.

Lead Agency: City of San Juan Bautista

Project Location: San Juan Bautista

Project Description: The proposed project is an update to the previously certified San Juan Bautista 2009-2014 Housing Element, plus adoption of various ordinances to implement past and current Housing Element programs. Each of the following are components of the proposed project:

- Housing Element Update;
- Re-Designation and Rezoning for Adequate Sites;
- Zoning Ordinance Text Amendment – Special Development Standards for Rezoned Site;
- Zoning Ordinance Text Amendment – Transitional and Supportive Housing, Emergency Shelters;
- Municipal Code Amendment – Reasonable Accommodations;
- Municipal Code Amendment – Sewer and Water Service Priority; and
- Zoning Ordinance Text Amendment – Accessory Dwelling Units.

Public Review Period: Begins– August 1, 2019
Ends – August 30, 2019

**Proposed Mitigated
Negative Declaration
is Available for Public
Review at these
Locations:** San Juan Bautista Planning Department
311 2nd Street
San Juan Bautista, CA 95045
<https://www.san-juan-bautista.ca.us/>

**Address Where
Written Comments
May be Sent:** Todd Kennedy, Associate Planner
San Juan Bautista Planning Department
311 2nd Street
San Juan Bautista, CA 95045

Public Hearing: Date: October 15, 2019
Time: 6:00PM
Location: San Juan Bautista City Hall
311 2nd Street
San Juan Bautista, CA 95045

PROPOSED MITIGATED NEGATIVE DECLARATION

SAN JUAN BAUTISTA 2015-2019 HOUSING ELEMENT

PREPARED FOR

City of San Juan Bautista

Todd Kennedy, Associate Planner

311 2nd Street

San Juan Bautista, CA 95045

Tel 831.623.4661

PREPARED BY

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July 30, 2019

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PROPOSED MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	San Juan Bautista 2015-2019 Housing Element
Lead Agency	City of San Juan Bautista
Project Proponent	City of San Juan Bautista
Project Location	San Juan Bautista
Project Description	<p>The proposed project is an update to the previously certified San Juan Bautista 2009-2014 Housing Element, plus adoption of various ordinances to implement past and current Housing Element programs. Each of the following are components of the proposed project:</p> <ul style="list-style-type: none">▪ Housing Element Update;▪ Re-Designation and Rezoning for Adequate Sites;▪ Zoning Ordinance Text Amendment – Special Development Standards for Rezoned Site;▪ Zoning Ordinance Text Amendment – Transitional and Supportive Housing, Emergency Shelters;▪ Municipal Code Amendment – Reasonable Accommodations;▪ Municipal Code Amendment – Sewer and Water Service Priority; and▪ Zoning Ordinance Text Amendment – Accessory Dwelling Units.
Public Review Period	<p>Begins– August 1, 2019 Ends – August 30, 2019</p>
Written Comments To	<p>Todd Kennedy, Associate Planner San Juan Bautista Planning Department 311 2nd Street San Juan Bautista, CA 95045</p>

Proposed Findings

The City of San Juan Bautista is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based.

The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency (City of San Juan Bautista) that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

The following is a list of applicable mitigation measures to reduce impacts to a less than significant level. Many of the following mitigation measures are extracted from the *Draft (sic) City of San Juan Bautista 2035 General Plan Final Environmental Impact Report*, and in some cases these mitigation measures from the *Draft (sic) City of San Juan Bautista 2035 General Plan Final Environmental Impact Report* have been edited to bring them up to date. In addition to these edited mitigation measures, there are new mitigation measures proposed as a result of this initial study.

Air Quality

AIR-2g To reduce dust emissions from demolition, grading, and construction activities on sites greater than 2.2 acres, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:

Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;

- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
- d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
- e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
- f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
- g. Stop grading, and earth moving if winds exceed 15 miles per hour;
- h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
- i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
- j. Limit the area under construction at any one time.

AIR-4a ~~Avoid or prohibit the siting of new sensitive land uses~~ Prior to approval of development projects that include sensitive land uses including high density residential projects, applicants will be required to prepare a health risk assessment for projects located within 500 feet of a freeway, within 300 feet of a dry cleaning operation, and 300 feet of a large gas station. The health risk assessment should identify mitigation measures that would reduce health impacts to sensitive receptors to a less-than-significant level. Measures may include, but are not limited to, installation of air filtration devices in the buildings; installation of a vegetative barrier between the buildings and freeway; and cleaning, maintenance, and monitoring of buildings for air flow leaks.

Biological Resources

BIO-1e: Avoid effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species. a) Prior to commencing any ground-disturbing activities, the work area will be assessed by ~~CDFW~~ or a qualified biologist for potential California tiger salamander (CTS), California red-legged frog (CRLF), and western pond turtle (WPT) habitat. All potential CTS breeding ponds and upland habitat with 1.34 miles of a potential breeding pond will be considered suitable habitat. All potential CRLF breeding ponds and upland habitat with 1.0 miles of a potential breeding pond will be considered suitable habitat. All potential WPT breeding ponds and upland habitat with 0.2 miles of a potential breeding pond will be considered suitable habitat. Ground-disturbing activities will avoid areas that contain suitable breeding and upland habitat for CTS, CRLF, and WPT whenever possible.

BIO-1f: Minimize effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species.

- a. ~~Prior to conducting ground-disturbing activities in suitable~~ To determine if CTS, CRLF, and WPT are present in potential habitat, the applicant will conduct a minimum of 2 years of surveys to determine the presence/absence of special-status amphibian and reptile species in accordance with the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003) and the Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005). There are no formal protocols for surveys for WPT, however protocol surveys for CTS and CRLF have a high likelihood of also detecting WPT. In consultation with the USFWS, and CDFW, the applicant may modify survey protocols to reflect site conditions and known utilization of habitat by CTS, CRLF, and WPT. In the absence of protocol surveys, ~~CDFW~~ the applicant will assume presence of CTS, CRLF, and WPT in all potential breeding and upland refugia habitats.
- b. To the extent feasible, all ground-disturbing activities will be designed to avoid impacts to suitable CTS, CRLF, and WPT upland habitat. Such avoidance measures may include adjusting access routes or choosing alternate locations.
- c. In the absence of conducting 2 years of protocol surveys or in the event protocol surveys detect CTS, CRLF, and WPT CDFW the applicant will consult with the CDFW and USFWS and obtain the necessary Incidental

Take Authorization permits. Permit requirements may include (but not be limited to), after consultation will implement the following minimization measures during construction in suitable CTS habitat:

- Prior to commencing ground disturbing activities, construction workers will be educated regarding CTS, CRLF, and WPT and the measures intended to protect ~~this~~ these species. ~~When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for CTS.~~
- Burrows considered suitable for CTS will be determined by a qualified biologist, approved by CDFW and USFWS. All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist.
- If CTS, CRLF, or WPT are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.
- All ground-disturbing work will occur during daylight hours in coordination with CDFW and USFWS, and depending on the level of rainfall and site conditions. ~~CDFW~~ The applicant's qualified biologist will monitor the National Weather Service (NWS) 72-hour forecast for the work area. If a 70% or greater chance of rainfall is predicted within 72 hours of project activity, all activities in areas within 1.3 miles of potential or known CTS, CRLF, or WPT breeding sites will cease until no further rain is forecast. If work must continue when rain is forecast, a qualified biologist will survey the Project site before construction begins each day rain is forecast. If rain exceeds 0.25 inch during a 24-hour period, work will cease until no further rain is forecast. This restriction is not applicable for areas located greater than 1.3 miles from potential or known ~~CTS~~ breeding sites once they have been encircled with ~~CTS~~ exclusion fencing. However, even after exclusion fencing is installed, this condition would still apply to construction related traffic moving through areas within 1.3 miles of potential or known ~~CTS~~ breeding sites but outside of the ~~salamander~~ exclusion fencing (e.g. on roads).
- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of

burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the CDFW and USFWS. If exclusionary fencing is not used, a qualified biological monitor will be on-site during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.

- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no CTS, CRLF, or WPT are in the work area. Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter will be inspected for CTS, CRLF, and WPT. If any are found they will be allowed to move out of the construction area under their own accord.
- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.
- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.
- A speed limit of 15 mph will be maintained on dirt roads.
- All equipment will be maintained such that there are no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
- Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because ~~CTS animals~~ may become entangled or trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
- Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 100 feet from ponds, wetlands, or ~~and~~ the San Joaquin River channel. If it is not

feasible to store hazardous materials 100 feet from ponds, wetlands ~~and or~~ the river channel, then spill containment measures will be implemented to prevent the possibility of accidental discharges to wetlands and waters.

BIO-3a: ~~Wetland~~ A wetland delineation shall be prepared by the applicant to document the extent of jurisdictional features on or adjacent to potential rezone site C. if any construction activity could result in impacts to wetlands/waters that may be potentially considered jurisdictional. If the wetlands/waters are deemed jurisdictional and construction activities are proposed that could impact these features, permits from the USACE, CDFW and/or RWQCB shall be obtained prior to construction, as needed. Setbacks from the wetlands/water features may be required to protect habitat and water quality.

BIO-2a: A 100-foot setback area shall be established along all rivers, streams, and creeks within the planning area. The setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. A 100-foot setback area shall be established along wetlands not associated with creeks (i.e., seasonal wetland swales or ponds within the planning area. The riparian setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. The wetland setback shall be measured from the outside edge of the wetland.

For man-made, channelized, urban, or heavily disturbed linear aquatic features, many of which lack riparian or wetland vegetation, a reduced setback distance may be appropriate. Modifications to the 100-foot buffer requirement may be considered when recommended by a qualified biologist and approved by the City of San Juan Bautista.

Development activities would be prohibited in the setback area; the City shall consider exceptions for open space recreational uses (i.e., trails, playfields, and picnic areas). No building or structures shall be developed in the setback area. The existing riparian woodland or wetland shall be protected from construction disturbance. Fencing shall be temporarily placed at the outside edge of the setback area. This fencing shall remain in-place until construction is complete. If recreational trails are placed within the buffer area, implement a revegetation program wherein a vegetative buffer is established between the trail and the outside edge of the riparian woodland.

Project developers shall be required to retain creeks and wetlands in their natural channels rather than placing them in culverts or underground pipes, where feasible. Where stream banks must be deepened, widened or straightened, they

should be landscaped and revegetated afterward. Where wetlands are impacted, they should be re-created afterwards. If impacts are incurred to creeks and/or riparian woodlands as part of development within the planning area, the project applicant shall develop and implement a riparian/wetland habitat mitigation and management plan. The plan shall specify the replacement ratio for impacts to riparian resources and to wetland resources, pursuant to current state and federal policies. The project applicant shall receive authorization to fill wetlands and "other" waters from the US Army Corps of Engineers, pursuant to the requirements of the Clean Water Act. The project applicant shall also obtain a water quality certification (or waiver) from the Regional Water Quality Control Board, consistent with requirements of this State agency. The project applicant shall also obtain a 1601/1603 Streambed Alteration Agreement from the California Department of Fish and Game, pursuant to Fish and Game Code. These permits shall be received prior to any site grading that may occur in or immediately adjacent to creeks or wetlands.

The project applicant shall also receive authorization from the National Marine Fisheries Service for "take" of steelhead and from the U. S. Fish and Wildlife Service for "take" of California red-legged frog, if work cannot avoid impacts to creek resources and/or these species. Pursuant to provisions of the Section 404 permit, 1601/1603 Streambed Alteration Agreement and State water quality certification (or waiver), the project applicant shall implement a riparian/wetland mitigation plan, and any other measures so identified by regulatory agencies. This plan shall identify measures for the applicant to compensate for unavoidable impacts to riparian or wetland resources. A minimum 1:1 replacement ratio is typically recommended for impacted wetland resources to satisfy requirements of the U.S. Army Corps of Engineers and the Regional Water Quality Control Board (RWQCB). A minimum 3:1 replacement ratio is typically recommended for impacted riparian resources to satisfy requirements of the CDFG. The applicant shall also identify and implement a 5-year maintenance and monitoring program.

INITIAL STUDY

SAN JUAN BAUTISTA 2015-2019 HOUSING ELEMENT

PREPARED FOR

City of San Juan Bautista

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A. BACKGROUND

Project Title	San Juan Bautista 2015-2019 Housing Element
Lead Agency Contact Person and Phone Number	Todd Kennedy, Associate Planner 831-623-4661, ext. 20
Date Prepared	July 30, 2019
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Teri Wissler Adam, Senior Principal Martin Carver, AICP, Principal Shoshana Wangerin, Assistant Planner Janet Walther, MS, Principal Biologist Tanya Kalaskar, MS, Assistant Planner Taylor Hawkins, Assistant Planner
Project Location	City of San Juan Bautista
Project Sponsor Name and Address	San Juan Bautista Planning Department 311 2 nd Street San Juan Bautista, CA 95045
General Plan Designation	Citywide (various designations)
Zoning	Citywide (various districts)

Setting

The City of San Juan Bautista is located in the northwest portion of San Benito County, near the Monterey County and Santa Clara County borders. The city is one of two incorporated cities in San Benito County and is situated 2.5 miles east of U.S. Highway 101 with State Route 156 passing through the southern half of the City boundary. The San Andreas Fault zone, Santa Cruz Mountains section, also bisects San Juan Bautista from northwest to southeast. [Figure 1, Location Map](#), shows the city's regional and vicinity location. [Figure 2, Aerial Photograph](#), presents the approximately 455-acre city boundary on an aerial photograph.

Description of Project

The proposed project is an update to the previously certified *San Juan Bautista 2009-2014 Housing Element*, plus adoption of various ordinances to implement past and current Housing Element programs (“proposed project”). Each component of the proposed project is described below in more detail.

Housing Element Update

The housing element is a required element in a general plan. In accordance with state law, the City of San Juan Bautista has prepared a draft update to its *San Juan Bautista 2009-2014 Housing Element* for the 2015-2019 planning period. The update includes updated information on housing stock characteristics, updated information on governmental and non-governmental constraints, updated information on special housing needs, updated information on housing resources, and new and revised housing programs.

Specific recommendations for the updates to the City’s goals, policies, and programs are provided within the draft *San Juan Bautista 2015-2019 Housing Element*. The core goals and policies have not changed from the previously certified *San Juan Bautista 2009-2014 Housing Element*.

Re-Designation and Rezoning for Adequate Sites (High Density) (Housing Program 3.1)

In addition to revisions and update of the City’s Housing Element, the proposed project also includes the adoption of a resolution to amend the San Juan Bautista Land Use Diagram located within the City’s *2035 General Plan* (“general plan”) and an ordinance to amend the San Juan Bautista Zoning Map. These actions are necessary to provide one additional site to accommodate high density housing for affordable housing development. The three potential sites are listed and described below and their locations are presented in [Figure 3, Potential R-3 Rezone Sites](#). The City Council will choose one site when adopting this ordinance.

- A. Potential Rezone Site A, 0.88 acres (APN: 002-320-007 and 002-320-080);
- B. Potential Rezone Site B, 2.30 acres (APN: 002-350-030); and
- C. Potential Rezone Site C, 2.30 acres (portion of APN: 002-510-001).

Each of the three potential re-designation/rezone sites are adjacent to existing residential neighborhoods, and, therefore, would have access to utilities such as electricity and gas.

Potential R-3 Rezone Site A

Potential R-3 Rezone Site A (“Site A”) is 0.88 acres and consists of two parcels, APNs 002-320-007 and 002-320-008. Site A is currently designated Commercial on the General Plan Land Use Diagram and zoned “C” Commercial on the Zoning Map. The site is located

between Monterey Street and Muckelemei Street and includes one structure and one trailer that are both dilapidated. Surrounding uses consist of commercial, residences and vacant land.

Potential R-3 Rezone Site B

Potential R-3 Rezone Site B ("Site B") is 2.30 acres and consists of APN 002-350-030. Site B is currently designated Commercial on the General Plan Land Use Diagram and zoned "C" Commercial on the Zoning Map. The site is vacant and is located near the corner of Monterey Street, Muckelemei Street, and State Route 156. Surrounding uses include vacant land and commercial.

Potential R-3 Rezone Site C

Potential R-3 Rezone Site C ("Site C") is approximately 2.30 acres and consists of a portion of APN 002-520-001. Site C is currently an orchard. It is designated Low Density Residential on the General Plan Land Use Diagram and is zoned "R-1" Low Density Residential on the Zoning Map. Site C is located on the southern border of the city limit line with the surrounding uses including residential, orchard, and vacant land in unincorporated San Benito County. A creek runs along the eastern border of Site C.

Table 1, [Potential Rezone Sites and Existing Development Potential](#), presents the existing and proposed development potential for each site. Table 2, [Potential Rezone Sites and Population Projections](#), presents the population projections for each site.

Table 1 Potential Rezone Sites and Development Potential¹

Potential Rezone Site	Size (Acres)	Existing General Plan Designation	Existing Zoning	Existing Zoning Development Potential ²	Proposed R-3 Zoning Development Potential ³	Change in Development Potential ⁴
Site A	0.88	Commercial	Commercial (C)	28,750 sf	21 units	<28,750 sf Commercial> +21 HDR units
Site B	2.30	Commercial	Commercial (C)	75,141 sf	55 units	<75,141 sf Commercial> +55 HDR units
Site C	2.30	Low Density Residential (LDR)	Low Density (R-1)	16 units LDR	55 units	<16 LDR units> +55 HDR units

SOURCE: EMC Planning Group 2019

NOTE:

(1) Values may vary due to rounding.

(2) The City's Municipal Code states that the maximum density allowed for the Low Density (R-1) Zoning District is up to 7 units per acre. For the Commercial (C) Zoning District, the floor area ratio is 0.75.

(3) Assuming a maximum of 24 units per acre as required by special standards and conditions that will apply to the chosen rezoned site. See 2015-2019 Housing Element update Table 4-5.

(4) LDR = Low Density Residential; HDR = High Density Residential; sf = square feet

Table 2 Potential Rezone Sites and Population Projections

Potential Rezone Site	Size (Acres)	Existing General Plan Designation	Existing Zoning ¹	Existing Zoning Population Projection ²	Proposed R-3 Zoning Population Projection ^{2,3}	Population Projection Difference ⁴
Site A	0.88	Commercial	Commercial (C)	0	56	56
Site B	2.30	Commercial	Commercial (C)	0	146	146
Site C	2.30	Low Density Residential	Low Density (R-1)	43	146	103

SOURCE: EMC Planning Group 2019, California Department of Finance 2018

NOTE:

(1) The City's Municipal Code states that the maximum density allowed for the Low Density (R-1) Zoning District is up to 7 units per acre. For the Commercial (C) Zoning District, density range is not applicable.

(2) According to the California Department of Finance, Table 2: E-5 City/County Population and Housing Estimates, 1/2018, the City of San Juan Bautista is comprised of 2.64 persons per household.

(3) Assuming a maximum of 24 units per acre as required by special standards and conditions that will apply to the chosen rezoned site. See 2015-2019 Housing Element update Table 4-5.

(4) Values may vary due to rounding.

Zoning Ordinance Text Amendment – Special Development Standards for Rezoned Site (Housing Program 3.1)

The proposed project includes the implementation of special development standards for a new affordable housing site. Whichever site is chosen by the City for re-designation and rezoning to provide adequate affordable housing opportunities, recent changes in State housing law require special development conditions apply to the site. These changes include:

- Special standards and conditions apply only to the chosen site and only through the year 2024;
- The allowable density for the chosen site is a minimum of 20 units per acre and a maximum of 24 units per acre;
- 20 percent of the development on the chosen site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households; and
- All development on the chosen site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval), although development on the chosen site is subject to applicable general plan policies, applicable general plan EIR mitigation measures, and the mitigation measures presented in this initial study and included in the mitigated negative declaration.

Zoning Ordinance Text Amendment – Transitional and Supportive Housing, Emergency Shelters (Housing Program 3.6)

The proposed project includes an amendment to the San Juan Bautista Zoning Ordinance to permit supportive and transitional housing and emergency shelters in all districts where residential uses are allowed, without discretionary action.

Municipal Code Amendment – Reasonable Accommodations (Housing Program 5.2)

The proposed project includes an amendment to the San Juan Bautista Municipal Code to create a procedure wherein persons with physical and developmental disabilities seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures.

Municipal Code Amendment – Sewer and Water Service Priority (Housing Program 5.3)

The proposed project includes an amendment to the San Juan Bautista Municipal Code to grant a priority for sewer and water service hook-ups to developments that help meet the City's share of the regional need for lower-income housing.

Zoning Ordinance Text Amendment – Accessory Dwelling Units (Housing Program 4.4)

The proposed project includes an amendment to the San Juan Bautista Zoning Ordinance to update the City's existing Second Unit Ordinance to better facilitate the development of accessory dwelling units, including additional approaches to encourage accessory unit development (e.g., establishing pre-approved design prototypes) to encourage and stimulate the development of accessory units. This also includes an action to rename the code section to refer to "accessory dwelling units" (instead of "second dwelling units").

Methodology

This initial study tiers from the *City of San Juan Bautista 2035 General Plan Final Environmental Impact Report* ("general plan EIR"). Of all the proposed changes, only one new housing program has the potential to result in a substantial change to the environment – a revised adequate sites program. The revised adequate sites program identifies three new potential housing sites. The City Council will be asked to choose one of these sites for high-density housing. It also sets forth special development standards for the site that is ultimately rezoned, consistent with changes in California housing law (see Program 3.1). Where new information is available, as is the case with biological resources, the new information is discussed and a revised analysis is provided. In some cases, modifications to general plan EIR mitigation measures are proposed. Otherwise, urbanization of land within the planning area, including these three sites, was adequately evaluated in the general plan EIR.

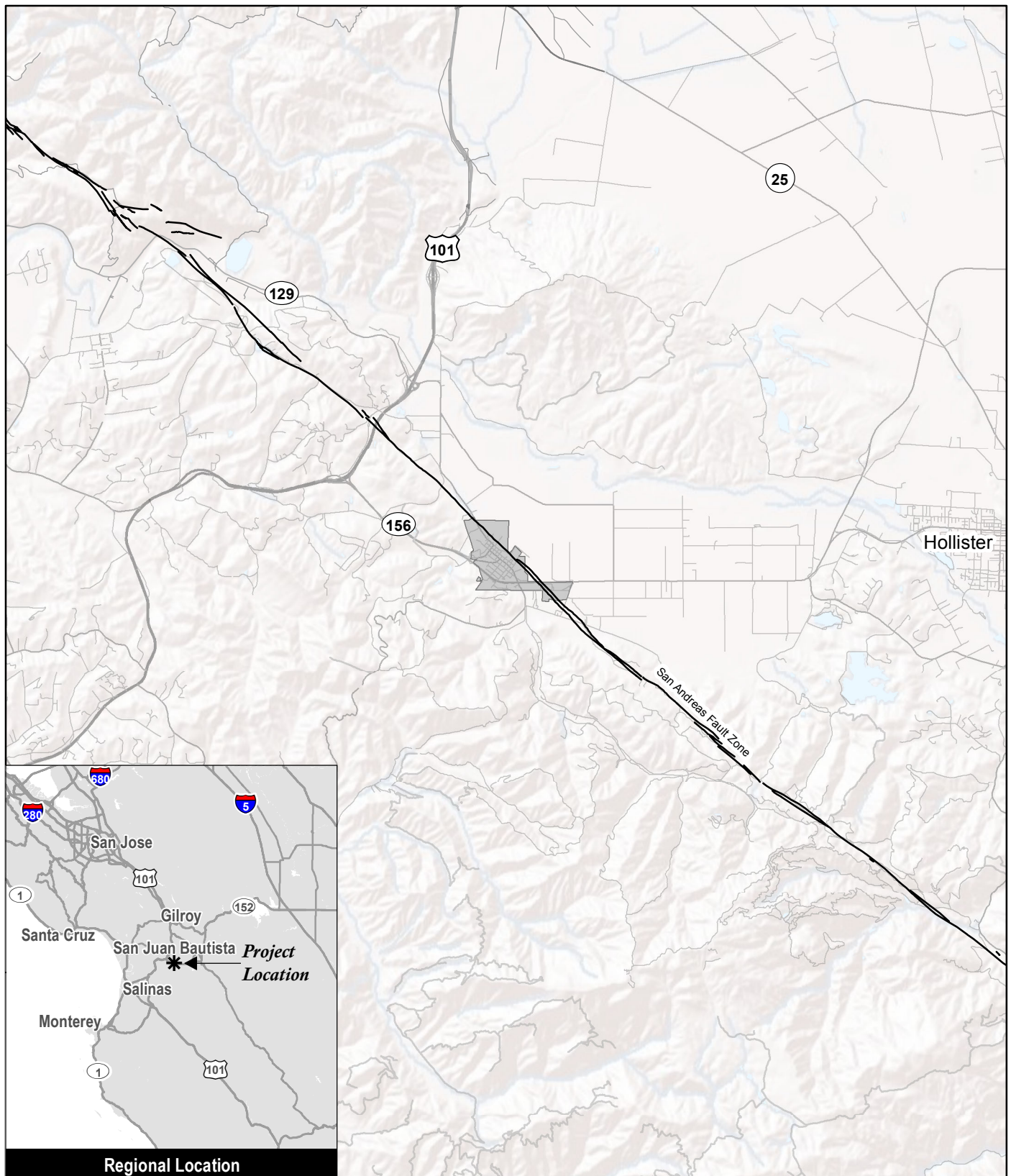
Other Public Agencies Whose Approval is Required

Pursuant to state law, the California Department of Housing and Community Development (“HCD”) must certify any housing element update prepared by the City in order for it to become effective. The draft mitigated negative declaration will be circulated for a public review period through the State Clearinghouse for a period of at least 30 days. After the public review period is complete, the City will respond to the comments and prepare a final mitigated negative declaration for City Council review and potential adoption prior to the approval of the *San Juan Bautista 2015-2019 Housing Element*.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Letters were sent to four tribes traditionally or culturally affiliated with the project area on May 20, 2019. No California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.



