



City of San Juan Bautista

The "City of History"

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AGENDA

REGULAR CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
311 Second Street
San Juan Bautista, California

JANUARY 21, 2020

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 Public Hearing Notice**
- C. Approve Minutes of the Regular Meeting of December 17, 2019**
- D. Adopt Ordinance 2020-01 to Rescind Cannabis Dispensary Ban Ordinance**
- E. Waive Reading of Ordinances and Resolutions on Tonight's Agenda Beyond Title**
- F. Approve Resolution Authorizing Street Closure for Hollister Rotary Mission Run**

4. Presentations, Informational Items and Reports

- A. Presidential Primary Presentation by Angela Curro, SBC Registrar of Voters**
- B. Monthly Financial Statements**
- C. City Manager's Report**
- D. Reports from City Council Appointees to Regional Organizations and Committees**
- E. Strategic Plan Committee Report**

5. Public Hearing Items

- A. Consider an Appeal, filed by Emily Renzel, of the December 12, 2019 Planning Commission decision Approving a Site and Architectural Design Review Permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004). (CEQA: Categorically Exempt per Section 15331).**

6. Action Items

- A. Adopt Resolution Changing Signature Responsibilities on City Bank Accounts**
- B. Mayor's Formation of Ad Hoc Committee for Reviewing Strategic Plan Committee Membership and By-Laws**
- C. Update Mayor's Selection of Representatives to Local Boards and Committees**
- D. Midyear FY2020 Budget Amendment**
- E. Approve Resolution Adopting Cannabis Tax Rate**

7. Discussion Items

- A. Ban on Plastics/Disposable Food Ware Draft Ordinance Status**
- B. Change the Municipal Code Section Dealing with Driving Oversize Vehicles on City Streets – Rich Brown, Code Enforcement Officer**

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 16th DAY OF JANUARY 2020, 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 16th DAY OF JANUARY 2020.



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 10th DAY OF JANUARY 2020, 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 15th DAY OF JANUARY 2020.



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 a public hearing on **January 21, 2020** at 6:00 p.m. in the Council Chambers at San Juan Bautista City Hall, 311 Second Street. During the public hearing, the following items will be discussed:

- Consider an Appeal, filed by Emily Renzel, of the December 12, 2019 Planning Commission decision approving a Site and Architectural Design Review permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004). (**CEQA: Categorically Exempt per Section 15331**).

Staff reports and the full text of all items to be discussed will be available for public review at City Hall on **January 14, 2020**. 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 e-mailed to cityplanning@san-juan-bautista.ca.us, not later than **5:00 p.m., January 21, 2020**.

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.

Posted: January 10, 2020

**CITY OF SAN JUAN BAUTISTA
CITY COUNCIL REGULAR MEETING
DECEMBER 17, 2019
DRAFT MINUTES**

1. CALL TO ORDER –Mayor Flores called the meeting to order at 6:01 P.M.

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

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

Staff Present: City Manager Reynolds, City Attorney Mall, City Clerk Cent, Associate City Planner Kennedy, Fire Chief Bob Martin Del Campo

Mayor Flores announced Item 2.C. Honor Christmas Parade Volunteers would be moved to Item 2.A., and Item 5.A. Proclamation Honoring Luis Valdez would be moved to Item 2.B. There was no objection.

2. CEREMONIAL ITEMS

2. C. Honor Christmas Parade Volunteers

Mayor Flores read the list of people, organizations and businesses that were involved with the parade, and thanked them all.

5. A. Proclamation Honoring Luis Valdez

Mayor Flores read the proclamation honoring Luis Valdez. He requested the proclamation be amended to include the movie Zoot Suit and correct the date Mr. Valdez will receive a lifetime achievement award from January 17, 2020 to January 20, 2020. There was discussion about the process for placing a proclamation on the agenda. Vice Mayor Edge made a motion to approve the Proclamation Honoring Luis Valdez as amended and corrected. Second by Council Member DeVries. Motion passed 5-0.

A. Selection of New Mayor

Council Member Jordan nominated Vice Mayor Edge to be Mayor. Council Member DeVries nominated Council Member Freeman to be Mayor. Mayor Flores seconded Council Member Jordan's nomination of Vice Mayor Edge to be Mayor. Council Member Freeman seconded Council Member DeVries's nomination of Council Member Freeman to be Mayor. Being no further nominations, Mayor Flores closed the nominations. City Attorney Mall advised a roll call vote be taken. City Clerk Cent took a roll call vote. The nomination of Vice Mayor Edge to be Mayor passed 3-2 with Council Members DeVries and Freeman voting no. Council Member Freeman withdrew his second on Council Member DeVries's nomination of Council Member Freeman to be Mayor.

B. Selection of New Vice Mayor

Council Member DeVries nominated Council Member Freeman to be Vice Mayor. Second by Council Member Flores. Mayor Edge nominated Council Member Jordan to be Vice Mayor. Second by Council Member Jordan. City Clerk Cent took a roll call vote.

The nomination of Council Member Freeman to be Vice Mayor failed 2-3 with Council Members Jordan and Flores, and Mayor Edge voting no. City Clerk Cent took a roll call vote. The nomination of Council Member Jordan to be Vice Mayor passed 3-2 with Council Members DeVries and Freeman voting no.

C. Honor Christmas Parade Volunteers

This item was presented earlier in the meeting.

3. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment.

4. CONSENT ITEMS

A. Approve Affidavit of Posting Agenda

B. Approve Affidavit of Posting Public Hearing Notice

C. Approve Minutes of the Regular Meeting of November 19, 2019

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

Council Member Freeman made a motion to approve all items on the Consent Agenda. Second by Council Member Flores. Motion passed 5-0.

5. PRESENTATIONS, INFORMATIONAL ITEMS AND REPORTS

A. Proclamation Honoring Luis Valdez

This item was presented earlier in the meeting.

B. Presentation of the Fiscal Year 2019 Audit – Ryan Jolley, CPA

Mr. Jolley reviewed the Fiscal Year 2019 Audit. Vice Mayor Jordan left the dais at 6:26 P.M. for water and returned at 6:28 P.M. Discussion ensued regarding the Fiscal Year 2019 Audit. There was no public comment.

C. Report by Fire Department

Hollister Fire Chief Bob Martin Del Campo reviewed his report. There was discussion about response and mutual aid. Council Member DeVries stated he wants to see strategic planning, especially for the canyon, including more evacuation routes, and Mayor Edge supported the idea. Fire Chief Del Campo described the fuel mitigation plan from the Fire Safe Council. Council Member Freeman commented on a \$4-\$5 million grant to mitigate and remove fuel, and thanked the Fire Department for their response to the recent Church Street fire. When Mayor Edge asked about the issue of weeds at the old Brewery building, City Manager Reynolds Code Enforcement has sent out a second notice regarding weed abatement. Vice Mayor Jordan thanked the Fire Department for their help with the process of donating a City fire engine to Guatemala, and asked if there were any water issues while fighting the fire on Church Street. Both City Manager Reynolds and Fire Chief Del Campo reported there were none. There was no public comment.

D. Monthly Financial Statements

City Manager Reynolds reviewed the report and responded to questions. There was no public comment.

E. City Manager's Report

City Manager Reynolds presented his report. There was discussion about the ownership of the property in the middle of Franklin Circle, where City Attorney Mall advised the City could take ownership under a "Quiet Title" action since the developer

from is not available. There was no public comment.

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

Council Member Flores reported LAFCO did not meet. Council Member Freeman reported AMBAG did not meet, the Intergovernmental Committee met and discussed planning issues with Hollister Unified School District, and MBCP met and he described what MBCP does. Vice Mayor Jordan reported on the San Benito County Water District and she reminded all to turn off sprinklers. Mayor Edge reported on the Area Agency on Aging and their 40th anniversary celebration. There was no public comment.

G. Strategic Plan Committee Report

Strategic Plan Committee Chairperson Snodey reported on their 2019-2020 Work Plans, that the Committee has received its first public art request, will be working with the Youth Commission, and asked for the Council's support in recruiting new members. There was no public comment.

6. PUBLIC HEARING ITEMS

A. Consider Approval of "2nd Addendum San Juan Bautista 2015-2019 Housing Element, Mitigated Negative Declaration" in Support of Adoption of the San Juan Bautista 5th Cycle Housing Element Four-Year Update (2019-2023).

City Manager Reynolds introduced Richard James of EMC Planning Group who presented a report on Items 6 A and 6B and stated with adoption of the resolution, the City will be in full compliance with its housing element.