Source: ESRI 2018, San Benito County GIS 2016

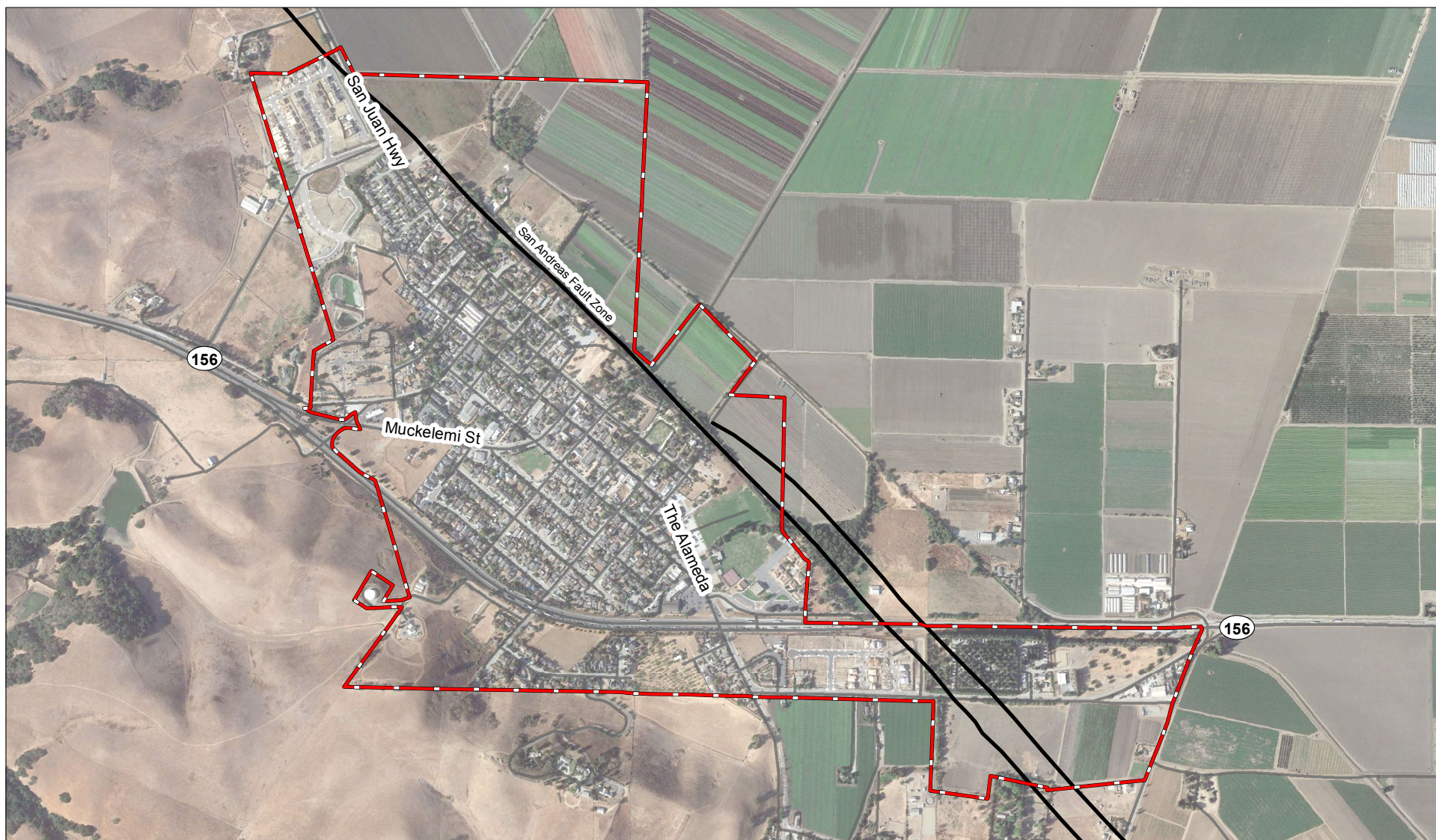
Figure 1

Location Map



San Juan Bautista 2015-2019 Housing Element Initial Study

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0 1250 feet



City Limit

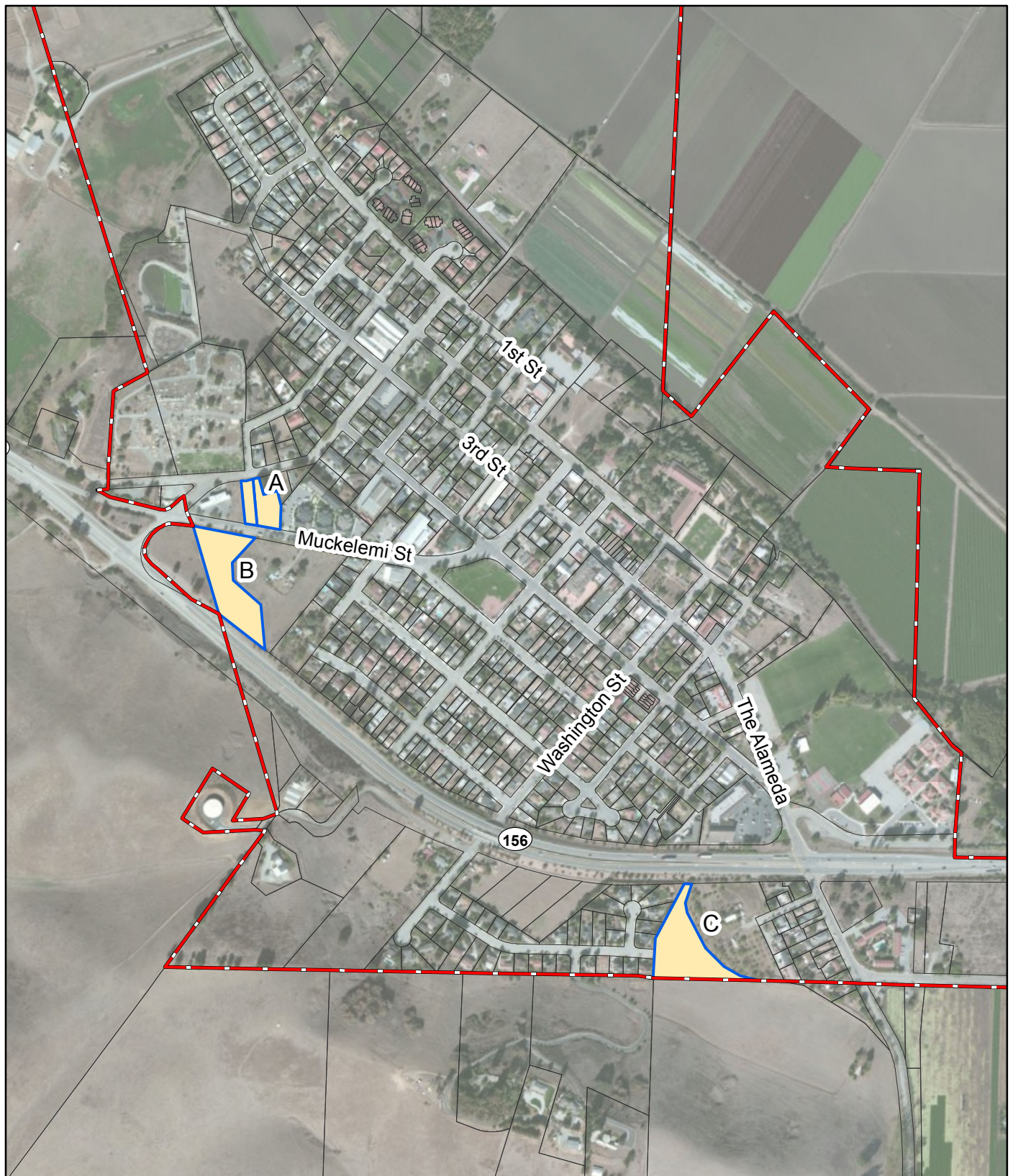
Source: ESRI 2019, San Benito County GIS 2016



Figure 2
Aerial Photograph

San Juan Bautista 2015-2019 Housing Element Initial Study

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Source: ESRI 2019, San Benito County GIS 2018

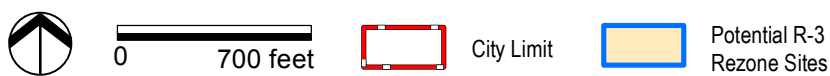


Figure 3

Potential R-3 Rezone Sites

San Juan Bautista 2015-2019 Housing Element Initial Study



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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |

C. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Todd Kennedy, Associate Planner

Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The mitigation measures are described, along with a brief explanation of how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier document or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
 - a. “Earlier Analysis Used” identifies and states where such document is available for review.
 - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. “Mitigation Measures” — For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Each reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. "Supporting Information Sources" — A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This is the format recommended in the CEQA Guidelines as amended 2018.
9. The explanation of each issue identifies:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any to reduce the impact to less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1, 2, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. As presented within the general plan EIR, there are no officially designated scenic vistas or view corridors in the city (p. 71) and there are no designated state scenic highways in or adjacent to the city (p. 73).
- c. The proposed project may result in development of one of the three potential rezone sites with high density housing instead of commercial on Sites A and B or low density residential on Site C. The three potential sites are located in areas that are visible from State Route 156, which is a publicly accessible vantage point. Site B is currently vacant and Site C is currently an orchard. Although Site A is considered developed, it includes a dilapidated structure and trailer.

Site A and B are both currently zoned for commercial uses and are proposed for high density residential uses; the maximum height allowed in the commercial district is 15 feet higher than what is allowed in the high density residential district. Therefore, if Sites A or B are chosen for rezone to high density residential, the allowed height for any future development would be less than what is already anticipated by the general plan.

Site C is currently zoned for low density residential and is proposed for high density residential. The maximum allowed height for low density residential is five (5) feet below what is allowed for high density residential; both zoning districts allow up to two stories. Therefore, if Site C is chosen for rezone to high density residential, future potential development at this site could create a greater change in potential development than what was anticipated by the general plan. However, the general plan EIR indicates that no mitigation measures are needed for aesthetic impacts (p. 78) and the height difference of five (5) feet is inconsequential and would not create a significant adverse impact.

Therefore, the proposed project would not create an adverse impact related to the quality of public views of the site. There would be no increase in visual impacts related to the quality of public views associated with rezoning one of the sites.

- d. Sites B and C are currently undeveloped and anticipated for commercial and low density residential uses, respectively, in the general plan; therefore, the new sources of light and glare from the future development of commercial and low density residential uses have been foreseen by the City. Due to the dilapidated nature of the structure and trailer on Site A, it would be conservative to assume that new and/or additional sources of light or glare would occur with development of the anticipated commercial uses, as designated in the general plan.

However, none of the programs proposed as part of the proposed project would result in substantial levels of nighttime lighting or daytime glare that significantly differs from typical residential development nor would the proposed project result in more intense levels of light and glare than what is already anticipated from the current uses designated for each site in the general plan. Nevertheless, any development that would occur on any one of the rezone sites would result in some light and glare impacts compared to existing conditions.

The City has a lighting standards (Chapter 11-13 of the Municipal Code), which controls and minimizes light pollution. Future residential development projects within the City would be required to be designed and constructed in accordance with Chapter 11-13. The general plan EIR states that no mitigation measures are needed for aesthetic impacts (p. 78), resulting in a less than significant impacts related to light and glare as a result of the proposed project.

2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use? (1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (1, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a-e. Sites A is currently developed with a dilapidated structure and trailer, Site B is currently vacant, and Site C is currently an orchard. According to the California Department of Conservation's Important Farmland, Site A is designated as "Urban and Built-up Land" and Site B and Site C are designated "Grazing Land" (California Department of Conservation 2018).

The proposed project does not identify additional lands for potential conversion to urban uses and therefore results in no new or more severe impacts than those already analyzed in the general plan EIR. According to the general plan EIR's Map 4.2-6, there are no Williamson Act lands within the City and, therefore, the proposed project would not conflict with a Williamson Act contract. The City does not include lands zoned as forested land or Timberland Production.

There would be no increase in agricultural impacts associated with rezoning one of the sites.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan? (1, 3, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (1, 3, 17, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (1, 3, 6, 17, 19)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The City of San Juan Bautista is located within the North Central Coast Air Basin (hereinafter “air basin”), which is under the jurisdiction of the Monterey Bay Air Resources District (hereinafter “air district”). The general plan EIR concluded that impacts related to conflicts with the applicable air quality management plan would be less than significant with no mitigation required.

The air district’s most recent adopted plan is *2012-2015 Air Quality Management Plan for the Monterey Bay Region* (hereinafter “air quality management plan”). The air district specifies air quality management plan consistency for population-related projects only. Population-related emissions have been estimated in the air quality management plan using population forecasts adopted by the Association of Monterey Bay Area Governments (AMBAG). Population-related projects that are consistent with these forecasts are consistent with the air quality management plan. AMBAG recently updated its regional population forecast in June 2018, but the air district has not yet updated the air quality management plan. The air district recommends using the 2018 AMBAG regional population forecast to determine a project’s consistency with the air quality management plan (David Frisbey, email message, September 26, 2018).

The air district consistency determination spreadsheet was used to assess the proposed project's population in comparison to the AMBAG's 2018 population forecasts (using housing units as a proxy for population). The results of the evaluation are included as [Appendix A, Air Quality Management Plan Consistency Determination](#). With the proposed project, the city's cumulative housing stock would be 676 units below AMBAG projections for the year 2025. Since the project is within the population projections, the proposed project would not conflict with or obstruct implementation of the air quality management plan.

- b. Under state criteria, the air basin is designated as a nonattainment area for ozone and inhalable particulate matter (PM₁₀). The general plan EIR found that potentially significant impacts related to air quality standards violation would be reduced to less-than-significant levels with the implementation of Mitigation Measures AIR-2a through AIR-2f.

The air district is responsible for monitoring air quality in the air basin. The air district has developed criteria pollutant emissions thresholds, which are used to determine whether or not a proposed project would result in a cumulatively considerable net increase of criteria pollutants during operations and/or construction. Based on the air district's CEQA Air Quality Guidelines (hereinafter "air district CEQA Guidelines"), a project would have a significant cumulative air quality impact if it would:

- Emit 137 pounds per day or more of direct and indirect volatile organic compounds (VOC);
- Emit 137 pounds per day or more of direct and indirect nitrogen oxides (NO_x);
- Directly emit 550 pounds per day or more of carbon monoxide (CO);
- Emit 82 pounds per day or more of suspended particulate matter (PM₁₀) on-site and from vehicle travel on unpaved roads off-site; or
- Directly emit 150 pounds per day or more of sulfur oxides (SO_x).

Operational Impacts. The operational criteria air pollutant emissions that would be generated by future development on potential rezone Sites A, B, and C under the existing zoning and under the proposed zoning have been estimated using California Emissions Estimator Model (CalEEMod) Version 2016.3.2. Refer to [Appendix B, CalEEMod Results](#), for the emissions modeling results. The results indicate that future development on Sites A, B and C under proposed zoning would result in fewer operational criteria air pollutant emissions than future development under the existing zoning. Further, the results for proposed conditions show that future

development on Sites A, B, and C would not result in operational criteria air pollutant emissions that exceed the air district thresholds, resulting in a cumulatively less-than-significant impact on air quality.

Construction Impacts. From the CalEEMod results included as Appendix B, total PM₁₀ emissions during construction on potential rezone Site A would be the same under existing and proposed conditions. The total PM₁₀ emissions during construction on potential rezone Sites B and C under proposed zoning are greater than those under existing zoning.

Air district CEQA Guidelines Table 5-2, Construction Activity with Potentially Significant Impacts, identifies the level of construction activity that could result in significant temporary fugitive dust impacts if not mitigated. Construction activities with grading and excavation that disturb more than 2.2 acres per day and construction activities with minimal earthmoving that disturb more than 8.1 acres per day are assumed to be above the 82 pounds of particulate matter per day threshold of significance. Construction activities on the 0.88-acre Site A are not likely to exceed the air district's thresholds, resulting in a less-than-significant impact. Construction activities on the 2.30-acre Site B and 2.30-acre Site C are likely to exceed the air district's threshold of 2.2 acres per day, resulting in a significant impact on air quality. Implementation of the following mitigation measure would reduce this impact to less than significant.

Mitigation Measure

AIR-2g To reduce dust emissions from demolition, grading, and construction activities on sites greater than 2.2 acres, the following language shall be included in all grading and construction plans for the project prior to issuance of demolition or grading permits:

Dust control measures shall be employed to reduce visible dust leaving the project site. The following measures or equally effective substitute measures shall be used:

- a. Use recycled water to add moisture to the areas of disturbed soils twice a day, every day, to prevent visible dust from being blown by the wind;
- b. Apply chemical soil stabilizers or dust suppressants on disturbed soils that will not be actively graded for a period of four or more consecutive days;

- c. Apply non-toxic binders and/or hydro seed disturbed soils where grading is completed, but on which more than four days will pass prior to paving, foundation construction, or placement of other permanent cover;
 - d. Cover or otherwise stabilize stockpiles that will not be actively used for a period of four or more consecutive days, or water at least twice daily as necessary to prevent visible dust leaving the site, using raw or recycled water when feasible;
 - e. Maintain at least two feet of freeboard and cover all trucks hauling dirt, sand, or loose materials;
 - f. Install wheel washers at all construction site exit points, and sweep streets if visible soil material is carried onto paved surfaces;
 - g. Stop grading, and earth moving if winds exceed 15 miles per hour;
 - h. Pave roads, driveways, and parking areas at the earliest point feasible within the construction schedule;
 - i. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving the complaint. The phone number of the Monterey Bay Air Resources District shall also be visible to ensure compliance with Rule 402 (Nuisance); and
 - j. Limit the area under construction at any one time.
- c. The general plan EIR identified Mitigation Measures AIR-4a and AIR-4b to reduce exposure of sensitive receptors to substantial pollutant concentrations resulting from buildout of the general plan. Mitigation measure AIR-4a prohibits siting new sensitive land uses within 500 feet of a freeway, 300 feet of a dry cleaning operation, and 300 feet of a large gas station; where a large gas station is defined as a facility with throughput of 3.6 million gallons per year or greater (City of San Juan Bautista 2015, p. 121). Site A, a potential rezone site, is adjacent to a gas station, located at 63 Muckelemi Street in the City of San Juan Bautista. The gas station has a throughput of approximately 3 million gallons per year (Amy Clymo, email message, July 15, 2019). Therefore, Site A is not within 300 feet of a large gas station. According to the air district CEQA Guidelines, a sensitive receptor is generally defined as any residence including private homes, condominiums, apartments, and living quarters;

education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. Each of the three potential rezone sites is near sensitive receptors (i.e. residences and the San Juan School) and within 500 feet of State Route 156. [Figure 4, Potential Rezone Sites Proximity to Sources of Toxic Air Contaminants](#). Therefore, future development on any one of the potential rezone sites could result in a significant impact to sensitive receptors. Implementation of the following edits to Mitigation Measure AIR 4a is recommended to reduce this impact to a less-than-significant level.

Mitigation Measure

AIR-4a ~~Avoid or prohibit the siting of new sensitive land uses~~ Prior to approval of development projects that include sensitive land uses including high density residential projects, applicants will be required to prepare a health risk assessment for projects located within 500 feet of a freeway, within 300 feet of a dry cleaning operation, and 300 feet of a large gas station. The health risk assessment should identify mitigation measures that would reduce health impacts to sensitive receptors to a less-than-significant level. Measures may include, but are not limited to, installation of air filtration devices in the buildings; installation of a vegetative barrier between the buildings and freeway; and cleaning, maintenance, and monitoring of buildings for air flow leaks.

- d. As indicated within the general plan EIR, the City does not have any existing regulations or policies and programs governing the siting of new sensitive land use near odor sources (p. 135). The general plan EIR concluded that impacts related to odor sources would be less than significant if the following mitigation was implemented: Mitigation Measures AIR-5a, which states that an assessment of the distance between a new sensitive land use and odor emitters would occur, and Mitigation Measure AIR-5b, which states the avoidance or prohibition of new odor sources within the screening distances of existing sensitive receptors.

Potential future development as a result of the proposed project would not produce any objectionable odors during its operation. Potential future construction activities associated with development of one of the three rezone sites, such as demolition and grading, may temporarily generate objectionable odors. However, since odor-generating construction activities would be localized, sporadic, and short-term in nature, this impact would be less than significant.

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Source: ESRI 2019, San Benticio County GIS 2018

Figure 4

Potential Rezone Sites Proximity to Sources of Toxic Air Contaminants

San Juan Bautista 2015-2019 Housing Element Initial Study



0 575 feet



City Limit



Potential R-3
Rezone Sites



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4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 3, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (1, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (1, 3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

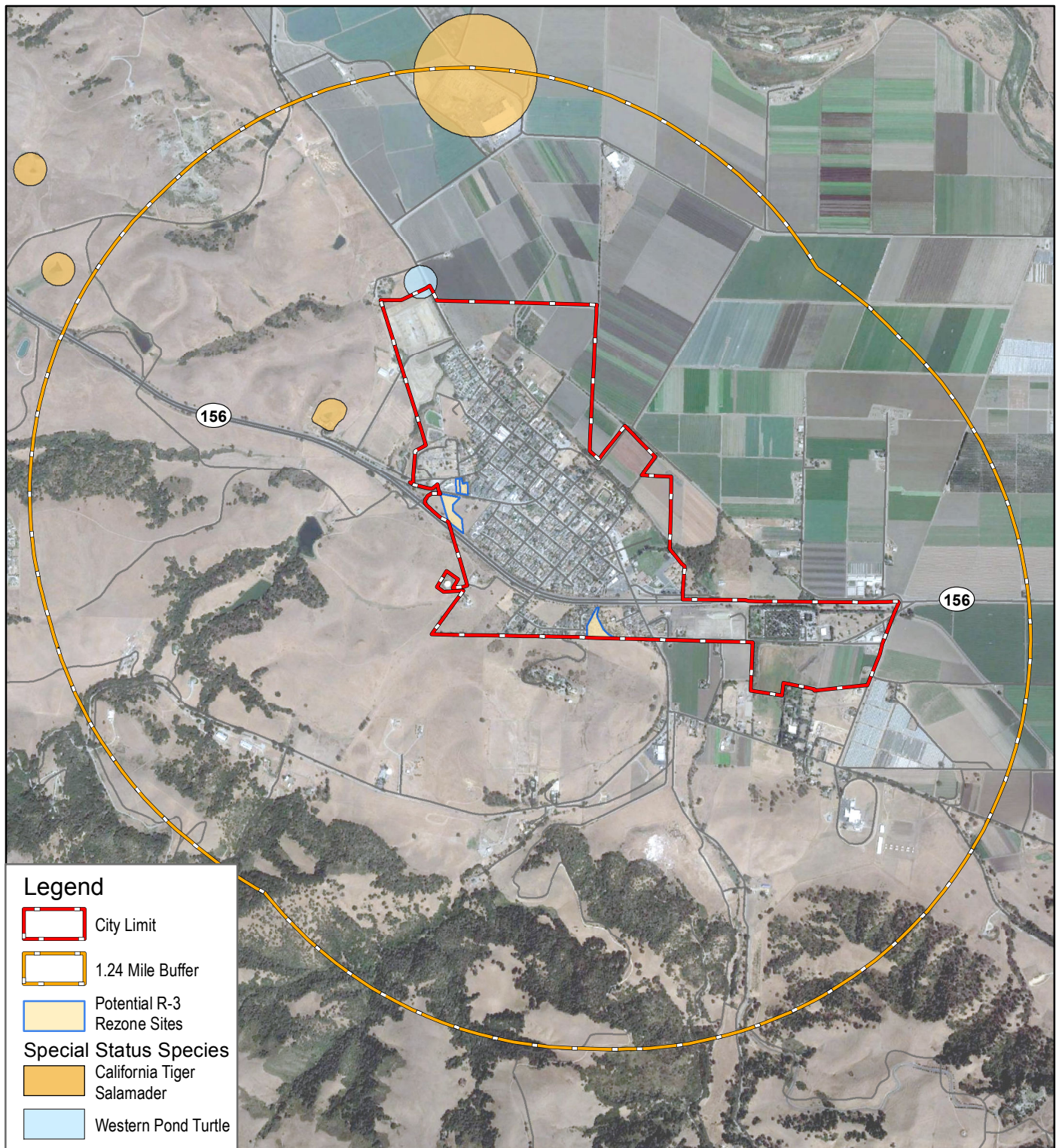
Comments:

- a. Impacts to biological resources would be no different under the proposed zoning than they would be under the existing zoning. The City's general plan EIR Map 4.4-2 and analysis indicates that no rare plant species are likely to occur within the City

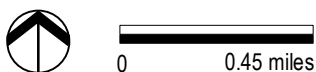
limits (p. 151). The City's general plan EIR Map 4.4-1 indicates that there may be some special-status wildlife species occurring in the area. A recent review of the California Natural Diversity Database ["CNDDDB", California Department of Fish and Wildlife (CDFW) 2019] indicates that special-status species with the potential to occur within or to migrate through Sites A, B, and C, include the federally-listed threatened and state-listed threatened California tiger salamander (*Ambystoma californiense*), federally-listed threatened and state-listed species of special concern California red-legged frog (*Rana draytonii*), and the state-listed species of concern western pond turtle (*Emmys marmorata*). Please refer to [Figure 5, Recorded Observations of Special-Status Species in the Vicinity of the Potential Rezone Sites](#).

The California tiger salamander is a large, stocky terrestrial salamander requires two primary habitat components: aquatic breeding sites and upland terrestrial refuge sites. Aquatic habitats include ephemeral water bodies such as vernal pools, ponds, depressional pools, sag ponds, and other wetlands. Suitable upland habitat for California tiger salamander typically includes grazed annual grassland containing concentrations of small mammal burrows or other underground habitat within 1.24 miles of potential aquatic breeding habitat where there are no obvious barriers to dispersal (USFWS 2003). The CNDDDB includes California tiger salamander observation number 258 from 1991, located approximately 0.39 miles from Site A, 0.35 miles from Site B, and approximately 0.92 miles from Site C. Observation number 78 is also found within the 1.24-mile dispersal distance. Please note that the CNDDDB only includes observations of special-status species and does not represent a complete inventory of species present. As shown on Figure 4.4-6 of the City's general plan EIR (p. 159), there are a number of additional ponds and aquatic features in the vicinity of the potential rezoning sites that could support California tiger salamander and provide a source of individuals that may move through or utilize the potential rezoning sites.