Mayor Edge opened the public hearing. No comments were received. Mayor Edge closed the public hearing. Council Member DeVries made a motion to approve Resolution 2019-57 Adopting a Second Addendum to the San Juan Bautista 2019-2023 Housing Element Mitigated Negative Declaration. Second by Council Member Freeman. Motion passed 5-0.

B. Consider Adopting the San Juan Bautista 5th Cycle Housing Element Four-Year Update (2019-2023).

Council Member Freeman made a motion to Approve Resolution 2019-58 Adopting the General Plan Housing Element (Four-Year Update), Consistent with Section 65580 Et Seq. of the California Government Code. Second by Vice Mayor Jordan. Motion passed 5-0.

C. Introduce an Ordinance to Rescind Cannabis Dispensary Ban Ordinance

City Manager Reynolds reviewed the staff report. Cannabis ad hoc committee member DeVries provided a history of the ordinance. City Attorney Mall reviewed her report. Mayor Edge opened the public hearing. Mandisa Snodey disagreed with a ban on a plant that has proven medicinal value and thanked the Council for overturning the prohibition. Mayor Edge closed the public hearing. Council Member Flores made a motion to Introduce an Ordinance Rescinding the Prohibition of Marijuana Dispensaries, Sales, Private Outdoor Cultivation, and Deliveries (Removing Sections 5-14.5 and 5-14.6 From the Municipal Code). Second by Council Member DeVries. Motion passed 5-0.

7. ACTION ITEMS

A. Consider Resolution 2019-59 Accepting the Fiscal Year 2019 Audit

City Manager Reynolds reported he has no concerns with the audit. There was no public comment. Council Member Flores made a motion to adopt Resolution 2019-59 Accepting the San Juan Bautista Municipal Audit for Fiscal Year 2018-2019. Second by Council Member DeVries. Motion passed 5-0.

8. DISCUSSION ITEMS

A. City Guidelines for Marijuana Growers – Victor Gomez

Mr. Gomez was unable to attend tonight's meeting. City Manager Reynolds presented the report and provided an additional handout about building foundation requirements. Vice Mayor Jordan asked questions about required concrete foundations. Council Member DeVries commented on alternatives to concrete foundations. Council Member Freeman wants the City Engineer to respond to runoff plans and SWPPP. Mayor Edge was concerned with protecting the environment. During public comment Mandisa Snodey was concerned with the Council not creating sound policy. Cynthia Orozoco spoke in support of cannabis in the City, stated the zoning makes it difficult to cultivate, and does not support a cement slab foundation.

B. Strategic Plan Committee Membership and By-Laws Review

City Manager Reynolds reviewed his report and recommended appointing an ad hoc committee to develop new by-laws. Council Member Freeman gave a history of the Strategic Plan Committee and the number of members on the Committee. Council Member Flores left the dais at 8:04 P.M. for a break and returned at 8:06 P.M. During public comment Mandisa Snodey spoke in support of the ad hoc committee and would be willing to participate.

C. No Fault Evictions

City Manager Reynolds reviewed his report. Vice Mayor Jordan left the dais at 8:10 P.M. for a break. City Attorney Mall discussed an ordinance that would prevent property owners from raising rents before the new state law goes into effect. There was discussion among the Council. Vice Mayor Jordan returned to the dais at 8:15 P.M.

D. CDBG Grant Process – City Manager Don Reynolds

City Manager Reynolds reviewed his report. Council Member Freeman commented the Community Hall is under used due to poor acoustics and if fixed it could be used as a youth center. Council Member DeVries wants the discussion to continue. Council Member Flores gave an example of a grant award.

9. COMMENTS

A. City Council

Council Member Flores thanked everyone for their support over the past year.

B. City Manager

City Manager Reynolds wished for good health and a happy holiday.

C. City Attorney

City Attorney Mall wished all Happy Holidays.

10. ADJOURNMENT

The meeting was adjourned at 8:24 P.M.

ORDINANCE NO. 2020-01

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
RESCINDING THE PROHIBITION OF MARIJUANA DISPENSARIES, SALES,
PRIVATE OUTDOOR CULTIVATION, AND DELIVERIES
(REMOVING SECTIONS 5-14.5 AND 5-14.6 FROM THE MUNICIPAL CODE)**

WHEREAS, on February 15, 2011, the City Council adopted Ordinance 2011-01, establishing within Title 5, Chapter 14, Section 5-14.5 Articles 1- 4, of the Municipal Code, and prohibited medical marijuana dispensaries in the City; and

WHEREAS, on November 21, 2017, the City Council adopted Ordinance 2017-6, establishing within Title 5, Chapter 14, Section 5-14.6 Articles 1- 4, of the Municipal Code, and prohibited marijuana (included in the definition of “cannabis” as referenced below), dispensaries (Article 2), the cultivation of marijuana (Article 3) and marijuana deliveries (Article 4); and

WHEREAS, on November 6, 2018, voters in San Juan Bautista approved a ballot measure implementing reasonable regulations permitting commercial medicinal and recreational cannabis activities in the City, as specifically defined in Ordinance 2018-05, enacting within Title 5, Chapter 31 of the Municipal Code Section 5-31, Articles 1-30; and

WHEREAS, over the past year the City has amended its zoning code, adopted a tax structure for various Cannabis activities, and adopted reasonable rules and regulations, and has taken other actions to implement a cannabis program; and

WHEREAS, one of the final steps toward the implementation of these reasonable cannabis regulations, is removing the conflicting language that now exists in the City’s code by rescinding a portion all of Sections 5-14. 5 and 5-14.6, that prohibit various cannabis activities in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Rescinds Ordinance number 2011-01, pertaining to Municipal Code Section 5-14.5, and Ordinance 2017-06 Section 5-14.6, pertaining to the prohibition of certain specific cannabis activities and conflict with City Ordinance 2018-05 Section 5-31, approved by voters November 6, 2018.

SECTION 2. If any section, subdivision, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have passed this chapter and each section, subdivision,

sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3. The City Council hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) because the City Council has already adopted an Ordinance permitting Cannabis Activities and a Cannabis Business Activities Tax, which has received environmental review and addressed any physical change to the environment which may be caused by increased cross-City travel, additional user cultivation, and other urban development impacts associated with new dispensaries. This action is the last step of a long process, where upon a previously enacted ordinance to ban all activities associated with Cannabis is lifted. The lifting of a ban, alone, will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore it is not a "project" pursuant to CEQA Guidelines Section 15378, subdivision (b)(4) and is exempt. The action is statutorily exempt from CEQA as a commercial cannabis regulation pursuant to Business and Professions Code Sec. 26055.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect thirty days after the date of its signing.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the city council of the city of San Juan Bautista duly held on December 17, 2019, and was passed and adopted at a regular meeting duly held on _____, 2020 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Cesar Flores

City Clerk Laura Cent

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

RESOLUTION 2020-XX

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

BE IT RESOLVED that the Hollister Rotary Club is authorized to close Second Street between Franklin and San Jose Streets, and First Street between San Jose and Ahwahnee Streets, and San Jose Street between Second and First Streets from 8:30 a.m. until 12:00 noon on Saturday, January 25, 2020 in the City of San Juan Bautista for their Mission 10 Run, and

PASSED AND ADOPTED this 21st day of January 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor Mary Vasquez Edge

Trish Paetz, Deputy 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 Muckelemi 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 Muckelemi 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 accitech@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:	Rotary Mission 10	Today's Date:	August 21, 2019
Applicant:	Bill Tiffany		
Organization:	Hollister Rotary Club		
Phone:	831-637-0071 / 831-245-6253	E-Mail:	wggt@sbcglobal.net
Mailing Address:	535 Monterey Street, Hollister, CA 95023		
Fax:	831-637-0092		

Event Setup	Date: 1-25-2020	Time: 6:00 a.m.	Event Ends	Date: 1-25-2020	Time: 12:00 ±
Event Starts	Date: 1-25-2020	Time: 8:30 a.m.	Dismantle	Date: 1-25-2020	Time: 12:30 ±

ANTICIPATED ATTENDANCE: Total of the event: 1000 ± Total per Day:

LOCATION OF EVENT (please be specific): Running Races - Start/Finish on 2nd Street at Mission Green; Registration & Gathering Area for Runners, Volunteers & Spectators is on and around Mission Green/2nd Street; See attached Print-Out Including Maps

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? N/A

Have you reserved the facility yet? N/A

☐ 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. Second Street and side streets leading into Second between Mission & Monterey Street; Monterey to First Street out of town to San Juan Highway

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.