Similar to the California tiger salamander, the California red-legged frog may occur in streams, ephemeral ponds, and pools where water remains long enough for breeding. California red-legged frog are almost always found near water, but may disperse up to one mile from their aquatic breeding habitats to upland habitats during the dry season (USFWS 2005). Although there are no records within one mile of the potential rezoning sites, as shown on Figure 4.4-6 of the City's general plan EIR (p. 159), there are a number of additional ponds and aquatic features in the vicinity of the potential rezoning sites that could support California red-legged frog and provide a source of individuals that may move through or utilize the potential rezoning sites.



Note: This figure presents California Natural Diversity Database (CNDDDB) occurrence records maintained by the California Department of Fish and Wildlife. Species records indicate positive occurrences only; lack of occurrence data does not indicate species are not present. Some records represent historical and/or extirpated occurrences. There may be additional special-status species occurrences within this area which have not been observed or reported.



Source: ESRI 2019, San Benito County GIS 2018, California Department of Fish and Wildlife 2019

Figure 5

Recorded Observations of Special Status Species in the Vicinity of the Potential Rezone Sites

San Juan Bautista 2015-2019 Housing Element Initial Study

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Western pond turtle occurs in permanent or nearly permanent aquatic features with basking sites such as partially submerged logs, rocks, mats of floating vegetation, or open mud banks. The home range of western pond turtles is typically quite restricted; however, ongoing research indicates that in many areas, turtles may leave the watercourse in late fall and move up to approximately 0.2 miles into upland habitats where they burrow into duff and/or soil and overwinter (Pilliod et. al. 2013). Although there are no records within 0.2 miles of the potential rezone sites, as shown on Figure 4.4-6 of the City's general plan EIR (p. 159), there are aquatic features that could support western pond turtle and provide a source of individuals that may move through or utilize potential rezone site C.

The general plan EIR identified the potential presence of special-status species in San Juan Bautista and Mitigation Measure BIO-1a through BIO-1h and BIO-2d are applicable to all three rezone sites. In addition, the following edits to Mitigation Measures BIO-1e and BIO-1f are recommended:

Mitigation Measures

- BIO-1e: Avoid effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species. a) Prior to commencing any ground-disturbing activities, the work area will be assessed by ~~CDFW~~ or a qualified biologist for potential California tiger salamander (CTS), California red-legged frog (CRLF), and western pond turtle (WPT) habitat. All potential CTS breeding ponds and upland habitat with 1.34 miles of a potential breeding pond will be considered suitable habitat. All potential CRLF breeding ponds and upland habitat with 1.0 miles of a potential breeding pond will be considered suitable habitat. All potential WPT breeding ponds and upland habitat with 0.2 miles of a potential breeding pond will be considered suitable habitat. Ground-disturbing activities will avoid areas that contain suitable breeding and upland habitat for CTS, CRLF, and WPT whenever possible.
- BIO-1f: Minimize effects to ~~California Tiger Salamander~~ special-status amphibian and reptile species.
- a. ~~Prior to conducting ground-disturbing activities in suitable~~ To determine if CTS, CRLF, and WPT are present in potential habitat, the applicant will conduct a minimum of 2 years of surveys to determine the presence/absence of special-status amphibian and reptile species in accordance with the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (USFWS 2003) and the

Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005). There are no formal protocols for surveys for WPT, however protocol surveys for CTS and CRLF have a high likelihood of also detecting WPT. In consultation with the USFWS, and CDFW, the applicant may modify survey protocols to reflect site conditions and known utilization of habitat by CTS, CRLF, and WPT. In the absence of protocol surveys, CDFW the applicant will assume presence of CTS, CRLF, and WPT in all potential breeding and upland refugia habitats.

- b. To the extent feasible, all ground-disturbing activities will be designed to avoid impacts to suitable CTS, CRLF, and WPT upland habitat. Such avoidance measures may include adjusting access routes or choosing alternate locations.
- c. In the absence of conducting 2 years of protocol surveys or in the event protocol surveys detect CTS, CRLF, and WPT CDFW the applicant will consult with the CDFW and USFWS and obtain the necessary Incidental Take Authorization permits. Permit requirements may include (but not be limited to), after consultation will implement the following minimization measures during construction in suitable CTS habitat:
 - Prior to commencing ground disturbing activities, construction workers will be educated regarding CTS, CRLF, and WPT and the measures intended to protect ~~this~~ these species. ~~When feasible, there will be a 50-foot no-disturbance buffer around burrows that provide suitable upland habitat for CTS.~~
 - Burrows considered suitable for CTS will be determined by a qualified biologist, approved by CDFW and USFWS. All suitable burrows directly impacted by construction will be hand excavated under the supervision of a qualified wildlife biologist.
 - If CTS, CRLF, or WPT are found, the biologist will relocate the organism to the nearest burrow that is outside of the construction impact area.

- All ground-disturbing work will occur during daylight hours in coordination with CDFW and USFWS, and depending on the level of rainfall and site conditions. ~~CDFW~~ The applicant's qualified biologist will monitor the National Weather Service (NWS) 72-hour forecast for the work area. If a 70% or greater chance of rainfall is predicted within 72 hours of project activity, all activities in areas within 1.3 miles of potential or known CTS, ~~CRLF~~, or WPT breeding sites will cease until no further rain is forecast. If work must continue when rain is forecast, a qualified biologist will survey the Project site before construction begins each day rain is forecast. If rain exceeds 0.25 inch during a 24-hour period, work will cease until no further rain is forecast. This restriction is not applicable for areas located greater than 1.3 miles from potential or known ~~CTS~~ breeding sites once they have been encircled with ~~CTS~~ exclusion fencing. However, even after exclusion fencing is installed, this condition would still apply to construction related traffic moving through areas within 1.3 miles of potential or known ~~CTS~~ breeding sites but outside of the ~~salamander~~ exclusion fencing (e.g. on roads).
- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), exclusionary fencing will be erected around the construction site during ground-disturbing activities after hand excavation of burrows has been completed. A qualified biologist will visit the site weekly to ensure that the fencing is in good working condition. Fencing material and design will be subject to the approval of the CDFW and USFWS. If exclusionary fencing is not used, a qualified biological monitor will be on-site during all ground disturbance activities. Exclusion fencing will also be placed around all spoils and stockpiles.
- For work conducted during the ~~CTS~~ migration season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no

CTS, CRLF, or WPT are in the work area. Prior to beginning work each day, underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter will be inspected for CTS, CRLF, and WPT. If any are found they will be allowed to move out of the construction area under their own accord.

- Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than 1 foot will contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches will be inspected prior to filling.
- All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site once every three days to avoid attracting wildlife.
- A speed limit of 15 mph will be maintained on dirt roads.
- All equipment will be maintained such that there are no leaks of automotive fluids such as fuels, oils, and solvents. Any fuel or oil leaks will be cleaned up immediately and disposed of properly.
- Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because CTS-animals may become entangled or trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.
- Hazardous materials such as fuels, oils, solvents, etc. will be stored in sealable containers in a designated location that is at least 100 feet from ponds, wetlands, or ~~and~~ the San Joaquin River channel. If it is not feasible to store hazardous materials 100 feet from ponds, wetlands and or the river channel, then spill containment measures will be implemented to prevent the possibility of accidental discharges to wetlands and waters.

With implementation of these mitigation measures, impacts to CTS, CRLF, and WPT as a result of potential future development on Sites A, B, or C would be reduced to a less-than-significant level.

- b,c. Sites A and B do not involve wetlands or potentially jurisdictional waters, but Site C includes a creek mapped in the National Wetlands Inventory along the eastern border of the site. Potentially jurisdictional features (drainage ditches) may also be present along the northern and western site boundaries. The general plan EIR identified the potential presence of jurisdictional aquatic features in San Juan Bautista and mitigation measure BIO-3a, which requires an analysis of potentially jurisdictional features, is applicable to rezone site C. The following edits to Mitigation Measure BIO-3a are recommended:

Mitigation Measure

BIO-3a: ~~Wetland A wetland~~ delineation shall be prepared by the applicant to document the extent of jurisdictional features on or adjacent to potential rezone site C. if any construction activity could result in impacts to wetlands/waters that may be potentially considered jurisdictional. If the wetlands/waters are deemed jurisdictional and construction activities are proposed that could impact these features, permits from the USACE, CDFW and/or RWQCB shall be obtained prior to construction, as needed. Setbacks from the wetlands/water features may be required to protect habitat and water quality.

The protection of linear aquatic features such as ditches, canals, creeks, streams, and rivers is typically accomplished through maintaining a buffer along both sides of the feature. The width and possible compatible uses within the buffer are typically dependent on a number of factors, including the:

- Extent and composition of vegetation present;
- Level of disturbance at the feature;
- Potential presence of special-status species; and
- Hydrologic connection and value of the feature.

The general plan EIR includes Mitigation Measure BIO-2a, which requires a 100-foot setback from all rivers, streams, creeks and wetlands, and is applicable to potential rezone site C. However, this measure does not include setback recommendations for jurisdictional man-made, channelized, urban, or heavily disturbed linear aquatic features, many of which lack riparian or wetland vegetation. If considered jurisdictional, a reduced buffer size may be sufficient to protect resources present along the ditches and creek at potential rezone site C. The following edits to Mitigation Measure BIO-2a is recommended:

Mitigation Measure

BIO-2a: A 100-foot setback area shall be established along all rivers, streams, and creeks within the planning area. The setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. A 100-foot setback area shall be established along wetlands not associated with creeks (i.e., seasonal wetland swales or ponds) within the planning area. The riparian setback shall be measured from the top of bank, or outside edge of riparian woodland, whichever is greater. The wetland setback shall be measured from the outside edge of the wetland.

For man-made, channelized, urban, or heavily disturbed linear aquatic features, many of which lack riparian or wetland vegetation, a reduced setback distance may be appropriate. Modifications to the 100-foot buffer requirement may be considered when recommended by a qualified biologist and approved by the City of San Juan Bautista.

Development activities would be prohibited in the setback area; the City shall consider exceptions for open space recreational uses (i.e., trails, playfields, and picnic areas). No building or structures shall be developed in the setback area. The existing riparian woodland or wetland shall be protected from construction disturbance. Fencing shall be temporarily placed at the outside edge of the setback area. This fencing shall remain in-place until construction is complete. If recreational trails are placed within the buffer area, implement a revegetation program wherein a vegetative buffer is established between the trail and the outside edge of the riparian woodland.

Project developers shall be required to retain creeks and wetlands in their natural channels rather than placing them in culverts or underground pipes, where feasible. Where stream banks must be deepened, widened or straightened, they should be landscaped and revegetated afterward. Where wetlands are impacted, they should be re-created afterwards. If impacts are incurred to creeks and/or riparian woodlands as part of development within the planning area, the project applicant shall develop and implement a riparian/wetland habitat mitigation and management plan. The plan shall specify the replacement ratio for impacts to riparian resources and to wetland resources, pursuant to current state and federal policies. The project applicant shall receive authorization to fill wetlands and "other" waters from the US Army Corps of Engineers, pursuant to the

requirements of the Clean Water Act. The project applicant shall also obtain a water quality certification (or waiver) from the Regional Water Quality Control Board, consistent with requirements of this State agency. The project applicant shall also obtain a 1601/1603 Streambed Alteration Agreement from the California Department of Fish and Game, pursuant to Fish and Game Code. These permits shall be received prior to any site grading that may occur in or immediately adjacent to creeks or wetlands.

The project applicant shall also receive authorization from the National Marine Fisheries Service for “take” of steelhead and from the U. S. Fish and Wildlife Service for “take” of California red-legged frog, if work cannot avoid impacts to creek resources and/or these species. Pursuant to provisions of the Section 404 permit, 1601/1603 Streambed Alteration Agreement and State water quality certification (or waiver), the project applicant shall implement a riparian/wetland mitigation plan, and any other measures so identified by regulatory agencies. This plan shall identify measures for the applicant to compensate for unavoidable impacts to riparian or wetland resources. A minimum 1:1 replacement ratio is typically recommended for impacted wetland resources to satisfy requirements of the U.S. Army Corps of Engineers and the Regional Water Quality Control Board (RWQCB). A minimum 3:1 replacement ratio is typically recommended for impacted riparian resources to satisfy requirements of the CDFG. The applicant shall also identify and implement a 5-year maintenance and monitoring program.

- d. As shown in general plan EIR map 4.4-7 (p. 163), San Juan Bautista is outside of major migratory corridors as identified by the California Essential Habitat Connectivity Project. Therefore, potential future development on any one of the rezone sites would not impact said wildlife corridors. Further, the general plan EIR states that given the urbanized environment of the city, its vehicular infrastructure, and human and pet presence, opportunities for wildlife movement in the urbanized portion of the City are minimal (p. 162); it is later stated that there would be no impact related to interfering with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (p. 163).
- e. The general plan EIR concluded that there would be no conflicts with any local policies or ordinances protecting biological resources since there are no existing local policies or ordinances governing biological resources apart from state and federal mandates (p. 165).

- f. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plan that applies to the City (City of San Juan Bautista 2015, p. 168).

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (1, 3, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. The proposed project would not alter the City's evaluation or review process addressing cultural resources. According to the general plan EIR (p. 188), "most of the area within San Juan Bautista and its sphere of influence is archaeologically sensitive." Mitigation Measure CULT-4b states, "The City shall require field surveys for projects in sensitive areas, and use of the SHPO Clearinghouse and the NAHC's list of sacred sites." Additionally, any and all future development as a result of the proposed project would be required to stop construction if historic, cultural, or paleontological resources are discovered, as required by general plan EIR Mitigation Measure CULT-1a, which requires that if a resource is discovered that all work come to a halt until the Coroner and Native American Heritage Commission are consulted. If the resources are found to be significant, the mitigation requires a qualified archaeologist recommend measures to protect the site or the area that contains archaeological, paleontological, or unique geological resources, or to draft a data recovery plan for excavation, analysis, and curation of the identified materials consistent with Public Resources Code §21083.2 and State CEQA Guidelines §15126.4(b) as they may be amended for any identified adverse effects to cultural and historic resources. If significant resources are discovered on site during construction activities, implementation of general plan EIR Mitigation Measure CULT-1a, which is required to be implemented with any development in San Juan Bautista, would ensure there would be not significant cultural resources impacts.

In addition to the above-mentioned mitigation, the City's adopted Historic Resource Preservation Ordinance (Chapter 11.06), which supports the protection of local

historical resources, would also be implemented if Site A is chosen for rezone as it is the only site that contains an existing structure. This structure would be analyzed under Section 11-06-070, which includes systematic inventory and identification of historic resources, and Section 11-06-080, which includes historic resource criteria. According to the *City of San Juan Bautista General Plan Update Background Report 2013-2014*, it is unlikely that the existing structure on Site A would meet the criteria for a historic resource as it is not located within the City's historic district or identified as a nationally registered place as indicated on Maps 13.1 and 13.2, respectively (City of San Juan Bautista 2014, p. 240 and 242, respectively). If the structure on Site A is considered to be historic, the developers would be required to comply with the procedures listed within Section 11-06-120, Site plan and design review permit procedure for historic resources.

- c. There is always the possibility of an accidental discovery of human remains during construction activities. Disturbance of Native American human remains is considered a significant adverse environmental impact.

Implementation of general plan EIR mitigation measure CULT 4b and CULT-1a discussed above would ensure possible impacts to accidentally discovered Native American human remains would not be significant.

There would be no increase in potential cultural resources impacts associated with rezoning one of the sites.

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. The three primary sources of long-term energy consumption from the proposed project will be use of vehicle fuel, natural gas, and electricity. Future development on each of the potential rezone sites under the proposed zoning could result in increased energy consumption as compared to development under the existing zoning.

A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency, energy efficiency, and enhancing energy conservation. For example, in the transportation sector, the representative legislation and standards for improving transportation fuel efficiency include, but are not limited to the Pavley I, the Advanced Clean Car standards, and Senate Bill 375. The gradual increased usage of electric cars powered with cleaner electricity will also reduce fossil fuel usage associated with transportation. In the renewable energy use sector, representative legislation for the use of renewable energy includes, but is not limited to Senate Bill 350 and Executive Order B-16-12. In the building energy use sector, representative legislation and standards for reducing natural gas and electricity consumption include, but are not limited to Assembly Bill 2021, CALGreen, and Title 24 building standards. The San Juan Bautista enforces the California Building Code Standards through the development process. Conformance with applicable energy conservation/efficiency regulations and standards would ensure that the proposed project does not directly or indirectly result in inefficient, wasteful, and unnecessary consumption of energy.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Strong seismic ground shaking? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Landslides? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,c. **Known Earthquake Fault.** The San Andreas Fault runs through the City from northwest to southeast (refer to Figures 1 and 2); however, according to the general plan EIR, the City is “not classified as a hazard zone, because it is located on a creeping fault section of the San Andreas Fault line” (p. 209). The City has an earthquake development constraints map that shows a 100-foot buffer along the fault line and areas within this zone “should not be prime candidates for development or redevelopment” (City of San Juan Bautista 2015, p. 209).

Sites A and B, which are designated for commercial uses by the general plan, and Site C, which is designated for low density residential uses by the general plan are all not located within the above-mentioned fault zone and the rezone of the chosen site to high density residential would not change this. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

Ground shaking. The proposed project includes the rezone of Site A, B, or C from commercial or low density residential to high density residential. The impacts from seismic-related ground shaking would not change from a commercial or low density residential use to high density residential uses. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

Seismic-related Liquefaction. The general plan EIR states that seismic ground failure risks such as liquefaction are minimal in the City due to its lack of flooding and extensive quantity of clay soils (p. 207). Further, the impacts from seismic-related liquefaction would not change from a commercial or low density residential use to high density residential uses. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

Landslides. Landslides are determined in the general plan EIR to be unlikely due to the topography and the location of the City’s urban core (p. 207). Further, the impacts from landslides would not change from a commercial or low density residential use to high density residential uses. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

Unstable Soils. The impacts related to unstable soils would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

- b. The impacts related to soil erosion would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.

- d. The impacts related to expansive soils would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site.
- e. The City currently provides sewer services (City of San Juan Bautista 2015, p. 221) and the existing land use designation of commercial for Sites A and B, and low density residential for Site C would hook in to the City's sewer system and not include the use of septic systems. The rezone and subsequent future development of the chosen site to high density residential uses would not change this, and, therefore, there would be no impact.
- f. There are no unique geologic features located on or adjacent to any one of the rezone sites.

The rezone of the chosen site from either a commercial or low density residential use to a high density residential use would not increase the potential impacts related to paleontological resources.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1, 3, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (1, 3, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. The general plan EIR found that implementation of the general plan would not generate greenhouse gas emissions (GHG) that exceed the plan-level efficiency-based threshold of 6.6 MT CO₂e per service population per year, which is based on the California Air Resources Board's (CARB) emissions reduction goals.

The City of San Juan Bautista is located within the boundaries of the Monterey Bay Air Resources District ("air district"). To date, the air district has not adopted CEQA guidance for analysis of GHG effects of land use projects (e.g. numerical thresholds of significance,) nor has it prepared a qualified GHG reduction plan for use/reference by local agencies located within the air district. Further, San Benito County and the City have not adopted a GHG reduction emissions plan or climate action plan (City of San Juan Bautista 2015, p. 240). Therefore, the applicable plan or policy for regulating emissions of greenhouse gases is the statewide emissions targets set by CARB, which requires reducing emissions below the 6.6 MT CO₂e per capita thresholds of significance.

GHG emissions that would be generated by construction and operation of future development on Sites A, B, and C under the existing zoning and under the proposed zoning have been estimated using California Emissions Estimator Model Version 2016.3.2. Refer to [Appendix B, CalEEMod Results](#), for detailed results. The GHG emissions associated with each site are discussed below.

Site A

Existing Zoning. Total construction emissions are projected at 70.97 MT CO₂e.

Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 2.37 MT CO₂e per year. Operational emissions are projected at

943.56 MT CO₂e per year. Therefore, total GHG emissions associated with future development on Site A under existing zoning would be the sum of amortized construction emissions and operational emissions or 945.93 MT CO₂e per year.

Proposed Zoning. Total construction emissions are projected at 69.06 MT CO₂e. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 2.30 MT CO₂e per year. Operational emissions are projected at 213.61 MT CO₂e per year. Therefore, total GHG emissions associated with future development on Site A under proposed zoning would be the sum of amortized construction emissions and operational emissions or 215.91 MT CO₂e per year. This is less than the GHG emissions estimate under existing conditions.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site A under proposed conditions would be the number of residents or 56 (from Table 2). Future development on Site A under proposed zoning would generate approximately 3.86 MT CO₂e per year per service population (215.91/56). This is below the threshold of 6.6 MT CO₂e per service population per year.

Site B

Existing Zoning. Total construction emissions are projected at 324.64 MT CO₂e. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 10.82 MT CO₂e per year. Operational emissions are projected at 2,406.08 MT CO₂e per year. Therefore, total GHG emissions associated with future development on Site B under existing zoning would be the sum of amortized construction emissions and operational emissions or 2,416.90 MT CO₂e per year.

Proposed Zoning. Total construction emissions are projected at 319.30 MT CO₂e. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 10.64 MT CO₂e per year. Operational emissions are projected at 546.14 MT CO₂e per year. Therefore, total GHG emissions associated with future development on Site B under proposed zoning would be the sum of amortized construction emissions and operational emissions or 556.78 MT CO₂e per year. This is less than the GHG emissions estimate under existing conditions.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site B under proposed conditions would be the number of residents or 146 (from Table 2). Future development on Site B under proposed zoning would generate approximately 3.81 MT CO₂e per year per service population (556.78/146). This is below the threshold of 6.6 MT CO₂e per service population per year.

Site C

Existing Zoning. Total construction emissions are projected at 280.93 MT CO_{2e}. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 9.36 MT CO_{2e} per year. Operational emissions are projected at 264.30 MT CO_{2e} per year. Therefore, total GHG emissions associated with future development on Site C under existing zoning would be the sum of amortized construction emissions and operational emissions or 273.66 MT CO_{2e} per year.

Proposed Zoning. Total construction emissions are projected at 319.30 MT CO_{2e}. Amortized over a 30-year operational lifetime, the annual amortized emissions would be approximately 10.64 MT CO_{2e} per year. Operational emissions are projected at 546.14 MT CO_{2e} per year. Therefore, total GHG emissions associated with future development on Site C under proposed zoning would be the sum of amortized construction emissions and operational emissions or 556.78 MT CO_{2e} per year. This is greater than the GHG emissions estimate under existing conditions.

Service population is the sum of the number of jobs and the number of residents generated by a project. Service population associated with future development on Site B under proposed conditions would be the number of residents or 146 (from Table 2). Future development on Site C under proposed zoning would generate approximately 3.81 MT CO_{2e} per year per service population (556.78/146). This is below the threshold of 6.6 MT CO_{2e} per service population per year.

Therefore, future development on each of the three potential rezone sites under proposed zoning would generate GHG emissions that do not exceed the threshold of significance and would not conflict an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (1, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. The current designation of the potential rezone sites as commercial or low density residential uses do not involve the transport or use of significant quantities of hazardous materials. The rezone of one of the sites to high density residential uses would not change this and, therefore, there would be no impact.

- b. The general plan EIR states that the general plan does not propose any land uses that would create accident conditions for the release of hazardous materials in the long-term (p. 259). The general plan also anticipates commercial uses at Sites A and B, and low density residential uses at Site C, which would not involve a significant hazard to the public or the environment through hazardous materials. The rezone of the chosen site to high density residential would not change this and, therefore, there would be no impact.
- c. Although Sites A and B are not within one-quarter mile of an existing school, Site C is within one-quarter mile of San Juan School. However, the general plan anticipates low density residential at Site C and, therefore, does not anticipate the emissions or the handling of hazardous materials at this site. If Site C were chosen to be rezoned to high density residential, the circumstances would not change; no emissions or handling of hazardous materials would occur at the site.
- d-f. According to the general plan EIR, the City does not include any sites listed on the hazardous materials compilation pursuant to Government Code section 65962.5 (p. 260) and, thus, there would be no impact.

The City, inclusive of all three rezone sites, is also located 12 miles southwest of the Hollister Municipal Airport (City of San Juan Bautista 2015, p. 255) and, therefore, there would be no safety hazard or excessive noise for people residing or working in the area.

The existing designations of the potential rezone sites of commercial or low density residential do not include changes to any roadways. The rezone of the chosen site to high density residential would not change this and, therefore, there would be no impact related to an emergency response plan or emergency evacuation plan.

- g. All three rezone sites are within high or moderate fire severity zones according to San Benito County's WebGIS. However, the general plan EIR illustrates on Map 4.8-2 that each site is within the "Preferred Land Use and Growth Areas," which supports the commercial or low density residential uses that are anticipated by the general plan at each of the rezone sites. Therefore, the rezone of the chosen site to high density residential would not increase the potential impacts related to wildfires as development is currently anticipated at each site for either commercial or low density residential uses.