Yes for barricades (if not supplied by San Benito County Sheriff's Department)

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? TBD

☐ 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? TBD

☐ 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, Small 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.): We have obtained electricity from State Park facilities in the past.

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.

We will supply our own dump receptical.

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 an annual event in its 37th year. We feature 1/2 marathon, 10 mile and 5K timed races; we also have a 1 mile fun run for young kids. Registration, any display booths, the start/finish line, award ceremony, etc. all take place on Mission Green, Second Street in front of lawn area and along the gravel road in front of the Mission. All monetary proceeds go to Hollister Rotary for further distribution to scholarships and charities throughout county.

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

Security, traffic control on highway and related matters are all handled by San Benito County Sheriff's Department and CHP.

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

All persons are welcomed as spectators or participants regardless of any disability; wheelchair "Runners" are always cheered.

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

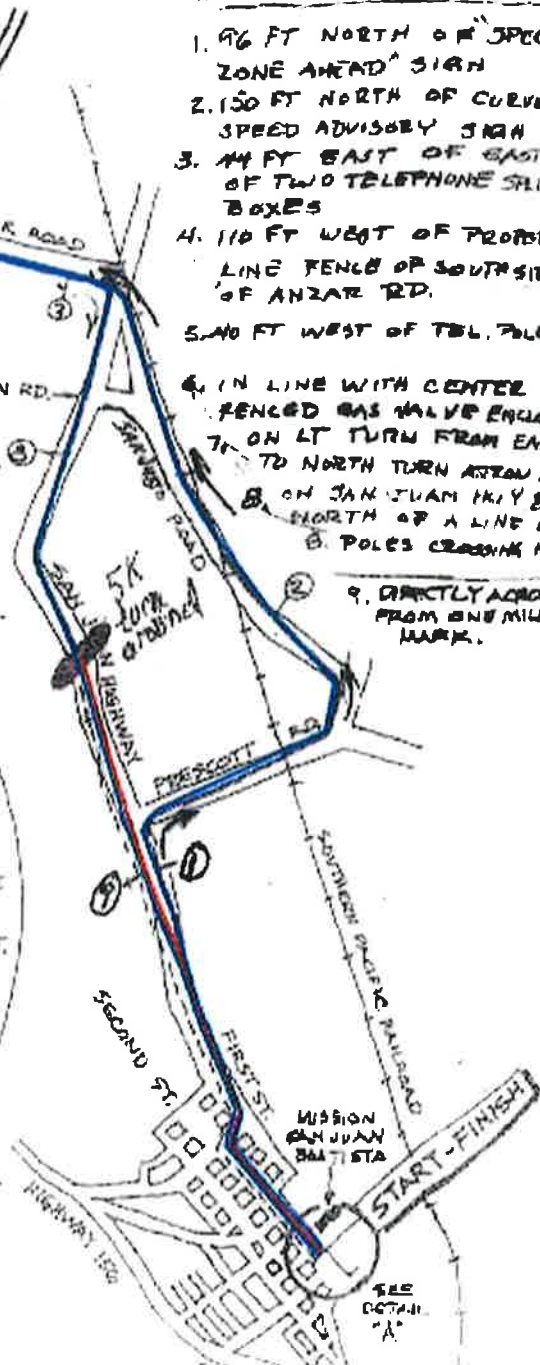
These matters are overseen and coordinated by San Benito County Sheriff's Department and the San Juan Fire Department; we also have volunteers with cell phones monitoring the course.

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
- See attached Map & Flier; parking has usually been along streets or in available fields near school and Mission.

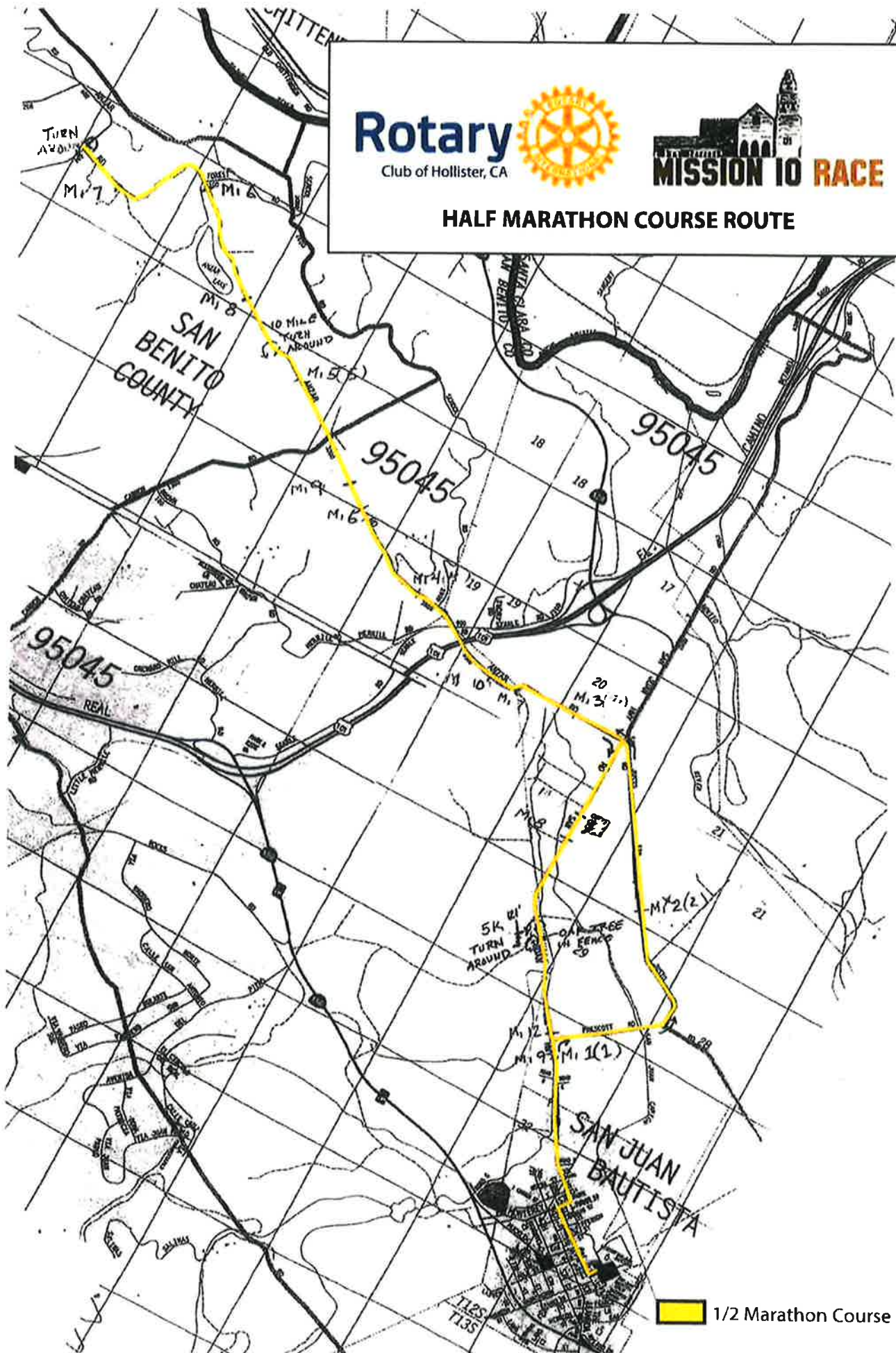


Rotary

Club of Hollister, CA



HALF MARATHON COURSE ROUTE



1/2 Marathon Course



TORY DEL FAVERO &

CHRISTINA A. GRANADOS
Partnership Specialists



ANGELA CURRO
Asst. Co. Clerk/Registrar
FRANCISCO DIAZ
Depart. Staff Analyst



RENE ANCHIETA
GIS Analyst

WHO, WHERE, WHEN, WHY,
HOWEVER YOU IDENTIFY....
MAKE YOUR VOICE COUNT!



Partnering for a Successful 2020 Census




Tory Del Favero & Christina Granados
Partnership Specialists
U.S. Census Bureau
Los Angeles Regional Census Center


United States Census Bureau
U.S. Department of Commerce
Economic and Statistics Administration
U.S. Census Bureau
census.gov

2


What is changing for the 2020 Presidential Primary?



Primary Date
Changed to
March 3, 2020




Political Party
Matters

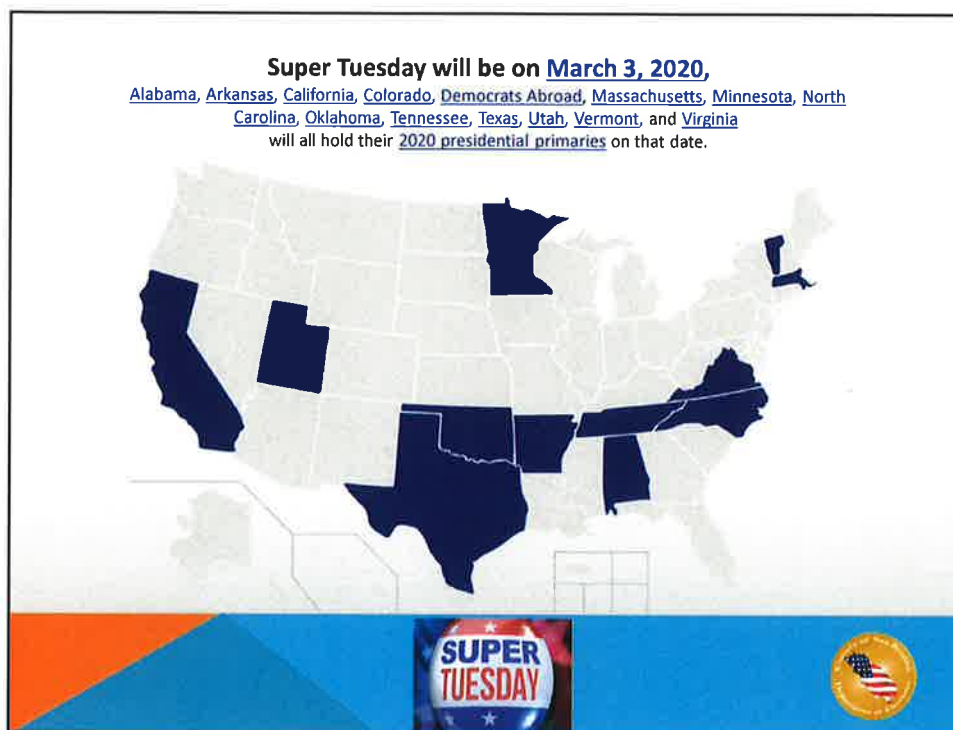


Register or
Re-Register

ANGELA CURRO
Asst. County Clerk/Registrar
County of San Benito
acurro@cosb.us / 831-636-4016



3



4

Register to Vote “SNAP”

WHEN You Change Your...

- SIGNATURE
- NAME
- ADDRESS
- POLITICAL PARTY

WHERE to Register...

- Online <https://registertovote.ca.gov/>
- By Mail – Call 831-636-4016
- In Person - Department of Elections

5

Why does party matter in March 2020?

California Top-2 Primary

- This means that only the Top-2 vote getters in California Primaries, **regardless of Party**, move on to the November General Election (Does NOT include PRESIDENT)

President

- Elected by Party in the Primary and each of the top vote getter of **each Party** (Currently 7 Qualified Parties) move on to the November General Election

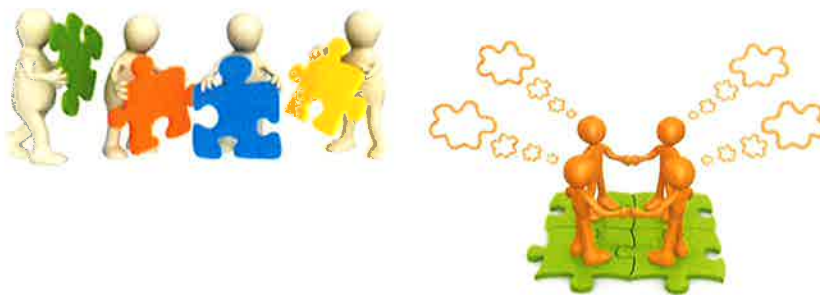
Handouts

- Why Party Matters...? (Summary Pamphlet by the Department of Elections)
- How to Choose a Political Party (*Fast Facts by the League of Women Voters*)



6

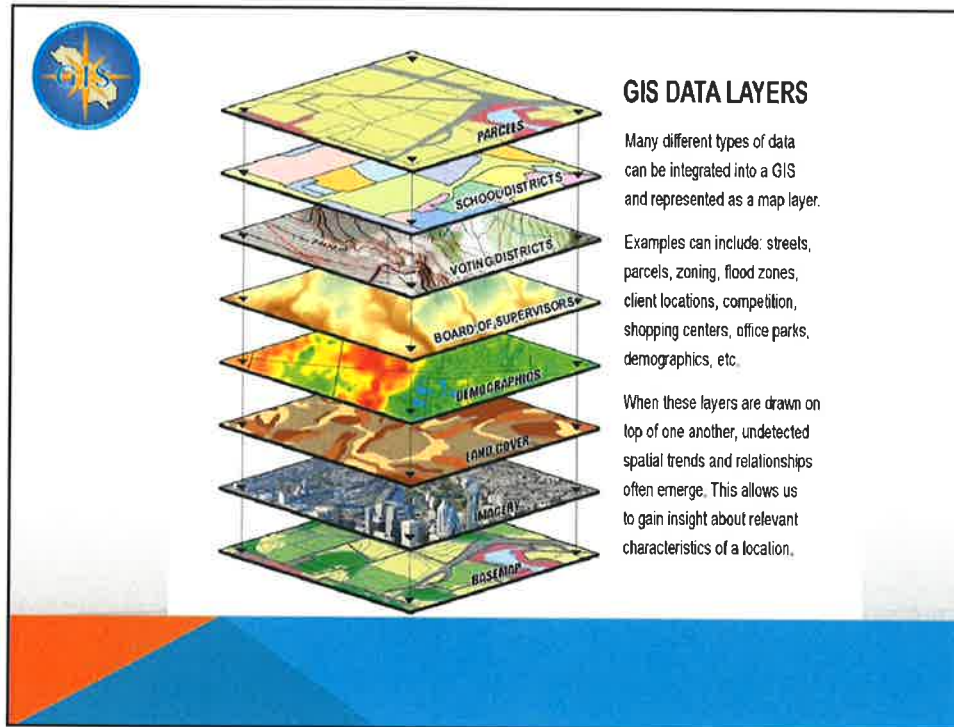
How can San Benito GIS help with Redistricting in 2021?



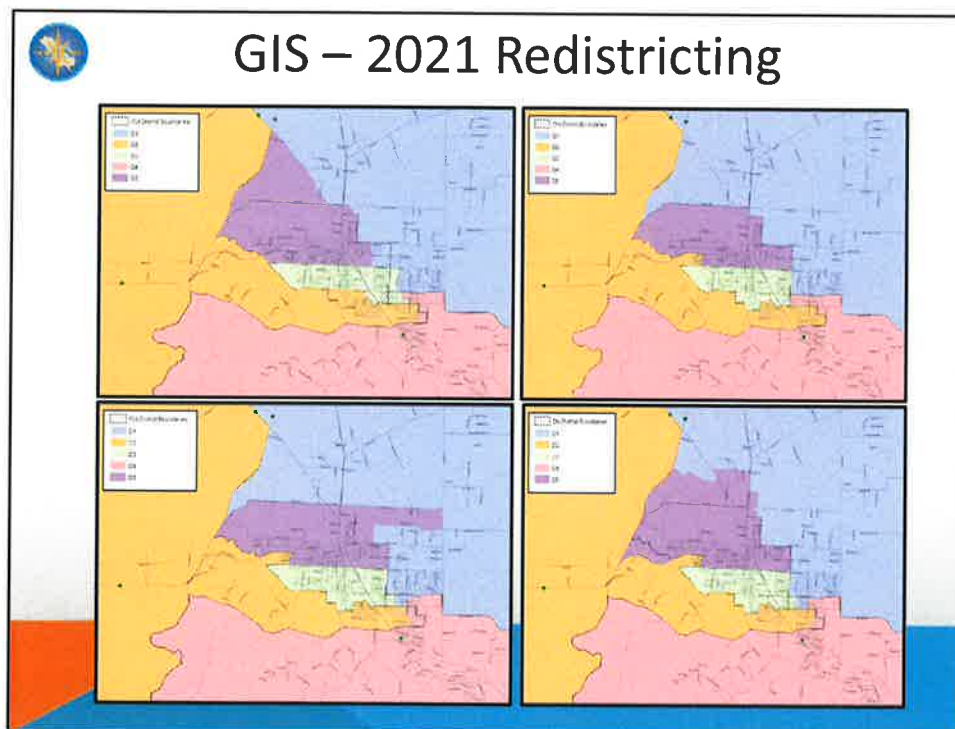
RENE ANCHIETA
GIS Analyst
County of San Benito
ranchieta@cosb.us / 831-902-2176