There would be no increase in potential hazards and hazardous materials impacts associated with rezoning one of the sites.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site; (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Impede or redirect flood flows? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

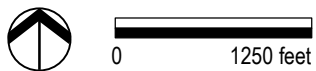
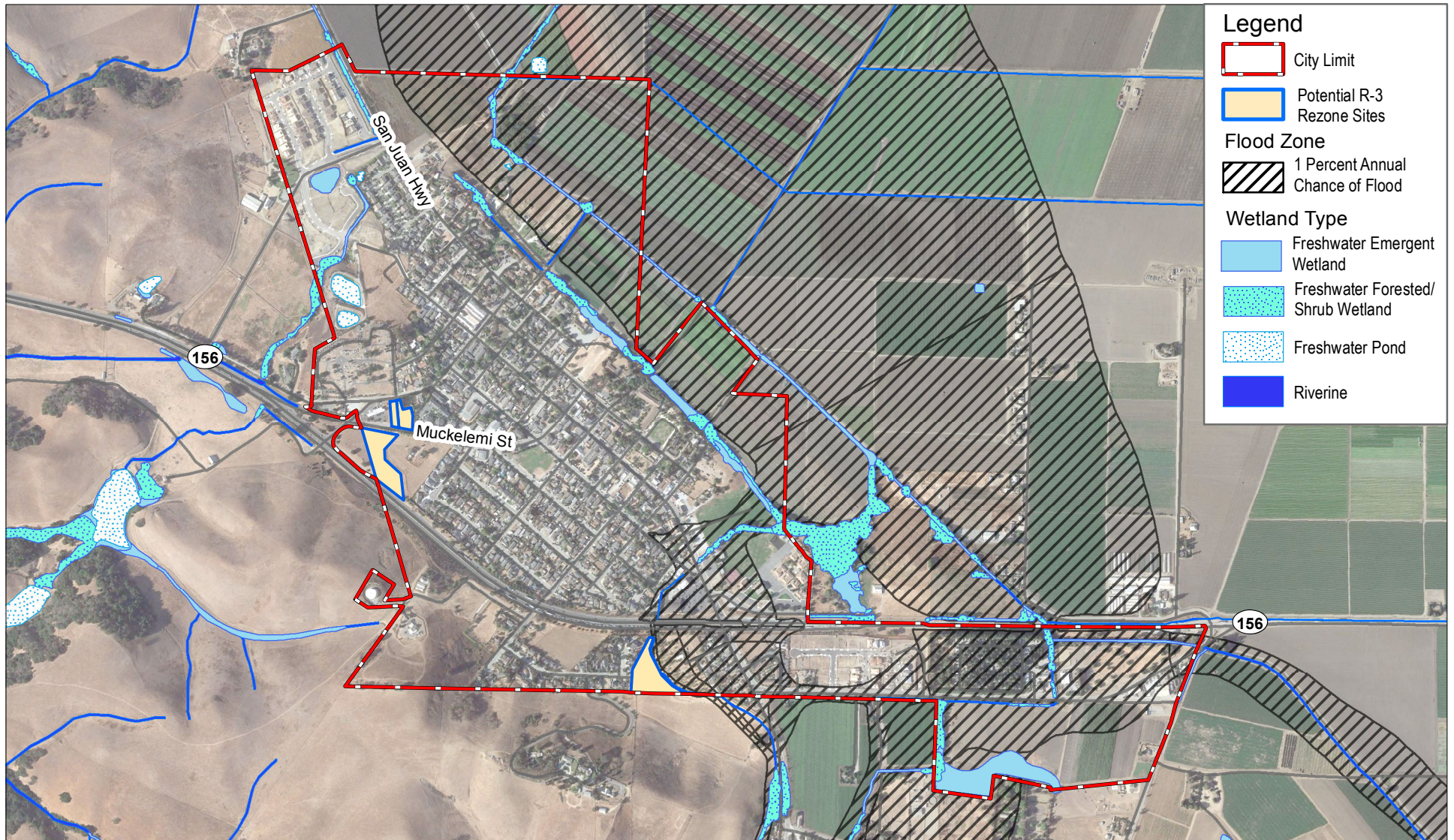
Comments:

- a. General Plan Policies CO 2.1.1 and PF 1.1.2 encourage the improvement and protection of City's water quality and groundwater supply. The State Water Resources Control Board is responsible for regulating and permitting the City's storm water discharges under the National Pollutant Discharge Elimination System ("NPDES") General Permit/Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Water Sewer System. The intent of the NPDES permit is to mitigate pollution from storm water run-off and storm water drainage systems in order to minimize impact to water quality and groundwater. This will also reduce or prevent the impacts from accidental discharge of contaminants into the City's water supply.

The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts related to water quality standards or waste discharge requirements. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.

- b. The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts on groundwater supply or recharge. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.
- c. The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts related to erosion or siltation on- or offsite; flooding on- or offsite; exceeding the capacity of existing or planned storm water drainage systems; or the redirecting flood flows. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.
- d. According to the general plan EIR, the City's location has minimal to no risk for flood hazards including sea level rise, tsunamis, inundation by seiche, and mudflow (p. 294). In addition, Sites A, B, and C are not located within any of these hazard zones; see [Figure 6, Existing Flood Hazards and Wetlands](#).
- e. The rezone of the chosen site from commercial or low density residential uses to high density residential uses would not increase the impacts related to a conflict with a water quality control plan or sustainable groundwater management plan. Therefore, there would be no impact as a result of rezone or subsequent development of the chosen site with high density residential uses.

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Source: ESRI 2019, San Benito County GIS 2016, FEMA 2019

Figure 6
Existing Flood Hazard and Wetlands
San Juan Bautista 2015-2019 Housing Element Initial Study

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11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Physically divide an established community? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land-use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. Projects that have the potential to physically divide an established community include new freeways and highways, major arterial streets, and railroad lines. None of these activities are planned as part of the rezone of the chosen site from commercial or low density residential uses to high density residential uses. Therefore, would not physically divide an established community.
- b. The proposed project involves the rezone of the chosen site from commercial or low density residential uses to high density residential uses. This rezone and subsequent future development to high density residential uses would not increase impacts related to a conflict with any land-use plan, policy, or regulation.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. According to the City's general plan EIR, there are no mineral resources sites located within the City limits (p. 329) and, therefore, the proposed project would not result in the loss of availability of a known or locally important mineral resource.

There would be no increase in potential mineral resources impacts associated with rezoning one of the sites.

13. NOISE

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in generation of excessive ground-borne vibration or ground borne noise levels? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels? (1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,b. The proposed project includes the rezone of Site A, B, or C from commercial or low density residential to high density residential. The impacts related to temporary or permanent increases in ambient noise levels, and ground-borne vibration levels would not change from a commercial or low density residential use to a high density residential use. Therefore, there would be no impact as a result of rezone and subsequent future development of the chosen site to high density residential.
- c. There are no airports or airport land use plans within the City (City of San Juan Bautista 2015, p. 361) and as a result, the proposed project would not result in exposure of people residing or working in the project area to excessive noise levels.

There would be no increase in noise impacts associated with rezoning one of the sites.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. As required by State law, the proposed project is designed to address the housing needs projected for the City by ensuring that sufficient sites are available and that existing constraints are reduced or removed in order to encourage housing production to meet the community's need. The proposed project is designed to facilitate the development of high density housing in order to meet anticipated population growth and would result in an increase in population. However, the increase in population that would result from the rezone of the chosen site would not constitute a substantial unplanned population growth as the general plan anticipates increased growth in its population up to 2035; therefore, this impact would be less than significant.
- b. Development on any one of the rezone sites would not displace people or housing, necessitating the construction of replacement housing elsewhere.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

a-e. See Section 14.0, Population and Housing, checklist question a). The proposed project has the potential to result in an additional 55 high density housing units with an additional population of 146 people. This has the potential to impact public services and facilities in a manner that could require the need for new or physically altered facilities, the construction of which would result in an adverse environmental impact.

Sites A, B, and C consist of commercial or low density land use designations and the chosen site would be rezoned to high density residential. The rezone of the chosen site may increase impacts related to public services but not to a significant level. Therefore, there would be a less than significant impact on public services and facilities.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,b. See Section 14.0, Population and Housing, checklist question a). The proposed project has the potential to result in an additional 55 high density housing units with an additional population of 146 people. However, as stated in the previous Section 15.0, Public Services, rezone of the chosen site may increase impacts related to public facilities, such as recreation facilities, but not to a significant level. Therefore, there would be a less than significant impact on existing recreational facilities.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access? (1, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreased the performance or safety of such facilities? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a,f. In general, multi-family housing produces approximately the same volume (or only slightly more) of daily traffic as retail commercial uses (as is the case with Site A and B) (commercial use: 1 acre = 43,560 sf; 43,560 sf x .4 FAR = 17,424 sf of floor area; 17,424 sf x 9 trips/1,000 sf = 157 trips; residential use: 1 acre x 24 du/acre = 24 du; 24 du x 7 trips/du = 168 trips). In terms of re-zoning/re-designation from low-density

residential to multi-family residential use (as is the case with Site C), multi-family residential use would generate more than twice as much traffic than the low-density residential use it replaced (low-density residential: 1 acre x 7 du/acre = 7 du; 7 du x 10 trips/du = 70 trips; multi-family residential: 1 acre x 24 du/acre = 24 units; 24 du x 7 trips/du = 168 trips). Therefore, the proposed project could result in substantially greater traffic or conflict with an applicable plan, ordinance, or policy addressing the circulation system in the area, including transit, roadway, bicycle and pedestrian facilities.

However, this significant impact would be reduced to a level of less than significant with implementation of general plan EIR Mitigation Measure TRANS-1, which requires the preparation of a travel impact study prior to approval of a development application to evaluate traffic and transportation impacts associated with the proposed development.

- b. As stated in the general plan EIR, there is no County or City Congestion Management Programs in place for the City of San Juan Bautista or San Benito County (p. 435), and, therefore, the proposed project would have no conflicts.
- c. There are no airports located within or near the City. Therefore, the proposed project would not result in the change of any air traffic patterns.
- d,e. Development as any one of the rezone sites would not include geometric design features that would increase hazards or include incompatible uses because all development would be subject to design and safety standards, specified under the City's Municipal Code, which references the California Building Code and portions of the International Fire Code (City of San Juan Bautista 2015, p. 436). In addition, future development would not provide inadequate emergency access as it would be required to comply with the City's Municipal Code, which regulates access on new development sites, as presented in the general plan EIR (p. 436).

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a. Letters were sent on May 20, 2019 to a list of four tribes that were determined by the Native American Heritage Commission to have cultural and traditional affiliation to the areas impacted by the proposed project. No responses were received under AB 52; therefore, no discussion is required.

A response was received under SB 18, which is discussed in Section 5.0 Cultural Resources.

19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a,c. **Water Demand.** The City's general plan EIR conservatively estimated water demand with build out of the general plan. The City concluded that new water facilities (i.e. the City's new pellet plant) may be required in order to accommodate the growth as a result of buildout of the general plan (Mitigation Measure US-2, p. 467). Development of the chosen site could impact the City's water facilities and high density residential uses could result in higher levels of water use than the currently anticipated commercial or low density residential uses. However, the impacts would not create significant impacts that would result in the need for new water facilities.

Any impacts related to water capacity would be also be mitigated by the requirement of a development impact fee as stated in the City's Municipal Code, Chapter 3-8, Article 4.

Wastewater Generation and Treatment. The City's wastewater treatment plant provides wastewater collection and treatment to residents of the City. Rezone of the chosen site from commercial or low density residential to high density residential may increase impacts on the capacity of the wastewater treatment plant. The wastewater treatment plant is located on the western border of the City limits and north of the City cemetery and has a dry capacity of 270,000 gallons per day ("gpd") and a wet capacity of 500,000 gpd (City of San Juan Bautista 2015). According to the general plan EIR, the wastewater treatment plant was processing up to 176,000 gpd in 2012 (p. 454). The general plan EIR states that even with a population increase, the wastewater treatment plant has enough capacity to accommodate buildout of the general plan (p. 454). Although development of the chosen site could impact the City's wastewater facilities and high density residential uses could result in higher levels of water use than the currently anticipated commercial or low density residential uses, the impacts would not create significant impacts that would result in the need for new wastewater facilities. In addition, the City has development impact fees within its Municipal Code, Chapter 3-8 Article 5, which would further ensure these impacts on wastewater consumption or wastewater treatment as a result of the proposed project would be less than significant.

Storm Water. As stated in the general plan EIR, the City does not have a coordinated drainage system and, therefore, improvements to the storm drain system are already anticipated even without the future growth anticipated at buildout of the general plan (p. 460). Although development of the chosen site could impact the City's storm water system, the rezone of the chosen site would not create significant impacts that would result in the need for new storm water facilities as the general plan currently anticipates commercial or low density residential uses at each site.

The proposed project would also not require the construction or relocation of new or expanded electric power, natural gas, or telecommunication facilities.

- b. The proposed project promotes high density housing development and, in general, high density residential uses could result in higher levels of water use than the existing anticipated uses of commercial or low density residential. However, the City has sufficient water supply for what would be a modest increase in water usage. The general plan EIR evaluated the impacts to the City's water supply and concluded that San Juan Bautista has adequate groundwater resources to accommodate the

population as well as the projected population growth (p. 282). Therefore, impact related to the City's water supply as a result of the proposed project would be less than significant.

- d. As stated in the City's general plan EIR, the City's solid waste is managed by the County's Integrated Waste Management Department and San Juan Bautista residents and businesses send 836 tons of waste to John Smith Road Landfill in an average year (p. 464). The general plan EIR states that due to the City's low per-capita disposal rate and small population, there would be minimal impact on the existing landfill capacity (p. 465). Rezone of the chosen site could result in an increase in the demand for solid waste disposal; however, the increase would not result in solid waste amounts that would significantly impact the capacity at the John Smith Road Landfill.
- e. The primary relevant state regulation pertaining to the proposed project is California Integrated Waste Management Act (AB 939), which requires cities and counties to divert 50 percent of their solid waste from landfills. The City has met its diversion goal of 50 percent (City San Juan Bautista 2015, p. 467). Therefore, the proposed project would be in compliance with solid waste regulations and there would be no impact.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (1, 2, 3, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

According to the general plan, the three rezone sites are all located near or on lands classified as very high fire hazard severity zones (Map 4.14, p. 60). The proposed project, which includes re-zoning/re-designation for additional residential use, could subject additional population to wildfire risk.

- a. The proposed project would not impair an adopted emergency response plan or emergency evacuation plan because development associated with the chosen site would not be located in an area that would affect emergency services or evacuation of the City.
- b. See Section 9.0, Hazards and Hazardous Materials, checklist question g). Rezone of the chosen site to high density residential would not significantly increase the potential impacts related to exacerbating wildfires as development is currently

anticipated at each site for either commercial or low density residential uses. Further, each potential rezone site is relatively flat and, therefore, would not exacerbate wildfire risks due to slope or prevailing winds.

- c. See Section 9.0, Hazards and Hazardous Materials, checklist question g). The rezone and subsequent development of the chosen site from commercial or low density residential to high density residential could require the installation of associated infrastructure. However, rezone of the chosen site to high density residential would not exacerbate fire risk to a significant level as development is currently anticipated at each site for commercial or low density residential uses.
- d. See Section 9.0, Hazards and Hazardous Materials, checklist question g). The development of the chosen site would minimally increase the population, which would place people and structures in way of wildfire risks. However, refer to Section 7.0, Geology and Soils, checklist questions a/c); impacts related to landslides would not change from a commercial or low density residential use to high density residential uses with rezone of the chosen site. Therefore, rezone of the chosen site would result in less than significant impacts associated with exposing people or structures to wildfire risks.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1, 2, 3, 4, 6, 7, 8, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1, 2, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (1, 2, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

- a. The proposed project would not result in any changes of existing City land use policies. The purpose of the proposed project is to identify lands to help the City meet its remaining RHNA. Therefore, the proposed project includes the possible re-zoning/re-designation of property to high density residential use (from commercial use or low-density residential use), but this change in land use would not result in significant impacts related to the increase the potential for the substantial degradation of the quality of the environment; would not substantially reduce the habitat of a fish or wildlife species; would not cause a fish or wildlife population to drop below self-sustaining levels; would not threaten to eliminate a plant or animal community; would not substantially reduce the number or restrict the range of an endangered, rare, or threatened species; and would not eliminate important examples of the major periods of California history or prehistory.

- b. The proposed project would not result in any changes of existing City land use policies. The purpose of the proposed project is to identify lands to help the City meet its remaining RHNA. Therefore, the proposed project includes the possible re-zoning/re-designation of property to high density residential use (from commercial use or low-density residential use), but this change in land use would not result in significant impacts that are individually limited, but cumulatively considerable.
- c. The proposed project would not result in any changes of existing City land use policies. The purpose of the proposed project is to identify lands to help the City meet its remaining RHNA. Therefore, the proposed project includes the possible re-zoning/re-designation of property to high density residential use (from commercial use or low-density residential use), but this change in land use would not result in substantially greater adverse effects on human beings, either directly or indirectly, than the current land use designations of the rezone sites of commercial and low density residential.

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18. **EMC Planning Group. July 15, 2019. *CalEMod Results*. Monterey, CA. Appendix B.**
19. Clymo, Amy, Engineering/Compliance Manager, Monterey Bay Air Resources District. Email message to consultant, 15 July 2019.

All documents in **bold** are available for review at the City of San Juan Bautista City Hall, 311 2nd Street, San Juan Bautista, California 95045, (831) 623-4661, during normal business hours.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: INTRODUCTION AND WAIVING OF FIRST READING OF AN ORDINANCE AMENDING THE SAN JUAN BAUTISTA ZONING CODE (SECTION 11-03-101, DEVELOPMENT STANDARDS MATRIX, OF CHAPTER 11-03, ZONING DISTRICT DEVELOPMENT STANDARDS, OF TITLE 11, ZONING, OF THE SAN JUAN BAUTISTA MUNICIPAL CODE) TO ADD SPECIAL MU (MIXED-USE) CONDITIONS AND SPECIAL HOUSING DEVELOPMENT STANDARDS FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN BAUTISTA GENERAL PLAN HOUSING ELEMENT

DATE: October 15, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION: Staff recommends the following:

1. Receive a staff report from City staff and the housing element consultant;
2. Introduce and waive the first reading of Ordinance 2019-XX, amending the San Juan Bautista Zoning Code (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to add special MU (Mixed Use) conditions and special housing development standards.

BACKGROUND INFORMATION: The San Juan Bautista General Plan Housing Element contains Housing Programs 3.1, which calls for the re-zoning of at least one acre of land within the City limits to High Density Residential/R-3 for the purpose of providing adequate sites to accommodate the City's regional housing needs allocation. City staff and the housing element consultant have identified four alternative properties to serve as a possible affordable housing site:

Potential Re-Zone Site A (APN: 002-320-007 and 008). These underutilized parcels are comprised of 0.31 and 0.57 acres, respectively, and currently zoned for commercial use. The parcels include one structure and one trailer that are both dilapidated, and the City re-zone could create an incentive for redevelopment. The size of the site could be suited for residential redevelopment, which would blend with the adjacent apartment complex to the east. See Image 1 below.

The Initial Study prepared to support the adoption of the San Juan Bautista General Plan Housing Element and various implementing actions indicates that development of this site would be constrained by two categories of environmental impact—biological resources and air quality.

With regard to biological impacts, the site is located within 0.39 miles of a known breeding habitat for the California tiger salamander, which means that biological monitoring would be required during ground disturbance activities. With regard to air quality impacts, the site is located approximately 430 feet from Highway 156 and therefore subject to toxic air contaminants generated by vehicles operating on the highway. This means that property developers would have to undertake a toxic air contaminants analysis to determine what measures might be necessary to ensure future residents are not exposed to contaminants.



Image 1: This aerial image shows the existing land on and surrounding Potential Re-zone Sites A and B.

Potential Re-zone Site B (APN: 002-350-030). This vacant parcel is comprised of 2.30 acres and currently zoned for commercial/mixed use, with public utilities available to the site. Property to the west of the site is zoned for commercial use, and property to the east is zoned for mixed use. The size of this site would accommodate a large residential project whose residents would provide ready market for neighboring commercial and other mixed uses. See Image 1 above.

The Initial Study prepared to support the adoption of the San Juan Bautista General Plan Housing Element and various implementing actions indicates that development of Site B would be constrained by three categories of environmental impact—biological resources, air quality, and land use.

With regard to biological impacts, the site is also located within 0.39 miles of a known breeding habitat for the California tiger salamander, which means that biological monitoring would be required during ground disturbance activities.

With regard to air quality impacts, the site is located immediately adjacent to Highway 156 and therefore subject to toxic air contaminants generated by vehicles operating on the highway. This means that property developers would have to undertake a toxic air contaminants analysis to determine what measures might be necessary to ensure future residents are not exposed to contaminants.

With regard to land use impacts, the site is located next to vacant commercial and mixed use property on two sides, a small gas station on a third side across the street, and Highway 156 immediately south of the site. The neighboring vacant commercial property, once developed, would be minimally compatible with the proposed high-density residential use. The highway use to the south would be considered a less-than-perfect neighbor.

Potential Re-zone Site C (APN: 002-520-001). This underutilized parcel is currently zoned for low density residential and in its entirety is comprised of 5.96 acres. However, for the purposes of re-zoning to R-3, the City is looking at the western portion (approximately 2.30 acres) of this parcel. Image 2 below shows the part of the site that would be re-zoned to R-3.

The Initial Study prepared to support the adoption of the San Juan Bautista General Plan Housing Element and various implementing actions indicates that development of Site C would be constrained by the same three categories of environmental impact—biological resources, air quality, and land use—that affect Site B.

With regard to biological impacts, the site is located within 0.92 miles of a known breeding habitat for the California tiger salamander, which means that biological monitoring would be required during ground disturbance activities.

With regard to air quality impacts, the site is located approximately 160 feet from Highway 156 and therefore subject to toxic air contaminants generated by vehicles operating on the highway. The site is also located in proximity to the major intersection of Highway 156 and The Alameda, where the regular acceleration and deceleration of large trucks may increase toxic air contaminant emissions. As is the case for Sites A and B, this means that property developers would have to undertake a toxic air contaminants analysis to determine what measures might be necessary to ensure future residents are not exposed to contaminants.

With regard to land use impacts, the site is located next to existing single-family residences on two sides and Highway 156 north of the site. The neighboring single-family uses would be minimally compatible with the proposed high-density residential use. The highway use to the north would be considered a less-than-perfect neighbor.



Image 2: This aerial image shows the existing land on and surrounding Potential Re-zone Site C.

Potential Re-zone Site D (APN: 002-350-002). This vacant parcel is comprised of 3.84 acres and currently zoned for mixed use, with public utilities available to the site. The property to the west of the site is zoned for commercial use, and property to the east is zoned for residential use. The size of this site would accommodate a large residential project whose residents would provide ready market for neighboring commercial and other mixed uses.

The Initial Study prepared to support the adoption of the San Juan Bautista General Plan Housing Element, including various implementing actions, indicates that development of Site D would be constrained by four categories of environmental impact—historical resources, biological resources, air quality, and land use.

With regard to historical resources, the 3.84-acre site contains the old Chalmers House, which is located on approximately 0.4 acres of the site and considered a locally significant historical resource. The special MU (Mixed Use) conditions to be placed on this site include a

requirement to protect the potentially historic Chalmers House from any significant degradation. This condition would ensure that impacts related to historical resources would be less than significant.

With regard to biological impacts, the site is also located within 0.39 miles of a known breeding habitat for the California tiger salamander, which means that biological monitoring would be required during ground disturbance activities.

With regard to air quality impacts, the site is located immediately adjacent to Highway 156 and therefore subject to toxic air contaminants generated by vehicles operating on the highway. This means that property developers would have to undertake a toxic air contaminants analysis to determine what measures might be necessary to ensure future residents are not exposed to contaminants.

With regard to land use impacts, the site is located next to a vacant commercial property on one side, an existing single-family development on the other side, an existing multi-family development across the street, and Highway 156 immediately south of the site. The neighboring vacant commercial property, once developed, would be minimally compatible with the proposed high-density residential use. The highway use to the south would be considered a less-than-perfect neighbor.



Image 3: This aerial image shows the existing land on and surrounding Potential Re-zone Site D.

Summary of Environmental Constraints. Table 1 compares biological and air quality impacts on the three potential re-zone sites. As the table shows, Site A is affected the least by the identified environmental impacts.

Table 1. Impact Comparison for Re-Zone Sites

Site	Potential Biological Impact	Potential Air Quality Impacts	Land Use Compatibility	Potential Historical Impact	Impact Ranking (1 = Best; 3 = Worst)
A	Moderate	Low	Very Good	None	1
B	Moderate	High	Minimal	None	2
C	Moderate/Low	Very High	Minimal	None	3
D	Moderate	High	Minimal	Low	2

Source: EMC Planning Group

TWO POSSIBLE APPROACHES: One of two possible approaches that can be taken by the City to implement Housing Program 3.1:

1. Option 1: A general plan amendment and re-zoning of one site for multi-family housing (to “High Density Residential” and “R-3 High Density Residential,” respectively), plus a Zoning Ordinance text amendment to place special housing development standards on the site that address affordability and the approval process; or
2. Option 2: No general plan amendment or re-zoning, but a Zoning Ordinance text amendment to place special MU Mixed Use conditions on the chosen site (this option applies to Site D, which is the only site designated for Mixed Use). This text amendment would also include the same special development conditions as identified in Option 1 that address affordability and the approval process.

At its public hearing on October 1, 2019, the Planning Commission voted unanimously (3-0), with one absent and one recused, to recommend Option 2 for Site D to the City Council.

Each of the two options is discussed in more detail below.

Option 1: General Plan Amendment, Zone Change, and Special Housing Development Standards. The actions related to Option 1 are achieved as follows:

- *General Plan Amendment* – The proposed revision to the San Juan Bautista General Plan Land Use Diagram is achieved through a recommendation by the Planning Commission and the adoption of a resolution amending the General Plan by the City Council.

- **Zone Change** – The proposed zone change is achieved through a recommendation by the Planning Commission and the adoption of an ordinance by the City Council. The ordinance would revise the San Juan Bautista Zoning Map (Section 11-02-040 (Zoning Map and District Locations and Boundaries), of Chapter 11-02 (Zoning Districts), of Title 11 (Zoning), of the San Juan Bautista Municipal Code.
- **Special Housing Development Standards** – The imposition of special housing development standards is achieved through a Zoning Ordinance text amendment that would add a new Footnote 14 to Section 11-03-010 (Development standards matrix) of the Zoning Code. These standards were recommended by the Planning Commission at its September 3, 2019 meeting. The new Footnote 14 would read as follows:

¹⁴ Special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district through the year 2024 only, as follows:

- The allowable density for the designated affordable housing site is a minimum of 20 units per acre and a maximum of 24 units per acre;
- Twenty (20) percent of the development on the affordable housing site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households; and
- All development on this affordable housing site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval).
- Any development that takes place on APN 002-350-002 would accommodate necessary historic preservation efforts on or off site that would be in compliance with the California State Office of Historic Preservation.

Except for those usual standards in conflict with the special standards and conditions above, all usual development standards for this zoning district (as shown in the table) also apply to the affordable housing site.

Option 2: Special MU Mixed Use Conditions Only (No Re-Designation or Re-Zoning), Plus Special Housing Development Standards. The actions related to Option 2 are achieved as follows:

- **Special MU Mixed Use Conditions** – The imposition of special MU Mixed Use conditions is achieved through a Zoning Ordinance text amendment that would add a new Footnote 15 to Section 11-03-010 (Development standards matrix) of the Zoning Code. The new Footnote 15 would read as follows:

¹⁵ Additional special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district, as follows:

- The owner of the site has the right to develop this mixed-use site as 100 percent multi-family housing without a Conditional Use Permit or other discretionary action;
- If the owner of the site chooses to develop the site as mixed use (commercial and residential, combined), then at least 50 percent of floor area must be developed as a minimum of 16 multi-family dwellings; and
- Any development that takes place on APN 002-350-002 would accommodate necessary historic preservation efforts on or off site that would be in compliance with the California State Office of Historic Preservation.

- *Special Housing Development Standards* – These are the same standards that are cited in Option 1 above. They are now repeated below to provide a complete description of Option 2.

¹⁴ Special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district through the year 2024 only, as follows:

- The allowable density for the designated affordable housing site is a minimum of 20 units per acre and a maximum of 24 units per acre;
- Twenty (20) percent of the development on the affordable housing site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households; and
- All development on this affordable housing site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval).
- Any development that takes place on APN 002-350-002 would accommodate necessary historic preservation efforts on or off site that would be in compliance with the California State Office of Historic Preservation.

Except for those usual standards in conflict with the special standards and conditions above, all usual development standards for this zoning district (as shown in the table) also apply to the affordable housing site.

CEQA REVIEW. For Sites A, B, and C, both Option 1 and Option 2 are adequately supported by an Initial Study/Mitigated Negative Declaration that evaluated the environmental effects of the policies and programs contained in the General Plan Housing Element, including Housing Program 3.1. The Initial Study found that, with mitigations, re-zoning of any one of the original three sites would engender no substantial effects on the environment. The City Council approved this Initial Study/Mitigated Negative Declaration at its October 8, 2019 meeting.

In addition, consultants have prepared an Addendum to the original Initial Study/Mitigated Negative Declaration to provide an analysis of the environmental effects of applying Option 2 (Special MU Mixed Use Conditions) to Site D. This Addendum also provided additional information concerning the effects of re-zoning Site D to R-3, High Density Residential, but additional CEQA process would be required to adequately support the re-zoning of Site D to R-3, High Density Residential.

REQUIRED ACTION: There are two alternative actions for the City Council to consider:

1. *Follow Planning Commission Recommendation* – if the City Council chooses to accept the Planning Commission recommendation and apply Option 2 to Site D, then it should introduce and waive the first reading of Ordinance 2019-XX, amending the San Juan Bautista Zoning Ordinance (Section 11-03-101, Development Standards Matrix, of Chapter 11-03, Zoning District Development Standards, of Title 11, Zoning, of the San Juan Bautista Municipal Code) to add special MU (Mixed Use) conditions and special housing development standards (see Attachment 1).

2. *Choose Option 1 for Sites A, B, C, or D* – If the City Council chooses to apply Option 1 to Sites A, B, C, or D, then it should continue the agenda item to a date after the completion of an additional 30-day review of supplemental CEQA information.

ATTACHMENTS:

1. Ordinance 2019-XX codifying Option 2 (Special MU Mixed Use Conditions) for Site D

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA,
STATE OF CALIFORNIA, REVISING SECTION 11-18-030 (SITE
PLAN AND DESIGN REVIEW PROCEDURES) OF TITLE 11
(ZONING) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE,
FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN
BAUTISTA GENERAL PLAN HOUSING ELEMENT**

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 3.1 (Adequate Sites Program), calls for the amendment of the San Juan Bautista Municipal Code to include the implementation of special development standards for new affordable housing sites; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to Title 11 (Zoning), to be less than significant, with mitigation; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Addendum to the Initial Study/Negative Declaration was prepared to evaluate the addition of special MU (Mixed Use) conditions for APN 002-350-002.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 11-03-010 (Development standards matrix), of Chapter 11-03 (Zoning District Development Standards) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include a new footnotes #14 and #15 in and at the end of the table contained in this section, as follows:

11-03-010 Development standards matrix.

The following table sets forth development standards for each zoning district. Superscript numbers refer to additional standards shown in the notes below the table.

District	Minimum Lot Area (Gross)	Minimum Lot Width	Density Range du/acre ¹	Floor Area Ratio	Building Coverage	Maximum Height story/feet	Minimum Setbacks Front/Side/Rear
R-1-7 ¹³	7,000 sq. ft. ²	50 ft.	0.50 – 5	0.45	0.45	2/30	F: 20 ft. ⁵ S: 5 ft. ⁷ R: 20 ft.
R-1-6	6,000 sq. ft.	45 ft.	0.50 – 5	0.45	0.50	2/30	F: 20 ft. ⁵ S: 5 ft. ⁷ R: 20 ft.
R-1-5	5,000 sq. ft.	35 ft.	0.50 – 7	0.48	0.50	2/30	F: 20 ft. S: 5 ft. R: 15 ft.
R-2	8,000 sq. ft. ^{3, 4}	60 ft.	6 – 10	0.60 ²	0.45	2/35	F: 20 ft. ⁵ S: 5 ft. ⁶ R: 10 ft.
R-3	10,000 sq. ft.	80 ft.	11 – 21	0.70	0.50	2/35	F: 20 ft. S: 5 ft. R: 10 ft. per story
C	5,000 sq. ft.	50 ft.	NA	0.75	0.85	3/50	Note ⁸
MU ^{14, 15}	Note ⁹	25 ft.	8 – 15	Note ⁹	0.85	3/50	Note ¹⁰
I	10,000 sq. ft.	100 ft.	NA	0.50	0.90	NA/50	F: 30 ft. S: 10 ft. R: 20 ft. ¹⁰
P	0.5 acres	100 ft.	NA	0.10	0.10	1/25	F: 20 ft. S: 10 ft. R: 20 ft.
PF	NA	NA	NA	0.70	NA	2/35	Note ¹¹
A	5 acres	NA	NA	NA	0.10	2/35	Note ¹²

Notes:

¹ A calculation that results in a fraction of 0.50 and above shall be counted as a whole unit

² May be reduced by the Planning Commission based upon individual site topography and building design layout of the parcel, property or project and the standards as defined in SJBMC [11-04-050](#)

³ May be reduced to four thousand five hundred (4,500) sq. ft. with 0.45 FAR in a planned unit development.

⁴ May be reduced to four thousand (4,000) sq. ft. with a planned unit development permit

⁵ Twenty-five feet (25') for detached garage. Front yard setback may be reduced to fifteen feet (15') to meet design guidelines when approved by the Planning Commission for large developments of more than twenty (20) homes

⁶ Ten feet (10') for side facing street at a corner lot parcel

⁷ Five feet (5') for detached garages and carports not exceeding fifteen feet (15') in height

- ⁸ Setbacks in the C district shall be consistent but not absolute with the bordering residential district. Deviations to setbacks may be allowed by the Planning Commission on an individual basis
- ⁹ For structure within the downtown historic district, the floor area ratio may be 1.5. All other areas designated MU, the floor area ratio shall be 0.75. FAR may be increased or decreased upon approval of a use or conditional use permit based upon individual projects to preserve the character of the area and/or as an incentive to encourage mixed use development projects
- ¹⁰ Ten percent (10%) of the depth of the lot or ten feet (10'), whichever is less. Planning Commission may allow deviations of the setbacks based upon individual project site plan and building layout
- ¹¹ The minimum front, side, and rear yards in the PF district shall be equal to the front, side and rear yards required in the most restrictive abutting district; provided, that no yard adjoining a street shall be less than twenty feet (20') and that no interior yard shall be less than ten feet (10')
- ¹² Forty feet (40') if used in connection with or for the housing of livestock
- ¹³ The Planning Commission may grant a designation of R-1-6 and R-1-5 on any lot within the R-1 single-family zoning district that meet criteria of Section [11-04-010](#) on a case per case basis taking into consideration topography, surrounding neighborhood, design diversity, economic conditions and housing needs
- ¹⁴ Special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district through the year 2024 only, as follows:
- The allowable density for the designated affordable housing site is a minimum of 20 units per acre and a maximum of 24 units per acre;
 - Twenty (20) percent of the development on the affordable housing site must be owner-occupied and/or rental multi-family uses that are affordable to lower-income households; and
 - All development on this affordable housing site must be permitted by right (i.e., no conditional use permit, planned development permit, or other discretionary review or approval).
- Except for those usual standards in conflict with the special standards and conditions above, all usual development standards for this zoning district (as shown in the table) also apply to the affordable housing site.
- ¹⁵ Additional special standards and conditions apply to one affordable housing site (APN 002-350-002) in this zoning district, as follows:
- The owner of the site has the right to develop this mixed-use site as 100 percent multi-family housing without a Conditional Use Permit or other discretionary action;
 - If the owner of the site chooses to develop the site as mixed use (commercial and residential, combined), then at least 50 percent of floor area must be developed as a minimum of 16 multi-family dwellings; and
 - Any development that takes place on APN 002-350-002 would accommodate necessary historic preservation efforts on or off site that would be in compliance with the California State Office of Historic Preservation.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

PASSED AND ADOPTED on this ____ day of _____, 2019, by the following
vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: INTRODUCTION AND WAIVING OF FIRST READING OF AN
ORDINANCE AMENDING THE SAN JUAN BAUTISTA MUNICIPAL
CODE AT CHAPTER 2-5 (RESERVED), OF TITLE 2 (GOVERNMENT
ORGANIZATION AND ADMINISTRATION) TO ADDRESS
REASONABLE ACCOMMODATIONS

DATE: October 15, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION: Staff recommends the following:

1. Receive a staff report from City staff and the housing element consultant;
2. Introduce and waive the first reading of Ordinance 2019-XX, amending the San Juan Bautista Municipal Code at Chapter 2-5 (Reserved), of Title 2 (Government Organization and Administration) to add provisions addressing reasonable accommodations in the application of building and zoning regulations for people with disabilities.

BACKGROUND INFORMATION: The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing.

In response to these state and federal mandates, the San Juan Bautista General Plan Housing Element, Housing Program 5.2, calls for the creation of a procedure wherein persons with disabilities, including persons with developmental disabilities, seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures. The proposed revision to Chapter 2-5 (Reserved) of Title 2 (Government Organization and Administration) of the San Juan Bautista Municipal Code that is now before the Planning Commission implements Housing Program 5.2. This revision (in the form of a draft ordinance) is attached (see Attachment 2).

CEQA REVIEW: The proposed amendments to the municipal code are supported by an Initial Study and Mitigated Negative Declaration that evaluated the environmental effects of the policies and programs contained in the General Plan Housing Element, including Housing Program 5.2. The Initial Study found that, with mitigations, the changes discussed above would

engender no substantial effects on the environment. Earlier in the evening the Planning Commission considered the Initial Study and Mitigated Negative Declaration and recommended approval of the environmental document.

REQUIRED ACTION: The City Council should introduce and waive the first reading of Ordinance 2019-XX, amending the San Juan Bautista Municipal Code (Chapter 2-5, Reserved, of Title 2, Government Organization and Administration) to add provisions addressing reasonable accommodations in the application of building and zoning regulations for people with disabilities.

Attachments:

1. Ordinance 2019-YY codifying provisions to address reasonable accommodations in the Municipal Code

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING CHAPTER 2-5 (RESERVED) OF TITLE 2 (GOVERNMENT ORGANIZATION AND ADMINISTRATION) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE TO ADDRESS REASONABLE ACCOMMODATION

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista City Council recognizes that the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 5.2, calls for the creation of a procedure wherein persons with disabilities, including persons with developmental disabilities, seeking equal access to housing may request reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures; and

WHEREAS, the Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities; and

WHEREAS, a fair housing reasonable accommodation procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing

Element, including environmental evaluation for the proposed changes to the municipal code, to be less than significant, with mitigation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Chapter 2-5 (Reserved) of Title 2 (Government Organization and Administration) of the San Juan Bautista Municipal Code is hereby revised to read in full as set forth in the attached Exhibit A, incorporated by this reference.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published by required by law.

PASSED AND ADOPTED on this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

**Chapter 2-5
REASONABLE ACCOMMODATION**

Sections:

Article 1. General Provisions

- 2-5-100 Intent and Purpose
- 2-5-200 Applicability
- 2-5-300 Application Process
- 2-5-400 Approval Process
- 2-5-500 Findings and Decision
- 2-5-600 Appeals determination

Article 1. General Provisions

2-5-100 Intent and purpose.

This Chapter is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

2-5-200 Applicability.

(A) In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice.

(B) A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Acts.

2-5-300 Application process.

(A) In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.

(B) All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. Requests for reasonable accommodation shall be submitted via a form approved by the Planning Department, together with the appropriate fee, and shall be filed with the Planning Department. The applicant is requested to provide the following information:

- (1) Name and address of the applicant;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) The current use of the property for which accommodation is requested;
- (5) Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;
- (6) The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;
- (7) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
- (8) How the property will be used by the applicant and individual(s) with disabilities.

(C) Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection, subject to the requirements of the California Public Records Act and other applicable law.

(D) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.

(E) If a person needs assistance in making the request for reasonable accommodation, the city will provide assistance to ensure that the process is accessible. Such assistance shall be limited to that which can be provided by existing city staff, and in no case shall the city be responsible for hiring any outside expert to assist an individual.

(F) The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

2-5-400 Approval process.

(A) Approval Authority:

(1) Administrative Review – The City Manager or an appointed designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Chapter. The City Manager or appointed designee may refer the matter to the Planning Commission, as appropriate.

(2) Planning Commission Review – The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Chapter, when referred by the City Manager or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

(B) Notice: No advance notice or public hearing is required for consideration of reasonable accommodation requests by the City Manager. Requests for reasonable accommodation subject to review by the Planning Commission shall require a public hearing, and advance notice shall be given pursuant to the requirements of Section 11-17-020 (Notice of Hearing) of Chapter 11-17 (Permit Application Submittal) of Title 11 (Zoning) of the San Juan Bautista Municipal Code.

(C) Decision: The City Manager or an appointed designee shall render a decision or refer the matter to the Planning Commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 2-5-500(A). The decision shall be in writing and mailed to the applicant.

(1) If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the City Manager or an appointed designee, unless the reasonable accommodation request has been referred by the City Manager or an appointed designee to the Planning Commission for consideration.

(2) If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth above.

2-5-500 Findings and decision.

(A) Any decision on an application under this Chapter shall be supported by written findings addressing the criteria set forth in this section. An application under this Chapter for a reasonable accommodation shall be granted if all of the following findings are made:

- (1) The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
- (2) The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- (3) The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.
- (4) The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.
- (5) There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

(B) In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 2-5-500(A) above.

2-5-600 Appeals determination.

Any decision on an application under this Chapter shall be subject to appeal pursuant to Chapter 11-25 (Appeals) of Title 11 (Zoning) of the San Juan Bautista Municipal Code.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: INTRODUCTION AND WAIVING OF FIRST READING OF AN ORDINANCE AMENDING THE SAN JUAN BAUTISTA MUNICIPAL CODE AT SECTION 5-9-310 (APPLICATION FOR SEWER PERMITS), OF CHAPTER 5-9 (UNIFORM WASTEWATER REGULATION), OF TITLE 5 (PUBLIC HEALTH, SAFETY AND WELFARE), AND SECTION 6-4-105 (EXTENSION OF WATER MAINS), OF CHAPTER 6-4 (WATER SERVICE), OF TITLE 6 (PUBLIC SERVICES), TO ADDRESS PRIORITY UTILITY SERVICES FOR AFFORDABLE HOUSING

DATE: October 15, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION: Staff recommends the following:

1. Receive a staff report from City staff and housing element consultant;
2. Introduce and waive the first reading of Ordinance 2019-ZZ, amending the San Juan Bautista Municipal Code at Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) and Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), to address priority utility services for affordable housing.

BACKGROUND INFORMATION: Government Code §65589.7 requires water and sewer providers to grant priority for service allocations to proposed developments that include housing units affordable to lower-income households.

In response to this state mandate, the San Juan Bautista General Plan Housing Element, Housing Program 5.3, calls for the amendment of the San Juan Bautista Municipal Code to grant priority sewer and water service to affordable housing development when service capacity is limited. The proposed revisions to Section 5-9-310 (Application for Sewer Permits) and Section 6-4-105 (Extension of Water Mains) that are now before the Planning Commission implements Housing Program 5.3. These revisions (in the form of a draft ordinance) are attached (see Attachment 2).

CEQA REVIEW: The proposed amendments to the municipal code are supported by an Initial Study and Mitigated Negative Declaration that evaluated the environmental effects of the policies and programs contained in the General Plan Housing Element, including Housing Program 5.3. The Initial Study found that, with mitigations, the changes discussed above would

engender no substantial effects on the environment. Earlier in the evening the Planning Commission considered the Initial Study and Mitigated Negative Declaration and recommended approval of the environmental document.

REQUIRED ACTION: The City Council should introduce and waive the first reading of Ordinance 2019-ZZ, amending the San Juan Bautista Municipal Code at Section 5-9-310 (Application for Sewer Permits), of Chapter 5-9 (Uniform Wastewater Regulation), of Title 5 (Public Health, Safety and Welfare) and Section 6-4-105 (Extension of Water Mains), of Chapter 6-4 (Water Service), of Title 6 (Public Services), to address priority utility services for affordable housing.

Attachments:

1. Ordinance 2019-ZZ codifying provisions to address priority services for affordable housing

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING SECTION 5-9-310 (APPLICATION FOR SEWER PERMITS) OF CHAPTER 5-9 (UNIFORM WASTEWATER REGULATION) OF TITLE 5 (PUBLIC HEALTH, SAFETY AND WELFARE) AND SECTION 6-4-105 (EXTENSION OF WATER MAINS) OF CHAPTER 6-4 (WATER SERVICE) OF TITLE 6 (PUBLIC SERVICES) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, TO ADDRESS PRIORITY UTILITY SERVICES FOR AFFORDABLE HOUSING

WHEREAS, pursuant to Article XI, section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista City Council recognizes that Government Code §65589.7 requires water and sewer providers to grant priority for service allocations to proposed developments that include housing units affordable to lower-income households; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 5.3, calls for the amendment of the San Juan Bautista Municipal Code to grant priority sewer and water service to affordable housing development when service capacity is limited; and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to the municipal code, to be less than significant, with mitigation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 5-9-310 (Application for sewer permits) of Chapter 5-9 (Uniform Wastewater Regulation) of Title 5 (Public Health, Safety and Welfare) of the San Juan Bautista Municipal Code shall be revised to read in full as follows:

Sec. 5-9-310. Application for sewer permits.

Applications for building sewer permits shall be on forms provided by the City, which forms may be combined with forms for other permits required by the City. The applicant shall submit such forms, specifications, supplemental information and material as may be required by the City Manager. No permit shall be issued until all fees due the City have been paid.

During any period of threatened or actual shortage of essential services that are provided by the city, the city shall have the right to apportion its available sewage capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

SECTION 3. REVISIONS. Section 6-4-105 (Extension of water mains) of Chapter 6-4 (Water Service) of Title 6 (Public Services) of the San Juan Bautista Municipal Code shall be revised to read in full as follows:

Sec. 6-4-105. – Extension of water mains.

Where application is made for water service for any premises located on a street in which there exists no water main in front of the premises, the City Manager will estimate the total cost of labor and materials for the extension of the nearest main to the front of such premises, and upon payment by the applicant of such estimated cost, the City Manager will proceed to make such extension.

Whenever it appears that such cost has been underestimated, the City Manager will re-estimate such cost, and further work on such extension shall cease until the applicant has paid to the City such additional estimated cost. Any excess payment shall be returned to the applicant.

Except that during any period of threatened or actual shortage of essential services that are provided by the city, the city shall have the right to apportion its available water capacity among consumers in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety. Such apportionment shall grant priority to housing with units affordable to lower income housing.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and

phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

PASSED AND ADOPTED on this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney



CITY OF SAN JUAN BAUTISTA PLANNING COMMISSION STAFF REPORT

AGENDA TITLE: INTRODUCTION AND WAIVING OF FIRST READING OF AN ORDINANCE AMENDING THE SAN JUAN BAUTISTA ZONING CODE AT SECTION 11-02-050 (PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT, USE MATRIX); AND SECTION 11-29-010 (DEFINITIONS), BOTH FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN BAUTISTA GENERAL PLAN HOUSING ELEMENT

DATE: October 15, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

RECOMMENDED ACTION: Staff recommends the following:

1. Receive a staff report from City staff and housing element consultant;
2. Introduce and waive the first reading of Ordinance 2019-AA, amending the San Juan Bautista Zoning Code at Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix); and Section 11-29-010 (Definitions). These actions are necessary to implement the San Juan Bautista General Plan Housing Element.

BACKGROUND INFORMATION: The San Juan Bautista General Plan Housing Element contains three housing programs designed to bring the Housing Element into compliance with State Housing Law. A description of each housing program, the Zoning Ordinance section affected, and a summary of the proposed change, is presented in Table 1 below.

Table 1. Summary of Proposed Changes

Housing Program Description	Zoning Ordinance Section Affected	Proposed Change
Housing Program 3.6 (Transitional Housing, Supportive Housing, Emergency Shelters, and Special Needs and Developmental Disability Groups)	Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix) Section 11-29-010 (Definitions)	Emergency shelters allowed in the PF (Public Facilities) Zoning District by right (as a permitted use) "Secondary Dwelling Units" renamed to "Accessory Dwelling Units" Transitional and supportive housing allowed by right (as a permitted use) in the R-1, R-2, R-3, C, MU, and PF Zoning Districts

Housing Program Description	Zoning Ordinance Section Affected	Proposed Change
Housing Program 4.4 (Accessory Dwelling Unit Ordinance Program):	Section 11-29-010 (Definitions)	Replace its definition of “second dwelling unit” with a definition of “accessory dwelling unit.”

The proposed revisions to Section 11-02-050 (Permitted and Conditional Uses by Zoning District, Use Matrix); and Section 11-29-010 (Definitions), that are now before the City Council implement these Housing Programs.

CEQA REVIEW: The proposed amendments to the Title 11 (Zoning) are supported by an Initial Study and Mitigated Negative Declaration that evaluated the environmental effects of the policies and programs contained in the General Plan Housing Element, including Housing Programs 3.1, 3.6, and 4.4. The Initial Study found that, with mitigations, the changes discussed above would engender no substantial effects on the environment. Earlier in the evening the Planning Commission considered the Initial Study and Mitigated Negative Declaration and recommended approval of the environmental document.

REQUIRED ACTION: The City Council should introduce and waive the first reading of Ordinance 2019-AA, amending the San Juan Bautista Municipal Code at

Attachments:

1. Ordinance 2019-AA codifying amendments to Title 11 (Zoning)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA, STATE OF CALIFORNIA, REVISING VARIOUS SECTIONS OF TITLE 11 (ZONING) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE, INCLUDING:

- **SECTION 11-02-050 (PERMITTED AND CONDITIONAL USES BY ZONING DISTRICT, USE MATRIX); AND**
- **SECTION 11-29-010 (DEFINITIONS);**

BOTH FOR THE PURPOSE OF IMPLEMENTING THE SAN JUAN BAUTISTA GENERAL PLAN HOUSING ELEMENT

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of San Juan Bautista may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 3.6 (Transitional Housing, Supportive Housing, Emergency Shelters, and Special Needs and Developmental Disability Groups), calls for the amendment of the San Juan Bautista Municipal Code to better accommodate transitional, supportive, and emergency housing, per Senate Bill 2 of 2007, and allow these housing types by right in all zoning districts that allow residential uses; and

WHEREAS, the San Juan Bautista General Plan Housing Element, Housing Program 4.4 (Accessory Dwelling Unit Ordinance Program), also calls for the amendment of the San Juan Bautista Municipal Code to replace its definition of “second dwelling unit” with a definition of “accessory dwelling unit;” and

WHEREAS, this Ordinance protects the public health, safety and welfare by amending the San Juan Bautista Municipal Code to be consistent with mandates imposed by federal and state statute related to housing; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an initial study was prepared and circulated for public review and comment. The initial study found the environmental effects of the policies and programs contained in the General Plan Housing Element, including environmental evaluation for the proposed changes to Title 11 (Zoning), to be less than significant, with mitigation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. All of the recitals set forth above are held to be true and correct and by this reference are hereby incorporated herein as findings.

SECTION 2. REVISIONS. Section 11-02-050 (Permitted and Conditional Uses By Zoning District, Use Matrix), of Chapter 11-02 (Zoning Districts) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include new and revised information in the first of the three tables contained in this section, as shown below. The other two tables remain unchanged.

11-02-050 Permitted and conditional uses by zoning district, use matrix.

Use (Residential)	R-1	R-2	R-3	C	MU	I	P	PF	A
Accessory buildings	P, S	P, S	P, S						P, S
Co-housing/shared housing			C		C				
Day care facilities, large		P, S	P, S	C	C			C	
Day care facilities, small	P, S	P, S	P, S	C	C			C	P, S
Duplexes/duets		P, S	P, S						
Emergency shelters, <u>homeless shelters</u>	C	C	C		C , P			C , P	
Farmworker housing		P, S	P, S						P, S
Home occupations	P	P	P		C				P
Hostels			C	C	P				
Manufactured homes	P, S	P, S							P, S
Mobile home parks			P, S						
Multiple-family dwellings		P, S	P, S		P, S				
Residential care facilities – Small 1-6	P, S	P, S	P, S						
Residential care facilities – Large 7+			P, S						
Residential located above commercial			C	P					
Rooming and boarding		C	C						
<u>Secondary Accessory Dwelling units</u>	P, S	P, S	P, S		C				P, S
Single-family dwellings	P, S	P, S							P, S
Transitional housing, homeless shelters <u>supportive housing</u>	P, S	P, S	P, S	<u>P</u>	<u>P</u> , C			<u>P</u> , C	P, S

P – Permitted Use; C – Conditional Use; S – Site Review

SECTION 3. REVISIONS. Section 11-29-010 (Definitions), of Chapter 11-29 (Definitions) of Title 11 (Zoning) of the San Juan Bautista Municipal Code is revised to include new and revised definitions as follows:

11-29-010 Definitions.