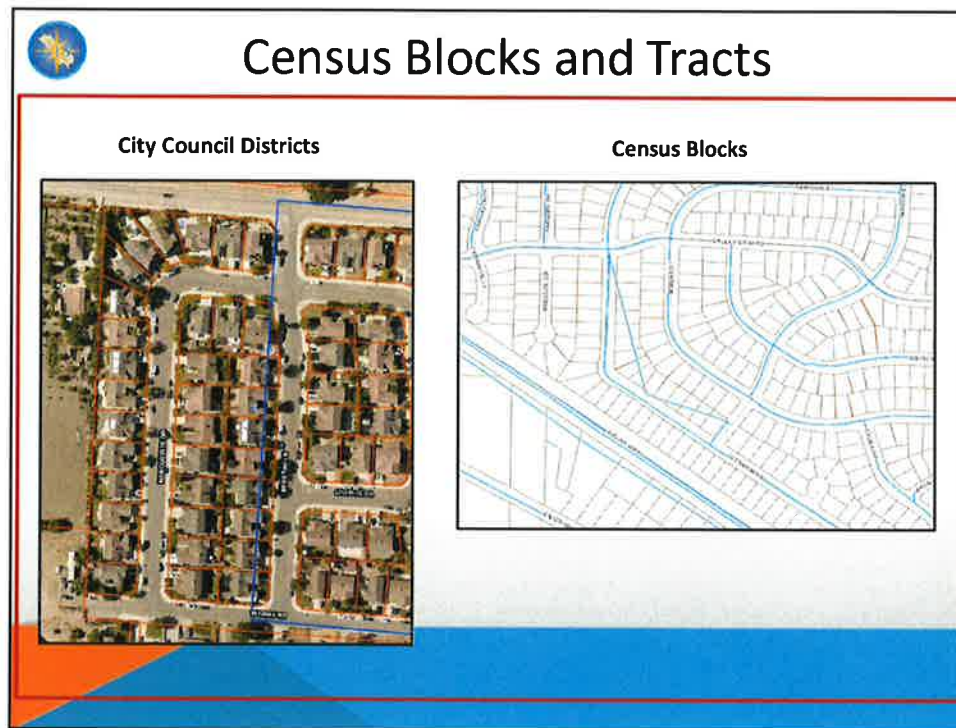
7



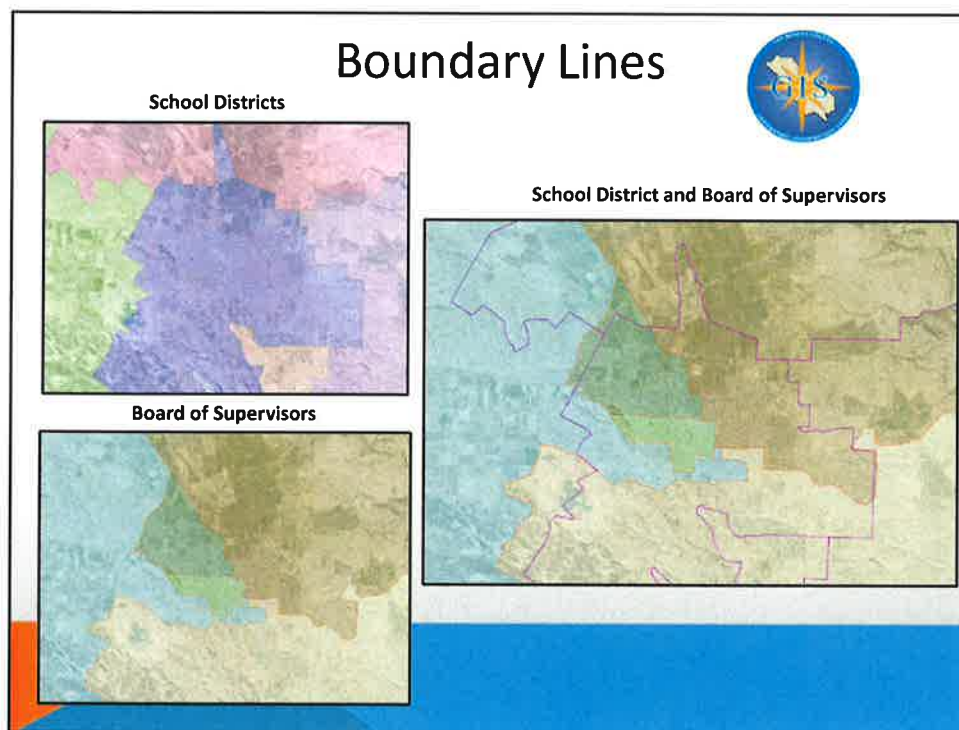
8



9




10




11

The screenshot shows the 'San Benito County 2020 Census Map Gallery' interface. At the top, there is a search bar and a navigation menu. The main content area displays a grid of 15 map thumbnails, each with a title and a brief description. The maps are arranged in three rows of five. The first row includes maps for 'Population Density', 'Land Use', 'Infrastructure', 'Economic Development', and 'Environmental'. The second row includes maps for 'Population Density', 'Land Use', 'Infrastructure', 'Economic Development', and 'Environmental'. The third row includes maps for 'Population Density', 'Land Use', 'Infrastructure', 'Economic Development', and 'Environmental'. Each map thumbnail shows a different aspect of the county's geography and demographics, with some maps using color gradients to represent data values.



County Resources



County GIS – www.cosb.us


[San Benito County Census Interactive Map Gallery](#)


[Office of Education Interactive Map Gallery](#)

Department of Elections - www.sbcvote.us

<http://sbcvote.us/registrar-of-voters/district-and-precinct-maps/>

<https://registertovote.ca.gov/>

		
Entity	Resource	Website Links
US Census	Census Resources	https://www.census.gov/partners/2020.html
US Census	HTC 2020	https://www.censushardtocomcountmaps2020.us/
CA Census	HTC Index Interactive Map	https://census.ca.gov/resources/
CA Census	Census Resources	https://census.ca.gov/resources/
CA Census	Census California	https://census.ca.gov/
California State Assoc. of Counties	Census Resource	https://www.counties.org/2020-census
County of San Benito	2018 General Election Turn-Out	https://cosb.maps.arcgis.com/apps/PublicInformation/index.html?appid=8047d16340ad4aeead0fbeb651c10dc6
Data USA	Demographics	https://datausa.io/profile/geo/san-benito-county-ca/
Census	Statistical information	https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?_afrc=bkml


 U.S. Department of Commerce
 Economics and Statistics Administration
 U.S. CENSUS BUREAU
 census.gov

14



15

City of San Juan Bautista
Expenditures ~ Budget Vs. Actual
For the Five Month Period Ended November 30, 2019

City Council Meeting
January 21, 2020

EXPENDITURES	FY19	FY20	Annual		YTD	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>42%</u>	<u>Note</u>
General Fund	579,622	540,523	1,740,248	(1,199,725)	31%	
Special Revenue Funds:						
Capital Projects Fund	-	55,191	1,763,000	(1,707,809)	3%	A
Community Development	242,764	217,409	553,058	(335,649)	39%	
COPS	41,667	41,667	100,000	(58,333)	42%	
Parking & Restroom Fd	1,594	4,047	15,000	(10,953)	27%	
Gas Tax Fund	7,298	22,438	53,851	(31,413)	42%	
Affordable Housing Fund	-	74,199	18,877	55,322	393%	B
Valle Vista LLD	7,672	10,148	26,717	(16,569)	38%	
Rancho Vista CFD	2,809	1,473	40,904	(39,431)	4%	
Copperleaf CFD	2,809	1,473	21,523	(20,050)	7%	
Development Impact Fee Funds						
Public/Civic Facility	-	13,750	33,000	(19,250)	42%	
Library	-	10,000	24,000	(14,000)	42%	
Storm Drain	3,000	81,667	196,000	(114,333)	42%	
Park In-Lieu	15,000	47,917	115,000	(67,083)	42%	
Public Safety	-	10,417	25,000	(14,583)	42%	
Traffic	18,000	45,417	109,000	(63,583)	42%	
Internal Service Funds:						
Blg Rehab. & Replace	-	8,333	20,000	(11,667)	42%	
Vehicle Replacement	-	4,954	11,890	(6,936)	42%	
Enterprise Funds:						
Water:						
Operations	230,256	263,054	738,921	475,867	36%	
Capital	194,932	249,319	349,979	100,660	71%	A
Sewer						
Operations	273,981	523,932	1,608,450	1,084,518	33%	C
Capital	70,286	18,920	638,979	620,059	3%	A
TOTAL Funds	1,112,068	1,705,724	8,203,397	6,497,673	21%	

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
Revenues ~ Budget Vs. Actual
For the Five Month Period Ended November 30, 2019

REVENUES	FY19	FY20	Annual		YTD	
Fund	Actuals	Actuals	Budget	Difference	42%	Notes
General Fund	654,423	695,368	1,854,841	(1,159,474)	37%	A
Special Revenue Funds:						
Capital Projects Fund	-	230,000	1,722,000	(1,492,000)	13%	
Community Developmer	71,052	146,417	553,058	(406,641)	26%	B
COPS	64,748	61,329	100,000	(38,671)	61%	
Parking & Restroom Fd	14,021	12,838	32,200	(19,362)	40%	
Gas Tax Fund	28,764	40,761	53,851	(13,090)	76%	
Valle Vista LLD	8,364	9,049	21,717	(12,668)	42%	
Rancho Vista CFD	-	38,643	92,744	(54,101)	42%	
Copperleaf CFD	-	14,329	34,390	(20,061)	42%	
Development Impact Fee Funds:						
Public/Civic Facility	19,848	33,575	25,000	8,575	134%	B
Library	26,700	45,166	33,000	12,166	137%	B
Storm Drain	100,921	-	80,000	(80,000)	0%	B
Park In-Lieu	10,465	-	10,000	(10,000)	0%	B
Public Safety	20,651	34,933	15,000	19,933	233%	B
Traffic	124,455	-	10,000	(10,000)	0%	B
Zone 1 TIMF	-	-	30,000	(30,000)	0%	B
Internal Service Funds:						
Blg Rehab. & Replace	23,125	15,833	38,000	(22,167)	42%	
Vehicle Replacement	25,000	25,000	60,000	(35,000)	42%	
Enterprise Funds:						
Water						
Operations	392,472	457,976	979,000	(521,024)	47%	
Capital	749,571	-	100,000	(100,000)	0%	D
Sewer						
Operations	394,188	457,195	1,010,600	(553,405)	45%	
Capital	340,773	-	600,000	(600,000)	0%	D
TOTAL Funds	2,415,118	1,623,045	7,455,401	5,832,356	22%	

A ~ Increased revenue over prior year is largely due to interal fund transfers established this year to offset adminstrative costs, and capital expenses of which are covered by special revenue and enterprise funds.

B ~ These funds are developer derived and are recognized when received.

C ~ 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.

D ~ The timing of the projects and the related revenue does not always align with the year-to-date percentages.

City of San Juan Bautista Warrant Listing

As of December 31, 2019

Date	Num	Name	Amount
101.000 · Union Bank			
101.001 · Operating Acct. 1948			
12/03/2019	213240	4Leaf, Inc.	-18,537.83
12/03/2019	213241	Abbott's Pro Power	-62.94
12/03/2019	213242	at&t	-238.02
12/03/2019	213243	Credo Studio.	-100.00
12/03/2019	213244	CSG Consultants, Inc.	-22,880.00
12/03/2019	213245	Division of the State Architect	-191.40
12/03/2019	213246	J.C.J. Electric Corp.	-170.00
12/03/2019	213247	Jardines, Inc.	-175.00
12/03/2019	213248	Level 1 Private Security.	-1,080.00
12/03/2019	213249	Mission Linen Service	-538.46
12/03/2019	213250	P G & E	-1,228.82
12/03/2019	213251	R & B Company	-490.68
12/03/2019	213252	Security Shoring & Steel Plates, Inc.	-396.00
12/03/2019	213253	Sentry Alarm System	-208.87
12/03/2019	213254	Smith & Enright Landscaping	-1,257.00
12/03/2019	213255	Staples	-508.05
12/03/2019	213256	State Compensation Insurance Fund	-1,851.50
12/03/2019	213257	Todd Kennedy	-50.00
12/03/2019	213258	True Value Hardware	-181.05
12/03/2019	213259	Valero Marketing & Supply	-1,063.38
12/03/2019	213260	Wellington Law Offices	-3,652.00
12/03/2019	213261	Wendy L. Cumming, CPA	-4,966.25
12/03/2019	213262	Wright Bros. Industrial Supply	-144.90
12/04/2019	213263	Monterey Bay Analytical Services	-826.20
12/04/2019	213264	4Leaf, Inc.	-10,730.60
12/04/2019	213265	Cypress Water Services	-28,895.35
12/04/2019	213266	David McGovert.	-750.00
12/04/2019	213267	Harris & Associates	-430.00
12/04/2019	213268	Level 1 Private Security.	-8,640.00
12/04/2019	213269	Todd Kennedy	-37.44
12/05/2019	213270	All Clear Water Services	-4,100.00
12/05/2019	213271	Les Schwab Tires	-673.80
12/05/2019	213272	Mc Kinnon Lumber Co., Inc.	-77.57
12/05/2019	213273	San Benito County Chamber of Commerce	-245.00
12/06/2019	213274	Petty Cash	-23.98
12/06/2019	213275	ACWA Health Benefits Authority	-9,514.48
12/06/2019	213276	AVAYA	-250.66
12/06/2019	213277	Brigantino Irrigation, Inc.	-121.36
12/06/2019	213278	Edith Gonzalez.	-700.00
12/06/2019	213279	Graciela Aguayo.	-400.00
12/06/2019	213280	Hollister Auto Parts, Inc.	-938.56
12/06/2019	213281	Leticia Lazaro.	-700.00
12/06/2019	213282	P G & E	-1,380.13

City of San Juan Bautista Warrant Listing

As of December 31, 2019

Date	Num	Name	Amount
12/06/2019	213283	Pet Waste Co	-175.70
12/06/2019	213284	Rx-Tek	-1,366.00
12/06/2019	213285	Sabrina Strnad	-88.66
12/06/2019	213286	San Benito Cnty Mosq Abatement Prgm	-277.24
12/06/2019	213287	Tegan Kreamer	-81.32
12/06/2019	213288	Yolanda Rivera.	-700.00
12/06/2019	213289	B&H Photo-Video	-4,019.80
12/06/2019	213290	Monterey County Health Department	-27.00
12/06/2019	213291	Studio Sauvageau	-1,750.00
12/06/2019	213292	US Bank	-3,873.14
12/06/2019	213239	Laura Cent	-1,830.36
12/23/2019	213293	Bryant L. Jolley	-25,000.00
12/23/2019	213294	EMC Planning Group Inc.	-6,298.45
12/23/2019	213295	P G & E	-5,136.15
12/23/2019	213296	P G & E	-3,405.46
12/23/2019	213297	P G & E	-27.13
12/30/2019	213298	4Leaf, Inc.	-7,824.70
12/30/2019	213299	Abbott's Pro Power	-380.37
12/30/2019	213300	AFLAC	-152.78
12/30/2019	213301	Akel Engineering Group, Inc.	-4,918.50
12/30/2019	213302	Alexander Electric Inc. dba State Electri	-2,356.56
12/30/2019	213303	Armando Gonzalez	0.00
12/30/2019	213304	at&t	0.00
12/30/2019	213305	C & N Tractors	-172.02
12/30/2019	213306	Clark Pest Control	-95.00
12/30/2019	213307	Design Line & Granger	-349.60
12/30/2019	213308	Enrique Hernandez	-163.87
12/30/2019	213309	Fehr Engineering Company, Inc.	-6,000.00
12/30/2019	213310	Graniterock	-951.74
12/30/2019	213312	Harris & Associates	-21,365.00
12/30/2019	213313	J.V. Orta's Rent A Fence	-225.00
12/30/2019	213314	Juan Pineda	-48.78
12/30/2019	213315	KBA Docusys	-209.26
12/30/2019	213316	Laura Cent.	-100.00
12/30/2019	213317	Luis Guzman.	-500.00
12/30/2019	213318	Maria Orozco.	-1,350.00
12/30/2019	213319	Mission Linen Service	-126.44
12/30/2019	213320	Pacific Gas & Electric	-2,500.00
12/30/2019	213321	Sentry Alarm System	-552.00
12/30/2019	213322	Smith & Enright Landscaping	-1,150.00
12/30/2019	213323	Sprint	-113.17
12/30/2019	213324	State Compensation Insurance Fund	-1,851.50
12/30/2019	213325	TAB Products Co., LLC	-254.63
12/30/2019	213326	Tim & Cathy Macierz	-927.00
12/30/2019	213327	Todd Kennedy	-100.00