. . .

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of Health and Safety Code and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Emergency Homeless shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. Homeless shelters shall be subject to the provisions of Chapter 11-18. “Homeless shelter” means the same as “Emergency shelter.”

“Existing Structure” (for the purposes of defining an allowable space that can be converted to an ADU) means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

. . .

~~“Homeless shelter” means the same as “Emergency shelter.” See definition for “Emergency shelter.”~~

. . .

“Living area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

. . .

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

. . .

“Supportive Housing” means housing with no limit on length of stay, that is occupied by low income persons and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive Housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Therefore, it is permitted in all zones allowing residential uses and is not subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g., single-family home, apartments) in the same zone in which the supportive housing is located. Supportive housing shall be subject to the provisions of Chapter 11-18.

“Transitional Housing” means housing with supportive services for up to twenty-four (24) months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless

persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. Transitional Housing is permitted as a residential use and is only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. Therefore, it is permitted in all zones allowing residential uses and is not subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g., single-family home, apartments) in the same zone in which the transitional housing is located. Transitional housing shall be subject to the provisions of Chapter 11-18.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase should be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force 30 days after its adoption and shall be published as required by law.

PASSED AND ADOPTED on this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney

CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

To: The Honorable Mayor and Council Members

From: The City Attorney

RE: **A Transient Occupancy Tax on Short Term Rentals**

Date: September 10, 2019

REQUEST:

It is requested that the City Council:

1. Give first reading to Ordinance No. 19- , to be read by title only, replacing the current Section 2-3-110, with a new Section 2-3-110, which revises the appointment process for Planning Commissioners.

BACKGROUND:

The City Council directed the City Attorney to research whether the City could impose a Transient Occupancy Tax (TOT) on Short Term Rental Units (STR). The City Attorney returned with an Ordinance to permit STRs in the City and impose a TOT. The City Council asked the Planning Commission to hold a public hearing on the ordinance and to make a recommendation to the City Council. The Planning Commission had a hearing on September 3 and there being no significant objection to the Ordinance recommended approval to the City Council.

DISCUSSION:

Many cities in California impose a TOT on STRs. Because the business, not the property is taxed, the extension of the TOT tax, found in Chapter 3.4 of the City Code, to STRs, may occur without an election pursuant to Proposition 218.

The Hosting Platform, such as VRBO or Airbnb, can be charged with the responsibility to collect the TOT from the STR. The City of Santa Monica's TOT on STRs was recently challenged in court and survived the challenge. The attached ordinance was based on the language which was permitted by the Court. It is my understanding that the Hosting Platforms are familiar with this type of ordinance and will only allow permitted STRs to advertise on their site and will collect the TOT. City Staff will need to issue permits, provide the Hosting Platform with a Registry of permitted STRs and inquire as to whether any further agreement between the Hosting Platform and the City is necessary.

RECOMMENDATION:

Imposing transient occupancy tax and business license requirements on STRs will increase revenue into the City. The City will create a registry of STRs and will be able to determine whether there are any negative effects from the operation of STRs in the City. Because there is no significant opposition by the public, it is recommended that the City Council approve the Ordinance, as drafted.

ORDINANCE NO. 2019-__

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN JUAN BAUTISTA ADDING A NEW CHAPTER 3.9 TO THE SAN JUAN
BAUTISTA MUNICIPAL CODE ESTABLISHING A PERMITTING PROCESS AND
STANDARDS FOR SHORT-TERM RENTALS**

-o0o-

WHEREAS, the City Council asked the City Attorney to provide the City Council with an Ordinance to allow permits to be issued for Short-Term Rentals and Business License Tax and Transient Occupancy Tax to be collected; and

WHEREAS, the City Council asked the Planning Commission to review the Ordinance and hold a public hearing to determine whether there was any concern expressed by the public with the proposed ordinance.

WHEREAS, the Planning Commission had a public hearing on September 3, 2019 and there being no significant public opposition recommends approval by the City Council

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN
BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Chapter 3.9 is hereby added to the San Juan Bautista Municipal Code, to read as follows:

**Chapter 3.9
SHORT-TERM RENTALS**

3.9-100 Purpose

The purpose of this chapter is to establish a permitting process and appropriate standards for Short-term Rentals ("STR") of a whole dwelling unit, or portion of the same, for a period of twenty-nine (29) consecutive days or less.

3.9-200 Definitions

For the purposes of this chapter, the following definitions shall apply:

- A. "Hosting Platform" means a marketplace in whatever form or format which facilitates the home-sharing or vacation rental, through advertising or other means, using any medium of facilitation, and from which the operator of the housing platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.
- B. "Registry" or "City Registry" is the list of STR permits issued in a calendar year. The City shall bear responsibility for keeping the Registry up-to-date with current permits.
- C. "STR Guest(s)" or "Guest(s)" means any person or group of persons staying at a STR for no more than twenty-nine (29) consecutive days.
- D. "STR Administrator" or "Administrator" means the person who is the designated agent or representative of the STR Owner and who is responsible, together with the STR Owner, for compliance with the conditions of this Chapter.
- E. "STR Owner" or "Owner" means the person, firm, corporation or partnership, individually, jointly, in common, or in any manner whereby such property is under single or unified control holding fee title which rents a dwelling operated and used as a STR.
- F. "Short-term Rental" or "STR" means a Dwelling Unit or Dwelling, multifamily, or any portion thereof, rented for occupancy for lodging or sleeping purposes for a period of twenty-nine consecutive (29) days or less.
- G. "Transient Occupancy Tax" or "TOT" means local transient tax as set forth in Chapter 3.4 of this Code. The tax is paid by the Guest when paying for their rental. The collected TOT is then remitted to the City.

3.9-300 Short-term Rental Requirements and Conditions

- A. *Compliance with Applicable Laws.* The Owner and Administrator must comply with all applicable laws, rules, and regulations pertaining to the use and occupancy of the STR.
- B. *Short-term Rental Permit required.* A permit from the City (hereinafter referred to as a "STR Permit") is required for all STRs. No person shall rent, offer to rent, or advertise for rent any STR for a term shorter than twenty-nine (29) consecutive days without a valid STR Permit, which may be issued by the City in the manner provided for by this chapter.
- C. *Validity period.* A STR Permit shall expire on June 30th of each calendar year and may be renewed upon reissuance of a business license and proof of

timely payment of Transient Occupancy Tax (TOT) during the time period of operation of the STR. The issuance of the STR Permit for a one year period does not grant the owner with fundamentally vested rights to continue operation beyond the one year period. The City reserves the right to deny renewal of a STR permit without a hearing.

- D. *Change in Ownership.* The STR Permit shall be invalidated by a change in Owner or Administrator of a STR, except when a spouse or domestic partner is added to the title of the property or the property is converted to a trust, which is principally under the same ownership. If the STR Permit is invalidated by a change in ownership, the Owner or Administrator must complete the reapplication process within forty (40) days or the right to the STR Permit will be lost.
- E. *Noise and disturbances.* Guests are subject to the requirements of this Code.
- F. *Revocation of STR Permit.* A STR Permit may be revoked by the City due to the failure to meet the requirements set forth in this Chapter, subject to the discretion of the City.
- G. *Appeal process.* Revocation of a STR Permit may be appealed pursuant to Municipal Code section 11-25. The appeal shall be accompanied by a filing fee, if any, as established by City Council resolution.
- H. *Transient Occupancy Tax.* Transient Occupancy Tax (TOT) shall be collected on all short-term rentals. STR Owners are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City on a monthly basis. If a Hosting Platform collects payment for short-term rentals, then it and the STR Owner shall both have legal responsibility for the collection and remittance of TOT.

3.9-400 Permit Application Procedures

An application for a STR Permit shall be filed with the City Manager upon forms, the content of which shall be set by the City Manager and shall, at a minimum, request:

- A. The name, address, and telephone number of the Owner of the STR for which the STR Permit is to be issued.
- B. The name, address, and telephone number of the STR Administrator, if applicable, and a notarized declaration from the STR Owner that the STR Administrator has permission to run a STR on the Owner's property.

- C. A statement of the anticipated daily rental charge for the STR and written acknowledgment of the responsibility to pay TOT associated with the rental of the STR.
- D. A valid business license issued by the City for the STR.
- E. A STR Permit application fee.

3.9-500 Hosting Platform Requirements

- A. Hosting Platforms together with STR Owners shall be responsible for collecting all applicable TOTs and remitting the same to the City. The Hosting Platform shall be considered an agent of the Owner or Operator for purposes of TOT collections and remittance responsibilities as set forth in Chapter 3.4 of this Code.
- B. Subject to applicable laws, Hosting Platforms shall disclose to the City on a regular basis each home-sharing and vacation rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay.
- C. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's Registry at the time the Hosting Platform receives a fee for the booking transaction.
- D. A Hosting Platform operating exclusively on the Internet, which operates in compliance with subsections (1), (2), and (3) above, shall be presumed to be in compliance with this Chapter, except that the Hosting Platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.
- E. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal laws and will not apply if determined by the City to be in violation of, or preempted by, any such laws.

SECTION 2. Severability. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is held invalid, the City Council declares that it would have adopted the

remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. Environmental assessment. The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); and, 15060 (c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Alternatively the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

SECTION 4. Effective date. This ordinance shall go into effect thirty days after the date of its adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the ___ day of _____, 2019, and was adopted at a regular meeting of the San Juan Bautista City Council on the _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

APPROVED AS TO FORM:

Deborah Mall, City Attorney



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Award Consulting Services Agreement to Akel Engineering Group

MEETING DATE: October 15, 2019

DEPARTMENT HEAD: City Manager

RECOMMENDED ACTION: Adopt resolution authorizing the City Manager to execute a consulting services agreement with Akel Engineering Group for a not to exceed amount of \$235,410 for the preparation of a San Juan Bautista Water and Wastewater Planning and Evaluation study.

BACKGROUND INFORMATION: The City of San Juan Bautista owns, operates and maintains the water and wastewater (sewer) systems that serve its residential, commercial, and industrial constituents. The systems consist of a combination of wells, pipelines, lift stations, manholes, assorted pumps and valves, and the critical wastewater treatment plant. Currently, the City does not have a master plan to guide capital and operational expenditure decisions.

Water and wastewater master plans are two of the most important planning documents a full-service city can have. A properly prepared master plan will inform the City Manager and his or her public works team of the condition of existing facilities, the locations where improvements are most in need, and the wisest investments for future needs. In San Juan Bautista, like most cities, most of these improvements are underground and out of sight which creates a challenge for knowing where maintenance and replacement efforts should be focused. The City does not currently fully understand the size and condition of the older underground piping network. A new master plan would help clear that up and identify where pipes are about to fail or are otherwise inadequate.

From a fiscal standpoint, the master plans will allow the City to prioritize infrastructure investments. This will lead to better long-term planning and budgeting, as well as the most efficient use of precious Capital Improvement Program (CIP) resources. Since a portion of the City's water and wastewater customers' monthly bills go towards infrastructure improvements, the master plans will provide a measure of confidence that the funds are being spent wisely.

Akel Engineering Group is a specialty engineering firm providing infrastructure modeling and master planning for wet utilities. They employ state of the art technology to provide smart planning tools for public agencies. They have provided master planning documents for agencies throughout the state, including those in Santa Clara, Santa Cruz, and Monterey counties. Both Morgan Hill and Gilroy recently adopted water and wastewater master plans prepared by Akel.

For San Juan Bautista's consideration, Akel's proposal is to provide water and wastewater master plan documents through the following methodology. First, the existing systems are mapped and placed in a GIS database. Akel will then review existing and future land use and apply hydraulic modeling to gauge the adequacy of existing infrastructure and the need for new infrastructure. Once this is known, the master plans can be prepared to identify near-term and longer-term needs. Not only are the needs identified but they will be prioritized for the City's planning and budgeting efforts. In addition, the proposal includes tasks for the following: 1.) evaluate the effectiveness and usability of the packaged water softening plant previously purchased by the City; 2.) evaluate local vs. regional treatment of wastewater; 3.) evaluate the feasibility of recycled wastewater; 4.) water and wastewater risk assessment; and 5.) wellhead treatment and lift station review. Akel's fee for preparing the master plans and other tasks identified above is \$235,410. Staff believes the proposal is fair and meets the City's critical master planning needs.

FISCAL IMPACT: The City has \$250,000 budgeted in the FY 2019/20 budget for this effort.

ATTACHMENTS:

1. Resolution authorizing City Manager to execute agreement
2. October 2, 2019 proposal from Akel Engineering Group

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AN AGREEMENT BETWEEN THE CITY AND AKEL ENGINEERING GROUP FOR CONSULTING SERVICES

RECITAL

A. The City Council of the City of San Juan Bautista has reviewed the agreement between the City of San Juan Bautista and Akel Engineering Group for Consulting Services and preparation of waste water master plans and evaluation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The Contract is hereby approved and the City Manager is authorized to execute the Contract on behalf of the City.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the City Council held on October 15, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

César E. Flores, Mayor

Laura Cent, City Clerk

**CITY OF SAN JUAN BAUTISTA
AGREEMENT FOR CONSULTING SERVICES
WATER AND WASTE WATER OPERATION MASTER PLAN**

THIS AGREEMENT is made and entered into on the 15th day of October, 2019, by and between the City of San Juan Bautista, a California general law city, hereinafter referred to as the "City," and Akel Engineering Group, Inc., a California corporation, hereinafter referred to as the "Contractor." City and Contractor are sometimes individually referred to as "party" and collectively as "parties" in this Agreement.

Recitals

- A. City desires to retain Contractor to:

To prepare a Water and Waste Water Master Plan for the City, per the proposal in Attachment A, hereinafter referred to as the "Project."
- B. Contractor represents and warrants that it has the qualifications, experience and personnel necessary to properly perform the services as set forth herein.
- C. City desires to retain Contractor to provide such services.

Terms and Conditions

For of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual promises contained herein, City and Contractor agree to the following terms and conditions:

1. Scope of Work.

(a) Contractor is hereby hired and retained by the City to work in a cooperative manner with the City to fully and adequately perform those services set forth in Attachment A, "Project". With prior written notice to Contractor, City may elect to delete certain tasks of the Scope of Work at its sole discretion.

(b) Contractor shall perform all such work with skill and diligence and pursuant to generally accepted standards of practice in effect at the time of performance. Contractor shall provide corrective services without charge to the City for work which fails to meet these standards and which is reported to Contractor in writing within sixty days of discovery. Should Contractor fail or refuse to perform promptly its obligations under this Agreement, the City may render or undertake the performance thereof and the Contractor shall be liable for any expenses thereby incurred.

(c) If services under this Agreement are to be performed by a design professional, as that term is defined in California Civil Code §2782.8(b)(2), design professional certifies that all design professional services shall be provided by a person or persons duly licensed by the State of California to provide the type of services described in Section 1(a). By delivery of completed work, design professional certifies that the work conforms to the requirements of this Agreement and all applicable federal, state and local laws, and the professional standard of care in California.

(d) Contractor is responsible for making an independent evaluation and judgment of all relevant conditions affecting performance of the work, including without limitation site conditions, existing facilities, seismic, geologic, soils, hydrologic, geographic, climatic conditions, applicable federal, state and local laws and regulations and all other contingencies or considerations.

(e) City shall cooperate with Contractor and will furnish all information data, records and reports existing and available to City to enable Contractor to carry out work outlined in Attachment A. Contractor shall be entitled to reasonably rely on information, data, records and reports furnished by the City, however, the City makes no warranty as to the accuracy or completeness of any such information, data, records or reports available to it and provided to Contractor which were furnished to the City by a third party. Contractor shall have a duty to bring to the City's attention any deficiency or error it may discover in any information provided to the Contractor by the City or a third party.

2. Term of Agreement & Commencement of Work.

(a) Unless otherwise provided, the term of this Agreement shall begin on the date of its full execution and shall expire on October 1, 2020, unless extended by amendment or terminated earlier as provided herein. The date of full execution is defined as the date when all of the following events have occurred:

(i) This Agreement has been approved by the City's Council or by the board, officer or employee authorized to give such approval; and

(ii) The office of the City Attorney has indicated in writing its approval of this Agreement as to form; and

(iii) This Agreement has been signed on behalf of Contractor by the person or persons authorized to bind the Contractor hereto; and.

(iv) This Agreement has been signed on behalf of the City by the person designated to so sign by the City's Council or by the officer or employee authorized to enter into this Contract and is attested to by the San Juan Bautista City Clerk.

(b) Contractor shall commence work on the Project on or by October 16, 2019. This Agreement may be extended upon written agreement of both parties. Contractor may be required to prepare a written schedule for the work to be performed, which schedule shall be approved by the City and made a part of Attachment A, and to perform the work in accordance with the approved schedule.

3. Compensation.

(a) City liability for compensation to Contractor under this Agreement shall only be to the extent of the present appropriation to fund this Agreement. For services to be provided under this Agreement City shall compensate Contractor in an amount not to exceed Two Hundred Thirty Five Thousand Four Hundred Ten Dollars (\$235,410.00) in accordance with the provisions of this Section and the Fee Schedule attached hereto as Exhibit A and incorporated herein by this reference.

(b) Invoice(s) in a format and on a schedule acceptable to the City shall be submitted to and be reviewed and verified by the Project Administrator (see Section 5(a)) and forwarded to

the City's Finance Department for payment. City shall notify Contractor of exceptions or disputed items and their dollar value within fifteen days of receipt. Payment of the undisputed amount of the invoice will typically be made approximately thirty days after the invoice is submitted to the Finance Department.

(c) Contractor will maintain clearly identifiable, complete and accurate records with respect to all costs incurred under this Agreement on an industry recognized accounting basis. Contractor shall make available to the representative of City all such books and records related to this Agreement, and the right to examine, copy and audit the same during regular business hours upon 24-hour's notice for a period of four years from the date of final payment under this Agreement.

(d) Contractor shall not receive any compensation for Extra Work without the prior written authorization of City. As used herein, "Extra Work" means any work that is determined by the City to be necessary for the proper completion of the Project but which is not included within the Scope of Work and which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Compensation for any authorized Extra Work shall be paid in accordance with Exhibit A.

(e) Expenses not otherwise addressed in the Scope of Services or the Fee Schedule incurred by Contractor in performing services under this Agreement shall be reviewed and approved in advance by the Project Administrator (Section 5(a)), be charged at cost and reimbursed to Contractor.

(f) There shall be no charge for transportation within San Juan Bautista required for the performance of the services under this Agreement; travel to other locations must be approved in writing and in advance by the City, mileage will be charged at the then current standard rate for business travel as set by the U.S. Internal Revenue Service for such approved travel.

4. Termination or Suspension.

(a) This Agreement may be terminated in whole or in part in writing by either party in the event of a substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten days written notice of intent to terminate, and (2) provided an opportunity for consultation with the terminating party prior to termination.

(b) If termination for default is effected by the City, an equitable adjustment in the price provided for in this Agreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due the Contractor at the time of termination may be adjusted to cover any additional costs to the City because of the Contractor's default. If after the termination for failure of Contractor to fulfill its contractual obligations, it is determined that the Contractor had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the City.

(c) The City may terminate or suspend this Agreement at any time for its convenience upon not less than thirty days prior written notice to Contractor. Not later than the effective date of such termination or suspension, Contractor shall discontinue all affected work and deliver all work product and other documents, whether completed or in progress, to the City.

(d) If termination for default is effected by the Contractor or if termination for convenience is effected by the City, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for termination shall provide for payment to the Contractor for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by Contractor relating to written commitments that were executed prior to the termination.

5. Project Administrator, Project Manager & Key Personnel.

(a) The City designates as its Project Manager Karl Bjarke, who shall have the authority to act for the City under this Agreement. The Project Administrator or his/her authorized representative shall represent the City in all matters pertaining to the work to be performed pursuant to this Agreement.

(b) Contractor designates _____ as its Project Manager who shall coordinate all phases of the Project. The Project Manager shall be available to City at all reasonable times during the Agreement term.

(c) Contractor warrants that it will continuously furnish the necessary personnel to complete the Project on a timely basis as contemplated by this Agreement. Contractor, at the sole discretion of City, shall remove from the Project any of its personnel assigned to the performance of services upon written request of City. Contractor has represented to City that certain key personnel will perform and coordinate the work under this Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence upon written approval of the City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Agreement for cause.

6. Delegation of Work.

(a) If Contractor utilizes any subcontractors, consultants, persons, employees or firms having applicable expertise to assist Contractor in performing the services under this Agreement, Contractor shall obtain City's prior written approval to such employment. Contractor's contract with any subcontractor shall contain a provision making the subcontract subject to all provisions of this Agreement. Contractor will be fully responsible and liable for the administration, completion, presentation, and quality of all work performed. If such persons are utilized, they shall be charged at cost. City reserves its right to employ other contractors in connection with this Project.

(b) If the work hereunder is performed by a design professional, design professional shall be directly involved with performing the work or shall work through his, her or its employees. The design professional's responsibilities under this Agreement shall not be delegated. The design professional shall be responsible to the City for acts, errors or omissions of his, her or its subcontractors. Negligence of subcontractors or agents retained by the design professional is conclusively deemed to be the negligence of the design professional if not adequately corrected by the design professional. Use of the term subcontractor in any other provision of this Agreement shall not be construed to imply authorization for a design professional to use subcontractors for performance of any professional service under this Agreement.

(c) The City is an intended beneficiary of any work performed by a subcontractor for purposes of establishing a duty of care between the subcontractor and the City.

7. **Skill of Employees.** Contractor shall ensure that any employees or agents providing services under this Agreement possess the requisite skill, training and experience to properly perform such services.

8. **Confidential and Proprietary Information.** In the course of performing services under this Agreement Contractor may obtain, receive, and review confidential or proprietary documents, information or materials that are and shall remain the exclusive property of the City. Should Contractor undertake the work on behalf of other agencies, entities, firms or persons relating to the matters described in the Scope of Work, it is expressly agreed by Contractor that any such confidential or proprietary information or materials shall not be provided or disclosed in any manner to any of Contractor's other clients, or to any other third party, without the City's prior express written consent.

9. **Ownership of Data.** Unless otherwise provided for herein, all documents, material, data, drawings, plans, specifications, computer data files, basis for design calculations, engineering notes, and reports originated and prepared by Contractor, or any subcontractor of any tier, under this Agreement shall be and remain the property of the City for its use in any manner it deems appropriate. Contractor agrees that all copyrights which arise from creation of the work pursuant to this Agreement shall be vested in the City and waives and relinquishes all claims to copyright or intellectual property rights in favor of the City. Contractor shall provide two (2) sets of reproducible of the above-cited items, except for the computer data files which shall consist of one (1) set. Contractor shall use all reasonable efforts to ensure that any electronic files provided to the City will be compatible with the City's computer hardware and software. Contractor makes no representation as to long-term compatibility, usability or readability of the format resulting from the use of software application packages, operating systems or computer hardware differing from those in use by the City at the commencement of this Agreement. Contractor shall be permitted to maintain copies of all such data for its files. City acknowledges that its use of the work product is limited to the purposes contemplated by the Scope of Work and, should City use these products or data in connection with additions to the work required under this Agreement or for new work without consultation with and without additional compensation to Contractor, Contractor makes no representation as to the suitability of the work product for use in or application to circumstances not contemplated by the Scope of Work and shall have no liability or responsibility whatsoever in connection with such use which shall be at the City's sole risk. Any and all liability arising out of changes made by the City to Contractor's deliverables is waived against Contractor unless City has given Contractor prior written notice of the changes and has received Contractor's written consent to such changes.

10. **Conflict of Interest.**

(a) Contractor covenants that neither it, nor any officer or principal of its firm has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of the City or which would in any way hinder Contractor's performance of services under this Agreement. Contractor further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the City Manager. Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of the City in the performance of this Agreement. Contractor shall represent the interest of the City in any

discussion or negotiations, and as such, may not accept compensation, commission or payment of any type from any such party or such party's agent.

(b) City understands and acknowledges that Contractor may be, as of the date of commencement of services under this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Contractor is unaware of any stated position of the City relative to such projects. Any future position of the City on such projects may result in a conflict of interest for purposes of this section.

(c) No official or employee of the City who is authorized in such capacity on behalf of the City to negotiate, make, accept, or approve, or take part in negotiating, making accepting or approving this contract, shall become directly or indirectly interested in this contract or in any part thereof. No officer or employee of the City who is authorized in such capacity and on behalf of the City to exercise any executive, supervisory, or similar function in connection with the performance of this contract shall become directly or indirectly interested personally in this contract or any part thereof.

11. Disclosure. Contractor may be subject to the appropriate disclosure requirements of the California Fair Political Practices Act, as determined by the City Manager.

12. Non-Discrimination.

(a) During the performance of this Agreement the Contractor shall comply with the applicable nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California and the City. In performing this Agreement, Contractor shall not discriminate, harass, or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (including cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave. Contractor shall give written notice of its obligations under this clause to labor organizations with which it has a collective bargaining or other agreement.

(b) Contractor shall include the nondiscrimination and compliance provisions of this Section in all subcontracts.

13. Indemnification.

(a) Other than in the performance of professional services by a design professional, which shall be solely as addressed by subsection (b) below, and to the full extent permitted by law, Contractor shall (1) immediately defend (with independent counsel reasonably acceptable to the City) and (2) indemnify the City, its Council, boards, commissions, employees, officials and agents ("Indemnified Parties" or in the singular "Indemnified Party") from and against all liabilities regardless of nature or type arising out of or resulting from Contractor's performance of services under this contract, or any negligent or wrongful act or omission of the Contractor or Contractor's officers, employees, agents or subcontractors. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines and judgments, associated investigation and administrative expenses; defense costs including but not limited to reasonable attorney's fees; court costs; expert witness fees; and costs of alternate dispute resolution ("Liabilities"). The Contractor's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the

comparative active negligence or willful misconduct of an Indemnified Party, the Contractor's indemnification obligation shall be reduced in proportion to the established comparative liability of the Indemnified Party.