City of San Juan Bautista**Warrant Listing****As of December 31, 2019**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
12/30/2019	213328	True Value Hardware	-174.46
12/30/2019	213329	U.S. Postmaster	-900.00
12/30/2019	213330	United Site Services of California, Inc.	-331.73
12/30/2019	213331	US Bank Equipment Finance	-249.61
12/30/2019	213332	Wellington Law Offices	-3,856.00
12/30/2019	213333	Wells Fargo	-5,000.00
12/30/2019	213334	Wendy L. Cumming, CPA	-2,102.50
12/30/2019	213335	Armando Venegas.	-32.48
12/30/2019	213336	at&t	-252.42
12/30/2019	213337	at&t	-79.24
12/30/2019	213338	at&t	-70.08
Total 101.001 - Operating Acct. 1948			-251,250.13
Total 101.000 - Union Bank			-251,250.13
TOTAL			-251,250.13



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: CITY MANAGER'S MONTHLY REPORT

DATE: JANUARY 21, 2020

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION: That the City Council receive and file this report.

DISCUSSION: A summary of December's activities will follow:

Administration- City staffing status – Planning and Public Works functions are stable at the mid-year with a recommendation to continue the contract Senior Planner position through June 30, 2020. We are currently working around the absence of the Accounts Payable position vacated in December with contract help. If approved we will initiate an organizational review over the next 4-5 months, to determine the appropriate staffing levels needed in relation to our budget. Staff enjoyed the time off over the holidays ending the year with lunch at San Juan Oaks.

Budget/Finance- In an effort to better understand the City's finance systems and software, I have stepped up my efforts in the absence of the accounts payable clerk, and have been busy analyzing every piece of the budget. All of this effort helped put together the Mid-Year Budget report submitted for the Council on this same agenda. It has also informed me of the need for a strategic plan and financial assessment of the City which is also recommended in this Agenda.

Cannabis – The tax rate resolution is coming forward to the Council on this Agenda. This is the final piece of this puzzle. I have not yet come across a solution for modifying the City's Ordinance as it pertains to cannabis cultivation and the floor of these facilities. It turns out that some members of the City Council do not want to change the Ordinance. We may wait until the application process begins in February to see if this truly becomes an issue.

Planning- Staff has spent a lot of time on Casa Rosa which is on tonight's Agenda. Two other applicants have approached the City with development plans in the past month. The Associate Planner has summarized these activities in the monthly report provided the first week in January. A Parking plan for downtown will be discussed in February.

Public Works- The Third Street reconstruction design wrapped up in December and will be out to bid soon. The contract for the Pavement Management Program was executed in December and will be completed in 6-weeks (in time to use Measure G funds on the Third Street project). The work at Wells 5 and 6 is being completed while the filtration system is operating. We remain in

compliance with the Water Board. On Friday, January 10th, the City, Water Board and SB Water District Executive Director met to discuss alternative water sources for the City as part of the Water and Waste Water Master plans. Cal Trans has bumped the Hwy 156 by-pass project from a July start date to the fall of 2020.

Public Works Crew- City has experienced 3 water leaks around town in the past month, and filled several pot-holes. We have also done some striping on Muckelemi Street. The Waste Water system is operating at full capacity during rainy days, and we need to do a better job identifying where storm water intrusion occurs into the sewer system occurs. We solved a major storm water issue at Fifth Street near Abbe Park. We are updating the Standard Operating Procedures for the sewer system and water systems. This includes the lift stations and routine flushing of the lines. We have scheduled training for the waste water team in March.

Fleet- The Street Sweeper was deployed January 14.

Other Stuff- The City hosted the League of California Cities dinner at Jardines de San Juan on Monday, January 10th, and this event was a great success. "Thank you" to Trish Paetz for organizing the event, and to Cesar Flores for inviting a member of El Teatro de Campesino, Noe Montoya, to play his guitar for the elected officials that attended. Mayor and Vice Mayor are attending the League's training in Sacramento January 22- 24.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE:

Consider an Appeal, filed by Emily Renzel, of the December 12, 2019 Planning Commission decision approving a Site and Architectural Design Review permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004). **(CEQA: Categorically Exempt per Section 15331).**

MEETING DATE:

January 21, 2020

SUBMITTED BY:

David J. R. Mack, AICP
Project Manager/Senior Planner (contract)

DEPARTMENT HEAD:

Don Reynolds, City Manager

APPLICANT:

Raeid Farhat (Raeid Farhat Development)

ZONING/LAND USE:

Mixed Use/R-1

RECOMMENDED ACTION(S):

Staff recommends the City Council take the following actions:

- 1) Adopt a Resolution to deny the appeal filed by Emily Renzel of the December 12, 2019 Planning Commission decision approving a Site and Architectural Design Review permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004); and
- 2) Adopt a Resolution finding the project categorically exempt per Section 15331 (Class 31) of the California Environmental Quality Act Guidelines; and
- 3) Adopt a Resolution approving a Site and Architectural Design Review permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004).

BACKGROUND INFORMATION:

La Casa Rosa has experienced various instances of unpermitted work in recent years. Between the fall of 2015 through the winter of 2016, the structures on the site were significantly altered without the benefit of permits, including removal of walls, ceiling, and floors. It is not clear how long unpermitted work was allowed to occur on the property.

In 2017 the City of San Juan Bautista considered and approved a Site and Design Review Permit (SDR 2017-31) for a “restaurant, bar, and residential unit” at 107 Third Street (Casa Rosa) for Greg and Christin Burda, pursuant to Planning Commission Resolutions Nos. 2017-07 (CEQA exemption) and 2017-08 (Project).

Subsequent to the 2017 approval, although the Burda’s were required to obtain demolition and building permits prior to the commencement of any work, including demolition activities, additional unpermitted work was again conducted, which included demolition of the entire rear, non-historic, portion of the structure, walls, and removal of existing courtyard and driveway pavers. Citations were issued to “stop work” on the building in July of 2018, due to the lack of permits.

In February of 2019, Staff came before the City Council requesting that immediate structural changes and remedies be authorized to stabilize the structure and abate any potential public health and safety concerns. At this time the Council adopted Resolution 2019-09 declaring the property a public nuisance and ordering abatement of said nuisances.

In March of 2019, the provided structural support work to prevent the balcony from failing, at a cost of approximately \$15,000, and a lien was place on the property title. (NOTE: Through the lien, the City was reimbursed its expenses in November of 2019, when the property was resold.)

In late 2019, the property was put up for public auction/foreclosure and acquired by the current owner/applicant, Raeid Farhat, who is proposing to once again restore/rehabilitate the subject property (main structure) in a similar nature/proposal to the prior entitlement, plus the addition of three new residential units located on the rear (non-historical) portion of the property.

In late October 2019, a preliminary informative presentation was presented to the Planning Commission, in an effort to gauge if the proposed project was something that would be considered by the City. At this time no project entitlement was considered or granted, and preliminary feedback was given to the applicant.

Following the October 2019 presentation, the applicant further refined aspects of the Project, and made a formal application to the City for the Project. City staff subsequently reviewed the application materials and timely processed the permit to public hearing.

On December 3, 2019, the project was project for scheduled for consideration before the Historic Review Board and Planning Commission. Due to a lack of a quorum, the hearing was continued to December 12, 2019.

On December 12, 2019, the Historic Review Board and Planning Commission both separately and independently, conducted duly noticed public hearings, received testimony and presentations from City staff and members of the public, considered the merits of the proposed project, and ultimately approved the project, and adopted resolutions pertaining to the California Environmental Quality Act (CEQA) and approval of the Project (**PC Resolutions 2019-26 and 2019-27 – Attachments 4 and 5**).

For a full analysis of the proposed project, refer to the December 3, 2019 Planning Commission staff report (**Attachment 6**). This analysis details compliance with several General Plan and Zoning Code sections, including historic preservation, parking, permit processing, and affordable housing provisions.

APPEAL CONTENTIONS:

The appellant (Emily Renzel) has made the following contentions. Staff has provided responses as appropriate for each contention, for the City Council consideration.

Contention 1 – Housing.

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

Staff Response:

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

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

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

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

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

Contention 2 – Access to second story units.