(b) To the fullest extent permitted by law (including without limitation California Civil Code Sections 2782.8 as in effect at any given time), when the services to be provided under this Agreement by Contractor are design professional services to be performed by a design professional, as that term is defined under said section 2782.8, the design professional shall (1) immediately defend (with independent counsel reasonably acceptable to the City) and (2) indemnify the City and any Indemnified Party for all Liabilities regardless of nature or type that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of design professional, or the acts or omissions of an officer, employee, agent or subcontractor of the design professional. The design professional's obligation to indemnify applies unless it is finally adjudicated that the liability was caused by the sole active negligence or sole willful misconduct of an Indemnified Party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an Indemnified Party, then design professional's indemnification obligation shall be reduced in proportion to the established comparative liability of the Indemnified Party.

(c) All obligations under this section are to be paid by Contractor as incurred by City. The provisions of this Section are not limited by the provisions of sections relating to insurance including provisions of any worker's compensation act or similar act. Contractor expressly waives its statutory immunity under such statutes or laws as to City, its employees and officials. An allegation or determination of comparative active negligence or willful misconduct by an Indemnified Party does not relieve the Contractor from its separate and distinct obligation to defend the City. Contractor agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this section from each and every subcontractor, sub tier contractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance or subject matter of this Agreement. In the event Contractor fails to obtain such indemnity obligations from others as required here, Contractor agrees to be fully responsible according to the terms of this section. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder.

(d) If any action or proceeding is brought against any Indemnified Party by reason of any of the matters against which the Contractor has agreed to defend the Indemnified Party, as provided above, Contractor, upon notice from the City, shall immediately defend any Indemnified Party at Contractor's expense by counsel reasonably acceptable to the City. An Indemnified Party need not have first paid for any of the matters to which it is entitled to indemnification in order to be so defended.

(e) The review, acceptance or approval of the Contractor's work or work product by any Indemnified Party shall not affect, relieve or reduce the Contractor's indemnification or defense obligations. This obligation to indemnify and defend City, as set forth herein, is binding on the successors, assigns, or heirs of Contractor and shall survive the completion of the services or the termination of this Agreement or this Section.

14. Insurance.

(a) As a condition precedent to the effectiveness of this Agreement and without limiting Contractor's indemnification of the City, Contractor agrees to obtain and maintain in full force

and effect at its own expense the insurance policies set forth in Exhibit "B" "Insurance" attached hereto and made a part hereof. Contractor shall furnish the City with original certificates of insurance, manually autographed in ink by a person authorized by that insurer to bind coverage on its behalf, along with copies of all required endorsements. All certificates and endorsements must be received and approved by the City before any work commences. All insurance policies shall be subject to approval by the City Attorney and Risk Manager as to form and content. Specifically, such insurance shall: (1) protect City as an additional insured for commercial general and business auto liability; (2) provide City at least thirty days written notice of cancellation, material reduction in coverage or reduction in limits and ten days written notice for non-payment of premium; and (3) be primary with respect to City's insurance program. Contractor's insurance is not expected to respond to claims that may arise from the acts or omissions of the City.

(b) City reserves the right at any time during the term of this Agreement to change the amounts and types of insurance required herein by giving Contractor ninety days advance written notice of such change. If such change should result in substantial additional cost of the Contractor, City agrees to negotiate additional compensation proportional to the increased benefit to City.

(c) All required insurance must be submitted and approved the City Attorney and Risk Manager prior to the inception of any operations by Contractor.

(d) The required coverage and limits are subject to availability on the open market at reasonable cost as determined by the City. Non availability or non affordability must be documented by a letter from Contractor's insurance broker or agency indicating a good faith effort to place the required insurance and showing as a minimum the names of the insurance carriers and the declinations or quotations received from each. Within the foregoing constraints, Contractor's failure to procure or maintain required insurance during the entire term of this Agreement shall constitute a material breach of this Agreement under which City may immediately suspend or terminate this Agreement or, at its discretion, procure or renew such insurance to protect City's interests and pay any and all premium in connection therewith and recover all monies so paid from Contractor.

(e) By signing this Agreement, Contractor hereby certifies that it is aware of the provisions of Section 3700 *et seq.*, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provision of that Code, and that it will comply with such provisions at all such times as they may apply during the performance of the work pursuant to this Contract. Unless otherwise agreed, a waiver of subrogation in favor of the City is required.

15. Independent Contractor. The parties agree that Contractor, its officers, employees and agents, if any, shall be independent contractors with regard to the providing of services under this Agreement, and that Contractor's employees or agents shall not be considered to be employees or agents of the City for any purpose and will not be entitled to any of the benefits City provides for its employees. City shall make no deductions for payroll taxes or Social Security from amounts due Contractor for work or services provided under this Agreement.

16. Claims for Labor and Materials. Contractor shall promptly pay when due all amounts payable for labor and materials furnished in the performance of this Agreement, so as to prevent any lien or other claim under any provision of law from arising against any City property (including reports, documents, and other tangible matter produced by the Contractor

hereunder), against the Contractor's rights to payments hereunder, or against the City, and shall pay all amounts due under the Unemployment Insurance Act with respect to such labor.

17. Discounts. Contractor agrees to offer the City any discount terms that are offered to its best customers for the goods and services to be provided herein, and apply such discounts to payment made under this Agreement which meet the discount terms.

18. Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

19. Dispute Resolution. If any dispute arises between the parties as to proper interpretation or application of this Agreement, the parties shall first meet and confer in a good faith attempt to resolve the matter between themselves. If the dispute is not resolved by meeting and conferring, the matter shall be submitted for formal mediation to a mediator selected mutually by the parties. The expenses of such mediation shall be shared equally between the parties. If the dispute is not or cannot be resolved by mediation, the parties may mutually agree (but only as to those issues of the matter not resolved by mediation) to submit their dispute to arbitration. Before commencement of the arbitration, the parties may elect to have the arbitration proceed on an informal basis; however, if the parties are unable so to agree, then the arbitration shall be conducted in accordance with the rules of the American Arbitration Association. The decision of the arbitrator shall be binding, unless within thirty days after issuance of the arbitrator's written decision, any party files an action in court. Venue and jurisdiction for any such action between the parties shall lie in the Superior Court for the County of Monterey.

20. Compliance with Laws.

(a) Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California and the City including but not limited to laws regarding health and safety, labor and employment, wage and hours and licensing laws which affect employees. This Agreement shall be governed by, enforced and interpreted under the laws of the State of California. Contractor shall comply with new, amended or revised laws, regulations or procedures that apply to the performance of this Agreement.

(b) If the Project is a "public work," or prevailing wages are otherwise required, Contractor shall comply with all provision of California Labor Code section 1720 *et seq.*, as applicable, and laws dealing with prevailing wages, apprentices and hours of work.

(c) Contractor represents that it has obtained and presently holds all permits and licenses necessary for performance hereunder, including a Business License required by the City's Business License Ordinance. For the term covered by this Agreement, the Contractor shall maintain or obtain as necessary, such permits and licenses and shall not allow them to lapse, be revoked or suspended.

21. Assignment or Transfer. This Agreement or any interest herein may not be assigned, hypothecated or transferred, either directly or by operation of law, without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

22. Notices. All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, sent by facsimile ("fax") or certified mail, postage prepaid with return receipt requested, addressed as follows:

To City: Don Reynolds, City Manager
City of San Juan Bautista
311 Second Street
P. O. Box 1420
San Juan Bautista, CA 95045
Fax: (831) 623-4093

To Contractor: Tony Akel, PE, President
Akel Engineering Group, Inc.
7433 N. First Street, Suite 103
Fresno, CA 93720
Fax: (559) 436-0622

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three days after deposit in the custody of the U.S. Postal Service. A copy of any notice sent as provided herein shall also be delivered to the Project Administrator and Project Manager.

23. Amendments, Changes or Modifications. This Agreement is not subject to amendment, change or modification except by a writing signed by the authorized representatives of City and Contractor.

24. Force Majeure. Notwithstanding any other provisions hereof, neither Contractor nor City shall be held responsible or liable for failure to meet their respective obligations under this Agreement if such failure shall be due to causes beyond Contractor's or the City's control. Such causes include but are not limited to: strike, fire, flood, civil disorder, act of God or of the public enemy, act of the federal government, or any unit of state or local government in either sovereign or contractual capacity, epidemic, quarantine restriction, or delay in transportation to the extent that they are not caused by the party's willful or negligent acts or omissions, and to the extent that they are beyond the party's reasonable control.

25. Attorney's Fees. In the event of any controversy, claim or dispute relating to this Agreement, or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

26. Successors and Assigns. All of the terms, conditions and provisions of this Agreement shall apply to and bind the respective heirs, executors, administrators, successors, and assigns of the parties. Nothing in this paragraph is intended to affect the limitation on assignment.

27. Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind each respective party.

28. Waiver. A waiver of a default of any term of this Agreement shall not be construed as a waiver of any succeeding default or as a waiver of the provision itself. A party's performance after the other party's default shall not be construed as a waiver of that default.

29. **Severability.** Should any portion of this Agreement be determined to be void or unenforceable, such shall be severed from the whole and the Agreement will continue as modified.

30. **Construction, References, Captions.** Since the parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. The captions of the various sections are for convenience and ease of reference only, and do not define, limit, augment or describe the scope, content or intent of this Agreement.

31. **Advice of Counsel.** The parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this Agreement, and that the decision of whether or not to seek the advice of counsel with respect to this Agreement is a decision which is the sole responsibility of each of the parties hereto. This Agreement shall not be construed in favor or against either party by reason of the extent to which each party participated in the drafting of this Agreement.

32. **Counterparts.** This Agreement may be signed in counterparts, each of which shall constitute an original.

33. **Time.** Time is of the essence in this contract.

34. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the matters as set forth in this Agreement, and no other agreement, statement or promise made by or to any party or by or to any employee, officer or agent of any party, which is not contained in this Agreement shall be binding or valid.

IN WITNESS WHEREOF, Contractor and the City by their duly authorized representatives, have executed this Agreement, on the date first set forth above, at San Juan Bautista, California.

CITY OF SAN JUAN BAUTISTA

CONTRACTOR

By: _____

By: _____

Name: Don Reynolds

Name: _____

Its: City Manager

Its: _____

Date: _____

Date: _____

Attest: (Pursuant to Reso: 2019 - _____)

By: _____
Laura Cent, City Clerk

Approved as to form:

By: _____
Deborah Mall, City Attorney

Exhibit A



FEE SCHEDULE

Effective Through:

June 30, 2020

Category	Hourly Rate
Principal Engineer	\$194.00
Senior Engineer	\$176.00
Associate Engineer	\$157.00
Assistant Engineer	\$118.00
CAD/GIS Technician	\$107.00
Word Processing/Secretarial	\$80.00
Other Direct Expenses	
Travel and Subsistence	at Cost
Mileage	\$0.58/mile
Other Direct Cost	Cost plus 10%

** Fee Schedule is subject to an annual increase at the end of the fiscal year*

Exhibit B – Insurance Requirements

A. Without limiting Consultant's indemnification of City, and prior to commencing any Services required under this Agreement, Consultant shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverage's, provisions and endorsements:

1. Commercial General Liability Policy (bodily injury and property damage): Policy limits are subject to review, but shall in no event be less than, the following:

\$5,000,000 Each Occurrence
\$5,000,000 General Aggregate
\$1,000,000 Products/Completed Operations Aggregate
\$1,000,000 Personal Injury

2. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars (\$1,000,000) policy limit Bodily Injury by disease, one million dollars (\$1,000,000) each accident/Bodily Injury and one million dollars (\$1,000,000) each employee Bodily Injury by disease.
3. Comprehensive Business Automobile Liability Insurance Policy with policy limits at minimum limit of not less than one million dollars (\$1,000,000) each accident using. Liability coverage shall apply to all owned, non-owned and hired autos.
4. Professional Liability or Errors and Omissions Insurance as appropriate shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of Consultant. Coverage shall be in an amount of not less than one million dollars (\$1,000,000) per claim/aggregate

B. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Consultant, shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with endorsements and deductibles indicated in this Agreement. Consultant shall file with City all certificates for required insurance policies for City's approval as to adequacy of insurance protection.

C. ADDITIONAL INSURED ENDORSEMENT

General liability insurance shall include endorsements that:

- a. Identify the policy number;
- b. Include a statement that "the City of San Juan Bautista, including its officers, employees and volunteers are additional insureds";
- c. Include a statement that the insurance shall be primary and that the insurance shall not be cancelled except upon prior written consent to City (30 days prior);

- d. Endorsements must be signed by the insurance City or broker, and provided to the City;
- e. Any deviations from the above insurance requirements must be approved by the City's counsel

Attachment A



Smart Planning Our Water Resources

October 2, 2019

311 Second Street
PO Box 1420
San Juan Bautista, CA 95045

Attention: Don Reynolds
City Manager

Subject: PROPOSAL - City of San Juan Bautista Water and Wastewater Planning and Evaluations

Dear Ed:

We are pleased to submit this letter proposal for developing the City of San Juan Bautista Water and Wastewater Planning and Evaluations.

Background

The City of San Juan Bautista is located on the western edge of the Hollister Valley, and approximately 7 miles west of the City of Hollister. State Route roughly bisects the City in an east west direction. The City had approximately 1,800 residents as of the 2010 Census, and provides water, sewer, and storm drainage services to residential and non-residential land uses located within the service area.

The City does not currently have a Water or Wastewater System Master Plan. In addition, the Regional Board has identified salt loading as a concern from the Wastewater Treatment Plant. Accordingly, the City has requested a scope of work and fee estimate to complete master plans to document the existing and future needs of the water and wastewater systems, the evaluation of the water and wastewater treatment plants, and recommendations for enhancing these systems.

SCOPE OF WORK

This scope of work is intended to meet the needs of the Water and Wastewater system planning needs, address regulatory compliance needs for the treatment plants, and to adequately plan for the future requirements for the City of San Juan Bautista.

A . GIS MAPPING - WATER AND WASTEWATER

Task A1 – GIS Geometry Review and Update

The first phase of the GIS development will be a thorough review of the water and wastewater system GIS geometry. Special attention shall be paid to pipe distance from road centerlines or parcel lines, as well as any high precision coordinate locations that have been placed on the plans. Locations of sewer manholes, and water hydrants and valves will be determined based on aerial imagery and Google Street Map review. These locations will be confirmed based on as-built drawings.

ASSUMPTION: The City will provide any available improvement plans, which shall be reviewed and compared for accuracy with the current spatial data.

Task A2 – GIS Attribute Review and Update

The second phase of the GIS development will include the population of missing attribute information found on the City's water and wastewater infrastructure improvement plans.

Attributes such as size, material, installation date, and other data attributes will be reviewed for accuracy and populated into the GIS database.



NOTES: These tasks are required prior to the completion of a water or wastewater master plan.

B. WATER MASTER PLAN

Task B1 – Land Use Demand Analysis and Hydraulic Model Development

This task includes a detailed review of the City's existing and planned land use. This task also includes reviewing the historical billing records of the existing water system customers and developing water demand factors based on existing consumption and land use. These factors will be used to project future demand based on planned future growth.

This task also includes preparing a water system hydraulic model for the City's existing water system using the Innovyze modeling software InfoWater. This task also includes performing a 24-hour extended period simulation calibration of the water system model. Calibration will be submitted to City staff for review and discussion.

Task B2 – Evaluate Existing and Proposed System

This task includes preparing the criteria and standards utilized in evaluating the existing system and recommending improvements to serve future growth. Criteria will be evaluated for local agencies and customized to the San Juan Bautista system. The criteria will be submitted to City staff for review.

Once the criteria has been approved by City staff, the City's calibrated hydraulic model will be used to evaluate the existing water system. The Consultant shall identify improvements to mitigate existing deficiencies and document them in tables and exhibits.

Finally, this task includes identifying the improvements necessary to serve future growth outlined in the City's 2035 General Plan. The hydraulic model will also be used for extending the distribution system infrastructure to service future growth. Consultant shall identify needed improvements to service growth and document in tables and exhibits. Improvements will be submitted to City staff for review and discussion.

Task B3 – Prepare Water System Master Plan Report

This task includes the preparation of the Water System Master Plan report that documents the development of the design and performance criteria, demand projections, the identified deficiencies, the proposed improvements, the capital improvement programs, and cost sharing suggestions. The master plan will also include associated maps and exhibits. A draft report will be submitted in electronic PDF format to City staff for review and discussion.

Task B4 – Project Management and Meetings

This task accounts for two in-person meetings, including the project kickoff meeting, and as needed teleconferences during the course of the project.

C. WATER SUPPLY AND TREATMENT

Task C1 – Preliminary Evaluation of Packaged Water Softening System

Stantec will perform a preliminary evaluation of the packaged water softening system based on the historic influent water quality, project design criteria, treatment goals and requirements, project constraints, and the information available on the packaged water treatment system design, waste generation estimates, and the proposed operation and waste management plan. Stantec will review the information to be provided by the City and others. Based on the review, Stantec will prepare a brief memo summarizing the findings of the preliminary evaluation.

D. WASTEWATER TREATMENT

Task D1 – Evaluate Local Treatment vs Regional Treatment Needs

This task consists of evaluating the cost benefit for treating wastewater at the local wastewater treatment facility, including updates to meet Regional Board compliance needs, versus potentially pumping wastewater to the City of Hollister for regional treatment. Stantec will evaluate the wastewater treatment compliance needs, while Akel Engineering Group will evaluate the pumping and pipeline conveyance needs.

This task will include two scenarios:

- **Scenario 1:** Buy back water softening units, and assume that the water treatment plant removes the hardness, thus salt and nutrient loading is reduced at the wastewater treatment plant. Costs will assume necessary upgrades at the water treatment plant, the buy back program, and compliance upgrades at the Wastewater Treatment Plant.
- **Scenario 2:** Assume water softening units remain in place, and the wastewater treatment plant is responsible for compliance upgrades to remove the salt and nutrient loading increase from the softening units.

NOTES: If this task is completed as part of the Wastewater Master Plan, the scope is reduced due to overlapping flow analysis and documentation.

E. RECYCLED WATER STUDY

Task E1 – Document Available Facilities

This task consists of mapping and documenting the facilities available to distribute recycled water to customers, which includes creating GIS shapefiles.

Task E2 – Document Potential Supply vs Demands

This task consists of quantifying the available supply based on historical influent flows at the treatment facility. Additionally, potential demands will be documented within a reasonable proximity to the City facilities based on a review of aerial imagery and typical irrigation use factors, and supply vs demand comparison will be created to determine the potential for reuse.

ASSUMPTIONS: This assumes that the wastewater meets the Title 22 standards for tertiary discharge.

Task E3 – Recommendations and Report

This task consists of documenting potential improvement recommendations based on the findings of the previous tasks. The results will be submitted to City staff for review. Upon review by City staff, the findings will be memorialized in a report and submitted to City staff.

NOTES: If this task is completed as part of the Wastewater Master Plan, the scope is reduced due to overlapping flow analysis and documentation.

F. WASTEWATER MASTER PLAN

Task F1 – Land Use Flow Analysis and Hydraulic Model Development

This task includes a detailed review of the City's existing and planned land use. This task also includes reviewing the historical billing records of the existing water system customers and developing sewer flow factors based on existing consumption and land use, and utilizing return to sewer ratios. These factors will be used to project future flows based on planned future growth.

This task also includes preparing a water system hydraulic model for the City's existing sewer system using the Innovyze modeling software InfoSWMM. This task also includes performing a 24-hour extended period simulation calibration of the sewer system model. Calibration will be submitted to City staff for review and discussion.

ASSUMPTIONS: This task assumes hourly flows are available at the wastewater treatment facility. No sewer flow monitoring costs have been included in this proposal.

NOTES: If the Wastewater Master Plan is completed concurrently with the Water Master Plan, the scope of this task is reduced due to the overlapping land use efforts.

Task F2 – Evaluate Existing and Proposed System

This task includes preparing the criteria and standards utilized in evaluating the existing system and recommending improvements to serve future growth. Criteria will be evaluated for local agencies and customized to the San Juan Bautista system. The criteria will be submitted to City staff for review.

Once the criteria has been approved by City staff, the City's calibrated hydraulic model will be used to evaluate the existing sewer system. The Consultant shall identify improvements to mitigate existing deficiencies and document them in tables and exhibits.

Finally, this task includes identifying the improvements necessary to serve future growth outlined in the City's 2035 General Plan. The hydraulic model will also be used for extending the collection system infrastructure to service future growth. Consultant shall identify needed

improvements to service growth and document in tables and exhibits. Improvements will be submitted to City staff for review and discussion

Task F3 – Prepare Water System Master Plan Report

This task includes the preparation of the Water System Master Plan report that documents the development of the design and performance criteria, demand projections, the identified deficiencies, the proposed improvements, the capital improvement programs, and cost sharing suggestions. The master plan will also include associated maps and exhibits. A draft report will be submitted in electronic PDF format to City staff for review and discussion.

Task F4 – Project Management and Meetings

This task accounts for two in-person meetings, including the project kickoff meeting, and as needed teleconferences during the course of the project.

G. OPTIONAL TASKS

Task G1 – Water and Sewer System Risk Assessment

This task includes a detailed review of available age, material, and condition information for the water and sewer systems. This information, combined with other factors like high-risk facilities, major crossings, and other criteria; will be documented and a risk framework will be presented to City staff for review and approval. The framework and resulting risk analysis will serve as the basis for prioritizing improvements within each system.

G2 – Wellhead Treatment and Lift Station Review

This task will be completed by Stantec, and their scope of work is as follows:

Task 1 – Kick-off Meeting

- A kick-off meeting will be held to initiate the project, review and discuss project issues and concerns. This meeting will also allow for further discussion regarding the requirements and expectations of all parties.

Task 2 – Investigation of Concerns related to Elevated Iron Concentration at Well 6

- Stantec will perform an investigation of elevated concentration of iron at the recently acquired agricultural well (Well 6) and develop potential mitigation strategies.
- Task 2.1 – Existing Data Review and Preliminary Evaluation
- Stantec will collect and review all available treatment and water quality data from the site.
- Task 2.2 – Review Requirements and Develop Performance Targets
- Stantec will review applicable requirements for iron and assess how these requirements can be met based on the performance target.
- Task 2.3 – Identify Technologies and/or Strategies to Meet Requirements
- Based on our experience with similar projects, Stantec will propose a list of viable technologies and/or strategies that would be feasible to meet the identified performance target.

Task 3 – Sewer Lift Station Compliance Review

- Stantec will review and analyze a recently constructed sewer lift station to assess compliance with applicable industry standards and city specifications.

Task 4 – Field Visit

- Stantec will perform a field visit to inspect the wellhead treatment and sewer lift station.

Task 5 – Reporting

- Stantec will prepare draft memos for Task 2 (Wellhead Treatment Evaluation) and Task 3 (Sewer Lift Station Review) summarizing the findings. Stantec will develop final memo after incorporating City's review comments.

FEE ESTIMATE

The fee estimate for these projects has been included as an attachment to this scope of work.

Should you need additional information, or have questions regarding this proposal, please do not hesitate to call me. I look forward to hearing from you.

Sincerely,

AKEL ENGINEERING GROUP, INC.

Tony Akel, P.E.
President

Attachment A

Fee Estimate

City of San Juan Bautista
Water and Wastewater Planning and Evaluations
Fee Estimate

PRELIMINARY

Task No.	Task Description	Hours							Costs				
		Principal Engineer	Senior Engineer	Associate Engineer	Assistant Engineer	GIS Technician	Secretarial		Labor Costs	Subcontract	Fee	Other	Cost By Task
		\$194	\$176	\$157	\$148	\$107	\$60						
A. GIS Mapping - Water and Wastewater													
A1	GIS Geometry Review and Update	1	2	4		25			\$3,849				\$3,849
A2	GIS Attribute Review and Update	1	4	6	6	40			\$6,828				\$6,828
A3	Project Management and Meetings	8	8						\$2,960				\$2,960
	Subtotal	10	14	10	6	65	0		\$13,637	\$0		\$0	\$13,637
B. Water Master Plan													
B1	Land Use Demand Analysis and Hydraulic Model Development	2	10	22	35	16			\$11,444				\$11,444
B2	Evaluate Existing and Proposed System	1	8	15	30	18			\$9,423				\$9,423
B3	Prepare Water System Master Plan Report	2	12	24	10	12			\$8,732				\$8,732
B4	Project Management and Meetings	10	15						\$4,580				\$4,580
	Subtotal	15	45	61	75	46	0		\$34,179	\$0		\$0	\$34,179
C. Water Supply and Treatment													
C1	Preliminary Evaluation of Packaged Water Softening System	3	3						\$1,110	\$20,000	Stantec	\$2,000	\$23,110
C2	Project Management and Meetings	4	4						\$1,480				\$1,480
	Subtotal	7	7	0	0	0	0		\$2,590	\$20,000		\$2,000	\$24,590
D. Wastewater Treatment													
D1	Evaluate Local Treatment vs Regional Treatment Needs	8	15	30	15	12			\$11,956	\$25,000	Stantec	\$2,500	\$39,456
D2	Project Management and Meetings	8	8						\$2,960				\$2,960
	Subtotal	16	23	30	15	12	0		\$14,916	\$25,000		\$2,500	\$42,416
E. Recycled Water Study													
E1	Document Available Facilities	1	5	8	6	24			\$5,606				\$5,606
E2	Document Potential Supply vs Demand	1	8	15	12	10			\$6,443				\$6,443
E3	Recommendations and Report	6	12	15	15	12			\$8,685				\$8,685
E4	Project Management and Meetings	8	8						\$2,960				\$2,960
	Subtotal	16	33	38	33	46	0		\$23,694	\$0		\$0	\$23,694
F. Wastewater Master Plan													
F1	Land Use Flow Analysis and Hydraulic Model Development	2	12	27	42	20			\$13,835				\$13,835
F2	Evaluate Existing and Proposed System	1	8	15	30	18			\$9,423				\$9,423
F3	Prepare Water System Master Plan Report	2	12	24	10	12			\$8,732				\$8,732
F4	Project Management and Meetings	10	15						\$4,580				\$4,580
	Subtotal	15	47	66	82	50	0		\$36,570	\$0		\$0	\$36,570
	Total - Tasks A-F	79	169	205	211	219	0		\$125,586	\$45,000	\$0	\$4,500	\$175,086
G. Optional Tasks													
G1	Water and Sewer System Risk Assessment	6	16	24	42	20			\$14,844				\$14,844
G2	Proposal for Wellhead Treatment Investigation and Sewer Lift Station Review	4	4						\$1,480	\$40,000	Stantec	\$4,000	\$45,480
	Subtotal	10	20	24	42	20	0		\$16,324	\$40,000		\$4,000	\$60,324
	Total - with Optional Tasks G	89	189	229	253	239	0		\$141,910	\$85,000		\$8,500	\$235,410

AKEL
Engineering Group

10/2/2019

Akel Engineering Group

City of San Juan Bautista
Proposal – Water and Wastewater Planning and Evaluations



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

**AGENDA TITLE: SUSTAINABLE CITIES YEAR PROGRAM
AGREEMENT**

MEETING DATE: October 15, 2019

DEPARTMENT HEAD: Don Reynolds, City Manager

Recommendation

It is recommended that the City adopt the attached resolution authorizing the City Manager to execute a Research Agreement with the University Corporation at Monterey Bay and participate in its "Sustainable City Year Program."

Background

Since 2015, California State University Monterey Bay ("CSUMB") and its Department of Science and Environmental Policy program joined dozens of universities around the country (and now around the world), to establish an experiential learning opportunity for students to work directly with cities and learn first-hand about related policies that work because they are community driven. The city participants gain a deeper knowledge of the environmental policy focus areas with the extra energy that the students bring to the community. The final "deliverable" is a written bound report for future policy decision making.

At its September 17, 2019 City Council meeting, the City Council received a presentation from CSUMB Professor Daniel Fernandez who described a unique partnership possibility between CSUMB and the City. Professor Fernandez works within the school of Science and the Environment with a focus on Environmentally Sustainable Studies. Each year this program sponsors a forum in Monterey for sustainable tourism. Initially, it was hoped that CSUMB could help the City launch a new ban on single use plastics. They would team up with Recology and survey local business and special event sponsors to reduce the use of plastics in San Juan Bautista. This program could be paid from an AB939 fee collected for the purpose of reducing litter. In the end, the City will be able to move forward with these regulations tailored to fit the unique characteristics of the San Juan Bautista business and economy.

Discussion

Attached for the City Council's consideration is a draft Resolution and Agreement that provides for up to three classes to begin working in San Juan Bautista immediately studying the proposed ban on single use plastics, and a second project to explore the expansion of Electric Vehicle Charging stations. A budget for each program is also attached, not to exceed \$5,000 each, or a total of \$10,000.

Research generally includes talking to various stakeholders including business owners, consumers, Recology, and alternative consumable suppliers that provide an option to single use plastics. Just because a cup is compostable, does not mean that it will be composted. This study therefore, has to trace the traditional use of plastics in San Juan Bautista from "cradle to grave." The feedback will be organized and verified. It will then come forth as a strategy based on the City's needs and desires. In this case, the City may consider a "phasing" into a plastics ban, and this data will help better understand how that would occur. A Business class will help business owners to forecast costs and benefits of changing to non-plastic alternatives.

The second project will explore the implementation of EV Charging stations. There are many incentives available to help pay for EV Stations. But identifying the best location in terms of convenience, safety, and desirable parking are other local factors that need to be worked out. Another crucial component is determining if there is sufficient infrastructure from PG&E at these various locations. In the end, San Juan Bautista will be in a place to incentivize electric vehicle use by becoming more friendly to EV vehicles.

Fiscal Impact

The City collects four different fees in its rubbish franchise bill. One of them is a litter reduction fee, a second fee is for recycling (AB939) programs. These two fees have a current balance of \$8,000, and the total of all four fees has an allocated balance of \$35,355. These revenues would rightly return to the City in the form of programs to promote recycling and reduce litter. The Sustainable Cities Year Program is seeking an amount not to exceed \$15,000 and has two current proposals that will require \$5,000 each. This allows for a third program next semester.

RESOLUTION 2019- XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AUTHORIZING THE CITY MANAGER TO EXECUTE A
RESEARCH AGREEMENT WITH THE UNIVERSITY CORPORATION AT
MONTEREY BAY FOR THE 2019/2020 SUSTAINABLE CITIES YEAR PROGRAM**

WHEREAS, on the 17th day of June 2014, the City of San Juan Bautista City Council adopted Resolution 2014-22, recognizing it as a “A Model Green City” stating that the “the people of this city wish to have a more prosperous and sustainable future;” and

WHEREAS, at its May 21st 2019 City Council meeting, staff was directed staff to explore sustainable policies related to banning single use plastics, and at its July meeting shared a video with the citizens describing the importance and benefits of these policies; and

WHEREAS, the University Corporation at Monterey Bay is uniquely positioned to place student research teams from the Cal-State University of Monterey Bay into communities with faculty support to research and help develop public policy around various science and environmental policy issues; and

WHEREAS, the City Council at its September 17, 2019 Council meeting received a presentation from Professor Daniel Fernandez, explaining how the Sustainable Cities Program has worked to the benefit of many other local cities while teaching students first hand learning opportunities to develop meaningful public policy; and

WHEREAS, in the attached Research Agreement, the City has received two proposals to develop sustainable policies around the topic of banning single use plastics, and the placement of Electric Vehicle Charging Stations in the City from the University Corporation at Monterey Bay; and

WHEREAS, it is of mutual benefit to both the University Corporation and the City to enter into agreement to initiate the Sustainable Cities Year Program in San Juan Bautista.

NOW, THEREFORE, BE IT RESOLVED that the City of San Juan Bautista hereby authorizes, directs and agrees as follows:

Section 1. The staff report and recitals in this Resolution are true and correct, and are hereby incorporated into this Resolution and a part of the findings as set forth below.

Section 2. The City Council makes a finding that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15378.

Section 3. The City Manager is authorized to execute the attached Agreement on behalf of the City of San Juan Bautista, and make any other minor changes as may be deemed necessary to implement the intent of this action.

PASSED AND ADOPTED this 15th day of October, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

César E. Flores, Mayor

ATTEST:

Laura Cent, City Clerk

RESEARCH AGREEMENT (Not to Exceed Price)

THIS AGREEMENT between **The City of San Juan Bautista** ("Sponsor") doing business at 311 @nd Street, San Juan Bautista Ca, 95045 and University Corporation at Monterey Bay ("Corporation"), a separate non-profit auxiliary Corporation serving the interests of the California State University, Monterey Bay ("University") doing business at 100 Campus Center; Seaside, CA 93955.

The project contemplated by this Agreement is of mutual interest and benefit to the University, Corporation and to the Sponsor, and will further benefit the instructional and research programs of the University in a manner consistent with its status as a non-profit, tax-exempt, educational institution, and may derive benefits for the Sponsor, University, and Corporation through its research, findings, recommendations, and potential impact on local policy decisions.

The parties hereto agree to the following terms and conditions:

1. **STATEMENT OF WORK:** The Research project ("Project") entitled "Sustainable Cities Year Program" ("SCYP") as described in the Scope of Work provided in Attachment A, shall be performed on a reasonable efforts basis.
2. **PRINCIPAL INVESTIGATOR AND TECHNICAL REPRESENTATIVE:** The Project will be directed by Dr. Dan Fernandez (Principal sponsor), Department of Science and Environmental Policy, who will be responsible for the Project.
3. **PERIOD OF PERFORMANCE:** The research Project shall be conducted during the period October 15 2019 through June 3 , 2020
4. **FIXED PRICE:** This is a "Not Exceed Price" based upon the initial cost estimates provided by the University based upon the City's statement of needs, Sponsor agrees to pay up to but not more than fifteen thousand (\$15,000) dollars for as many as three. Prior to the start of the Spring Semester, costs and courses will be evaluated to assure compliance with budget parameters, as provided in the Scope of Work. Since sponsored project activity by its nature is unpredictable and without guarantee of successful results, this Project is conducted on a "reasonable efforts" basis. No fee or profit is received on research and such work for extramural sponsors is performed on a "no-profit-no-loss" basis. For these reasons, the Corporation will not accept agreement provisions that guarantee results, impose penalties for failure to make progress against firm deadlines, or provide for withholding of payments if the sponsor is not satisfied with the results. Corporation provides no warranty of any kind, express or implied, including but not limited to warranties of merchantability or fitness for a particular purpose.
5. **ORDER OF PRECEDENCE:** Any inconsistencies in this contract shall be resolved by giving precedence in the order below
 - (1) This Agreement
 - (2) The Scope of Work (Attachment A hereto).
 - (3) Addenda to this contract or Scope of Work including any licenses

(4) Other documents, exhibits, and attachments.

6. PAYMENT: The City of San Juan Bautista will pay to the Corporation the actual costs of up to 10- courses over the school year ending June 30 , 2020 not to exceed \$15,000, based on the following schedule:

FALL SEMESTER:

An initial payment of 30% OF \$15,000 upon contract execution for the Fall Semester (a sum NOT TO EXCEED \$5,000).

Payment of 70% upon completion of work (a sum NOT TO EXCEED \$10,000)

SPRING SEMESTER

An initial payment of 30% OF \$ (to be determined) upon confirmation of Fall Semester expenses (a SUM NOT TO EXCEED without use of the contingency of \$5,000).

Payment of 70% upon completion of work (a sum NOT TO EXCEED without use of the contingency \$ to be determined).

CONTINGENCY

A 50% Contingency of five thousand (\$5,000) is available to cover minor cost overruns if necessary or a third course during the Spring Semester.

Payment terms shall be net 30. Invoices will be handled in accordance with the Prompt Payment Act (31 U.S.C. 3903) and Office of Management and Budget (OMB) prompt payment regulations at 5 CFR Part 1315.

7. TERMINATION :

- 7.1. Sponsor: Performance under the Agreement may be terminated by the Sponsor for convenience. In the event of such termination, the Corporation shall stop all work at the end of the semester currently being taught. No new work will be initiated after receipt of a notice of intent to terminate . The Sponsor may also terminate this contract, or any part hereof, for cause in the event the Corporation fails to comply with any contract terms and conditions, or fails to provide the Sponsor upon request, with adequate assurances of future performance. In the event of termination for cause, the sponsor shall notify the Corporation of the failure and the Corporation will have 30 days to cure the notice. If it is determined that the Sponsor improperly terminated this contract for default, such termination shall be deemed a termination for convenience .
- 7.2. Corporation: Performance may be terminated by the Corporation if circumstances beyond its control preclude continuation of the research Project. Sponsor shall pay all costs accrued by the Corporation as of the date of termination, including all non-cancellable obligations incurred prior to the effective date of termination. In the event an instructor, professor or teacher becomes unable or unwilling to complete the project on time and a mutually acceptable substitute is not available , the Corporation shall have the option to terminate the project or a portion thereof specifically related to the class being taught.

8. **PUBLICITY:** Sponsor shall not use the name of the University or Corporation, nor any of its employees, or other persons or entities affiliated with the project, in any publicity, advertising, or news release without the prior written approval of the authorized representative of the Corporation. Except for on-campus newsletters and reports, the Corporation/University will not use the name of the Sponsor, or its employees or subcontractor of the Sponsor, in any publicity without approval of the Sponsor.
9. **OWNERSHIP OF RESEARCH RESULTS:** The Corporation may hold University intellectual property, and manage the rights to such intellectual property consistent with University regulation and policy. All rights and title to Intellectual Property whether patentable or copyrightable or not, relating to Project made solely by employees of University or Corporation shall belong to Corporation and shall be subject to the terms and conditions of this Agreement.

All rights and title to Intellectual Property, whether patentable or copyrightable or not, relating to Project made and/or owned solely by employees of Sponsor shall belong to Sponsor. Such inventions, improvements, and/or discoveries shall not be subject to the terms and conditions of this Agreement.

All rights and title to Intellectual Property, whether or not patentable or copyrightable, relating to Project made jointly by the parties shall belong jointly to the parties.

- 9.1 **PUBLICATIONS:** The Project personnel will be free to publish the results of that part of the research Project which is performed under this Agreement. Publication of information that had previously been researched by the Sponsor but presented to the Project personnel as a component of the Project research performed under this Agreement requires prior written approval of the Sponsor.
- 9.2 **COPYRIGHTS:** Title to and the right to determine the disposition of any copyrights, or copyrightable material, first produced in the performance of the research Project shall remain with the Corporation.
- 9.3 **PATENTS:** Title to any invention conceived or first reduced to practice by Project personnel will remain with the Corporation, which will have the sole right to determine disposition of any patents or other rights resulting therefrom. Such disposition shall be calculated to protect the public interest, as well as the rights and equities of both parties. This will not, however, give the Corporation any rights to the title of any invention conceived or first reduced to practice prior to this Agreement or performed by the Sponsor, and/or employees or other subcontractors, during the time period of this Agreement, which may be required to further the research under this Agreement.

The Corporation agrees to grant to Sponsor a time-limited option to negotiate an exclusive, world-wide, royalty-bearing license, to make, use, or sell any invention or discovery made and conceived under this Agreement directly resulting from the performance of the research hereunder, including the right to sublicense on a royalty-bearing basis with accounting to Corporation.

Sponsor shall have sixty (60) days from disclosure of any invention or discovery to notify Corporation of its desire to enter into such a license agreement.

A license agreement shall be negotiated in good faith within a period not to exceed one hundred and twenty (120) days from Sponsor's notification to Corporation of its desire to enter into a license agreement, or such period of time as the parties shall mutually agree.

In the event Sponsor elects to exercise its option as to any invention or discovery, in accordance with above, it shall be obligated to pay all patent expenses for such invention or discovery.

Should Sponsor elect not to file or maintain, or decides to discontinue the financial support of the prosecution, maintenance or protection of a patent application or patent for Intellectual Property, Corporation shall be free to file or continue to prosecute or maintain any such application(s), and to maintain any protection issuing thereon in the United States and in any foreign country, at Corporation's sole expense, and Sponsor shall have no rights in the application or resulting patent.

10. INDEPENDENT CONTRACTOR: For the purposes of this Agreement and all services to be provided hereunder, each party shall be, and shall be deemed to be, an independent contractor and not an agent or employee of the other party. Neither party shall have authority to make any statements, representation or commitments of any kind, or to take any action, which shall be binding on the other party, except as may be explicitly provided for herein or authorized by the other party in writing.

11. INDEMNIFICATION: Corporation shall defend, indemnify and hold City of San Juan Bautista, its officers, employees, and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees) or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Corporation, its officers, agents or employees.

City of San Juan Bautista shall defend, indemnify and hold the State of California, California State University Monterey Bay, University Corporation at Monterey Bay, its officers, the Trustees of the California State University, employees, volunteers, and subcontractors harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of City of San Juan Bautista, its officers, agents or employees.

13. DISPUTES: Any dispute concerning a question of fact arising under terms of this agreement that is not resolved by mutual agreement of the parties shall be brought to the attention of the authorized signatories of both parties. If resolution of the dispute cannot be accomplished, the parties agree to resolve the dispute by final binding arbitration before the American Arbitration Association (AAA), utilizing its Commercial

Arbitration Rules. One arbitrator shall be selected using AAA procedures. The arbitrator shall use all reasonable efforts to minimize discovery and to complete the arbitration proceedings as expeditiously as possible. The Arbitrator shall render a written decision within thirty (30) calendar days of the hearing. The arbitrator will not award attorney's fees, or punitive, incidental, consequential, treble or other multiple or exemplary damages, and the parties hereby agree to waive and not seek such damages. Either party may seek judicial relief to compel the other party to comply with the provisions of this Section, or injunctive or other equitable relief to protect its intellectual property rights, provided (unless prohibited by applicable law) that the remainder of the dispute or claim is submitted to arbitration. The arbitration shall be held in Monterey County, California; both parties hereby give their irrevocable consent to jurisdiction of courts of or in the State of California, as well as processes of the AAA in California. Awards shall be final, binding and non-appealable (except on the minimal grounds required under the Federal Arbitration Act or other applicable law). All awards may be filed with one or more courts, state, federal or foreign having jurisdiction over the party against whom such award is rendered or its property, as a basis of judgment and of the issuance of execution for its collection.

14. GOVERNING LAW: This Agreement will be deemed fully executed when signed by both parties. This Agreement shall be governed in accordance with the laws of the State of California.
15. AGREEMENT MODIFICATION: Any changes in the terms of this Agreement in any way shall be valid only if the change is made in writing and approved by mutual agreement of authorized representatives of the parties hereto.
16. SEVERABILITY: The parties agree that if any part, term, or provision of this Agreement is held illegal or invalid, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be illegal or invalid.

APPROVED:

As to Form:

Deborah Mall, City Attorney

Date

Don Reynolds, City Manager
Sponsor's Authorized Representative

Date

Special Projects Director

Date

EXHIBIT A SCOPE OF WORK
SUSTAINABLE CITY YEAR PROGRAM
Scope of Work

The Sustainable City Year Program is a year-long partnership in which students and faculty are engaged on projects that address sustainability and livability in collaboration with a regional municipality. In this case that is the City of San Juan Bautista. Each project will provide students with real-world experience while serving a beneficial role for the City. The city of San Juan Bautista's City Manager suggested several project areas that would be of interest and relevance to further enhancing the sustainability and livability of the city. Note that, if additional funding is procured, more courses may be able to participate on relevant projects. We propose a total budget for the time being not to exceed \$10,000.00 for the two courses shown below.

Project Area A: Plastic Ban Ordinance

The City expressed enthusiasm in establishing CSUMB assistance in the implementation of a plastic ban ordinance. This could take the form of education and outreach efforts, community surveys, and/or discussion regarding policy details that could benefit from student involvement. A portion of my environmental studies capstone class (ENSTU 471) has expressed interest in participation in this effort.

A group within Dante DiGregorio's BUS 310 Entrepreneurship Class will also participate in working with businesses in helping to cost various scenarios associated with the plastic ban.

Proposed Project:

Faculty contact: Daniel Fernandez, Dante DiGregorio

Related Course(s): ENSTU 471, BUS 310

Total Estimated Cost: \$3248.

Costs include faculty pay and benefits for Drs. Fernandez and DiGregorio (\$2183), funds to support student assistants in the completion of final reports (\$524) and University Corporation's indirect cost of 20% (\$541).

Project Area B: Implementation of electric vehicle charging stations.

Students would engage in meaningful and thoughtful ways to implement electric vehicle charging stations taking account the impact on the visual field, historic landmarks, and gathering input from local residents and businesses. This can also impact the identification of San Juan Bautista as a sustainable destination and enhance the opportunities for tourists to come, who may visit local attractions as they charge their vehicles.

Proposed Project:

Faculty contact: Daniel Fernandez.

PI: Dan Fernandez					Project #3		Project #6	
Sponsor: City of San Juan Bautista					Daniel Fernandez		Dante DiGregorio	
Title: Sustainable City Year Program - 2019-2020					ENSTU 471 (Fall 2019)		Bus 310 (Fall 2019)	



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: BOND REDUCTION REQUEST FOR THE PUBLIC IMPROVEMENTS
AT the COPPERLEAF DEVELOPMENT

DATE: October 15, 2019

DEPARTMENT HEAD: Julie Bezhad, City Engineer

RECOMMENDATION

It is recommended to approve the City Engineer's report that justifies an 80% reduction in public improvement bonds from \$2,429,364 to \$485,873 at the Copperleaf development (Edenbridge L.P.).

BACKGROUND

On February 21, 2017, the City entered into a subdivision agreement with Edenbridge L.P. ("Subdivider") to Tract No. 337 consisting of 45-singlefamily homes, and related public improvements. On March 20, 2017, a subdivision improvement bond was issued to the City in the amount of \$2,429,364 as collateral to assure that the public improvements will be installed to comply with City specifications. This bond is the City's assurance that the improvements will be constructed to the Engineer's design standards.

The subdivision improvements including grading, installation of water mains and services, sewer mains, storm drains, street pavement, lighting, electrical, off-site improvements, exterior sound wall and a bio-retention storm drain. These improvements were estimated by the Subdivider's engineer to the same value as the amount of performance bond issued. The engineer's estimate is attached. After the City has accepted the public improvements, (Section 5(a)), to guarantee or warranty the work done pursuant to the Subdivision Improvement Agreement for a period of one (1) year following acceptance thereof by CITY against any defective work or labor done or defective materials furnished in the amount of 10% of the estimated cost of the public improvements. After the one-year period is completed, the assets transfer to the City and the Community Facilities District pays to maintain them. Before then, if the City Engineer agrees (Section 5 (c)) a bond reduction can be granted.

DISCUSSION

In mid-June of this year, the City was asked to consider releasing the bonds, because the Subdivider claimed the public improvements had been completed. Since then several inspections have occurred, and the new City inspector found numerous issues and defects. The

Subdivider has worked hard to complete most of the outstanding items in the past two months in an effort to bring the project up to the approved specifications. For this reason, the City Engineer is comfortable reducing the bond being held and retaining only 20% while the Subdivider is finalizing 15 units that are in construction and remaining seven units in the next six months. This authority is granted in Section 5 (c) of the Subdivision Agreement.

FISCAL IMPACT

Because the subdivision is not complete, the public improvements may be damaged or otherwise compromised. It is not likely that the underground infrastructure will change. As long as sufficient funds in the bond form will be held to repair any outstanding issues, there will be no fiscal impact to the City. On an on-going basis, the Community Facility District will pay for the regular maintenance costs after the project has been accepted by the City. This “acceptance” requires City Council approval.

A specific plan that includes potential annexation and CEQA work will be expensive, and staff estimates these costs to be close to \$500,000. Using the SB-2 Grant to leverage other grant funds and potentially leverage private contributions from adjacent property owners could help us reach this target.

ATTACHMENTS:

Original Engineer’s Estimate of Public Improvements

Copperleaf Engineer's Estimate

Item Description	Quantity	Unit	Unit Price	Total
Onsite Improvements				
<u>Grading</u>				
Clearing, Grubbing & Demolition		LS	\$	25,000.00
Sub Ex & Recompact		LS		115,400.00
Lot Fine Grading	45	EA	324.00	14,580.00
Erosion Control		LS		20,000.00
Subgrade streets, sidewalk, curb & Gutter		LS		54,700.00
			\$	229,680.00
<u>Onsite Water</u>				
8" Water	1,892	LF	50.00	94,600.00
1.5" Water Service	54	EA	1,200.00	64,800.00
Re-locate Existing Fire Hydrant	1	EA	2,200.00	2,200.00
Fire Hydrants	8	EA	5,500.00	44,000.00
Connect to Existing Service	3	EA	3,000.00	9,000.00
			\$	214,600.00
<u>Onsite Sanitary</u>				
8" PVC SS	1,630	LF	37.00	60,310.00
4" Service Laterals	54	EA	750.00	40,500.00
SS Manhole	8	EA	2,890.00	23,120.00
			\$	123,930.00
<u>Onsite Storm</u>				
15" RCP	725	LF	45.00	32,625.00
18" RCP	590	LF	50.00	29,500.00
Storm Manhole	7	EA	3,350.00	23,450.00
Thru-curb Drain	90	EA	160.00	14,400.00
Catch Basins	8	EA	2,700.00	21,600.00
			\$	121,575.00
<u>Storm Water Quality Det/Ret Basin</u>				
Bioretention Basin Treatment	9,560	SF	10.00	95,600.00
Flared-out Structure with Rip Rap	1	EA	8,320.00	8,320.00
Basin Outfall Structure	1	LS	3,250.00	3,250.00
			\$	107,170.00
<u>Pave, Rock & Concrete</u>				
Streets 3" AC over 10 CL2AB	65,080	SF	3.00	195,240.00
Curb & Gutter	3,650	LF	26.00	94,900.00
Sidewalk 6" CL2AB	16,135	SF	6.00	96,810.00
Driveway Approaches	5,365	SF	7.00	37,555.00
Handicap Ramps	8	EA	1,775.00	14,200.00
Monuments	10	EA	600.00	6,000.00
			\$	444,705.00
<u>Street Signs, Striping</u>				
Street Signs and Striping	1	LS	9,825.00	\$ 9,825.00

Utilities, Lighting, Electrical, Gas

Joint Trench	55	EA	4,000.00	220,000.00
Electrolier	13	EA	2,500.00	32,500.00
			\$	252,500.00

Soundwall and Fencing

Soundwall	1,180	LF	195.00	230,100.00
Fencing	6,308	LF	20.00	126,160.00
			\$	356,260.00

Landscaping

Streetscape	16,170	SF	3.20	51,744.00
Park	34,550	SF	4.50	155,475.00
			\$	207,219.00

Total Onsite Costs **\$ 2,067,464.00**

Offsite Improvements

Grading

Demo, Sawcut & Remove	20,860	SF	1.00	20,860.00
SJH Road Street Subgrade	37,700	SF	1.00	37,700.00
				58,560.00

Pave, Rock & Concrete

SJH Road 4" AC over 11.5 CL2AB	25,040	SF	4.00	100,160.00
SJH Road Cub & Gutter	1,020	LF	26.00	26,520.00
				126,680.00

Offsite Water

8" PVC SJH Road	84	LF	75.00	6,300.00
12 PVC in SJH Road	50	LS	120.00	6,000.00
Connect to Existing 12" Main	1	LS	5,700.00	5,700.00
			\$	18,000.00

Offsite Sanitary

8" SDR 26 PVC SS	1258	LF	70.00	88,060.00
SS Manhole	3	EA	4,000.00	12,000.00
Connect to Existing Alameda Manhole	1	EA	15,000.00	15,000.00
			\$	115,060.00

Offsite Storm

15" RCP	300	LF	120.00	36,000.00
Storm Manhole	2	EA	3,800.00	7,600.00
			\$	43,600.00

Total Offsite Costs **\$ 361,900.00**

Total Onsite & Offsite Costs **\$ 2,429,364.00**