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

Staff Response:

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

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

Furthermore, the Planning Commission added a condition requiring all commercial uses, to comply with applicable noise ordinances/regulations, and limited noise generation to no later than 10:00pm every night, all year (See Condition 34).

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

Contention 3 – Entitlements.

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

Staff Response:

Staff analysis regarding the 2017 (Burda) entitlement was intended to provide a factual basis on past City actions and approvals. The current project is similar to the prior entitlement in terms restoration/rehabilitation of the main building, uses (commercial/residential), and general size. The December 12, 2019 Planning Commission Staff Report provides an analysis of the 2017 versus 2019 proposals.

If the 2019 project approval is upheld it would simply permit the restoration/rehabilitation of the main building, uses (commercial/residential) and size of the development. If the 2019 project is not constructed, and remains valid, it would not approve a larger project/development, but could be used to analyze/compare any future projects. Regardless, any future projects would need to stand-alone and would need to be found consistent with applicable zoning, general plan, and development standards.

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

Contention 4 – Parking.

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

Staff Response:

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

See the December 12, 2019 Planning Commission Staff Report for the full analysis of parking and project compliance.

Contention 5 – Secretary of Interior Standards NOT Met.

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

a) Preservation of Historic Fabric and Character Defining Features.

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

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

Staff Response:

The appellant is correct in saying that Casa Rosa is a historic structure. The City of San Juan Bautista previously identified the Casa Rosa as a historic resource within the downtown area. Staff concurs and identified the Casa Rosa as a designated historic structure, and explains the permitting process and requirements for historic structures in the December 12, 2019 Planning Commission Staff Report.

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

Prior to the December Planning Commission hearing(s), Staff contacted Garavaglia Architects, to confirm that the 2017 report remained valid, and was applicable to the 2019 project. Garavaglia Architects confirmed that the 2019 project was substantial consistent with the 2017 review, and that prior report could be used for restoration/rehabilitation activities proposed under the current project proposal.

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

b) Stairs.

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

Staff Response:

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

The Secretary of Interior Standards pertaining to new additions states:

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

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

c) Compatibility of New Addition.

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

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

Staff Response:

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

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

d) Historic Context.

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

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

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

Staff Response:

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

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The California Environmental Quality Act (CEQA) Class 31 categorically exempts projects “limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.” The proposed project is consistent with a previously prepared historical report (2017) and prior entitlement/project approved for the project site. The proposed project includes the restoration and rehabilitation of the exterior (front and sides) of the buildings, which is the identified historical portion of the structure. The 2017 report identified that the proposed prior and current restoration/rehabilitation was consistent with the Secretary of the Interior’s Standard for the Treatment of Historic Properties. Therefore, as proposed the current project can be consistent to be exempt from CEQA pursuant to Section 15331 (Class 31) of the CEQA Guidelines.

RECOMMENDATION:

Staff recommends the City Council take the following actions:

- 1) Adopt a Resolution deny the appeal filed by Emily Renzel of the December 12, 2019 Planning Commission decision approving a Site and Architectural Design Review permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004); and
- 2) Adopt a Resolution finding the project categorically exempt per Section 15331 of the California Environmental Quality Act; and
- 3) Adopt a Resolution approving DR 2019-03, per the Findings and Evidence and subject to the recommended Conditions of Approval.

ATTACHMENTS:

1. Draft Appeal Resolution.
2. Draft CEQA Resolution
3. Draft Resolution of Approval, including:
 - a. Exhibit A – Conditions of Approval
 - b. Exhibit B – Project Plans
4. Planning Commission Resolution No. 2019-26
5. Planning Commission Resolution No. 2019-27
6. December 12, 2019 Planning Commission Staff Report (w/ attachments)
7. Appeal Filed by Emily Renzel, dated December 18, 2019.

**DRAFT
RESOLUTION 2019-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA TO DENY THE APPEAL FILED BY EMILY RENZEL OF THE DECEMBER 12, 2019 PLANNING COMMISSION DECISION APPROVING A SITE AND ARCHITECTURAL DESIGN REVIEW PERMIT (SDR 2019-03) FOR A MIXED USE DEVELOPMENT CONSISTING OF A RESTAURANT, BAR, AND RESIDENTIAL UNITS LOCATED AT 107 THIRD STREET, SAN JUAN BAUTISTA (APN: 002-021-004).

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

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

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

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

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

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

WHEREAS, the City Council timely conducted a public hearing on January 21, 2020, to consider the appeal and the contentions submitted by the appellant; and

WHEREAS, City staff reviewed the appeal, the contentions, evidence submitted, staff responses and all information on the record, including the project application, Historic Review Board and Planning Commission staff reports; and

WHEREAS, based upon the whole record before the City Council and in light of the proposed project situated at 107 Third Street (APN: 002-021-004) the City Council determined the submitted appeal is not supportable based on the evidence and claims submitted.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby denies the appeal filed by Emily Renzel of the December 12, 2019 Planning Commission decision approving a Site and Architectural Design Review permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street, San Juan Bautista (APN: 002-021-004)

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

**DRAFT
RESOLUTION 2019-XX**

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

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

WHEREAS, the application was timely processed and brought before the Planning Commission for consideration on December 12, 2019, at which time the Planning Commission held a duly noticed public hearing, received oral comments, received public input, and received the staff report for the application and approved the project as proposed; and

WHEREAS, on December 18, 2019, Emily Renzel (appellant) timely filed an appeal of the December 12, 2019 Planning Commission decision; and

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

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

WHEREAS, based upon the whole record before the City Council and in light of the proposed project situated at 107 Third Street (APN: 002-021-004) the City Council determined that the project is Categorically Exempt under CEQA Section 15331, “Historical Resource Restoration/Rehabilitation”, because the proposed project will restore/rehabilitate a designated historical building within the San Juan Bautista Historic District, in manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings”, and in compliance with the previously prepared historical report (2017).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby approves the Categorical Exemption of Section 15331 of the CEQA Guidelines for a Site and Design Review Permit (SDR 2019-03) for a mixed use development, consisting of

a restaurant, bar, and 4 residential units, located at 107 Third Street (APN: 002-021-004), San Juan Bautista.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTEST:

Trish Paetz, Deputy City Clerk

**DRAFT
RESOLUTION 2019-XX**

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 11-06 HISTORIC RESOURCES FINDINGS:

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

1) If the structure is more than forty-five (45) years old;

This structure was originally built in 1870 and is more than forty-five years old.

2) If the property has been previously inventoried as part of a Citywide comprehensive survey and what the current status code for the property is (see SJBMC 11-06-090 for status codes);

This property was previously inventoried as part of the citywide comprehensive survey, and has a status code of 5D1.

3) If the property is listed on the City Register of Historic Resources;

This property is listed on the City Register of Historic Resources.

4) If the Property is located within the boundaries of a designated historic district regardless of individual significance;

This property is located within the boundaries of the designated historic district.

5) If the property will require additional evaluation as part of the application process; and

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

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

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

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

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

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

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

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

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

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

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

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

There is no evidence on the record that the proposed project is inconsistent with the San Juan Bautista Historic Design Guidelines. The proposed project will restore and rehabilitate the front (historical) portion of the existing structure, and

the proposed rear addition will be constructed in a manner to compliment and blend in with the historical construction on site.

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

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

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

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

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

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

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

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

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

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

Policy LU-2.1.3 – Encourage mixed-use and commercial developments along the corridor of Muckelemy Street, 3rd Street, and The Alameda.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18) The landscape design, if any, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of

landscape elements have been considered to create visual relief and complement the structures to provide an attractive and water-conserving environment.

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

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

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

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

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

SECTION 11-03 – MIXED USE STANDARDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26) AFFORDABLE HOUSING – GOVERNMENT CODE 65915 COMPLIANCE:

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

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

The applicant/developer is requesting to his entitled incentive/concession to allow one additional unit to be constructed on site, for a total of 4 units. The justification for this request, is due to the cost of the required restoration/rehabilitation of the historic structure. Without the ability to generate additional rental income/revenue from the residential portion of the development, the overall project is not economically feasible.

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

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

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

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

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

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

The City is required to construct 24 “affordable housing” units under its assigned Regional Housing Needs Assessment (RHNA), of which 8 units shall be at the “moderate income” level. If entitled, this project would provide 50% (4) of the required 8 “moderate income” units; and nearly 16% (4 of 24) of the overall RHNA “affordable units” assigned to San Juan Bautista.

27) APPEAL CONTENTIONS:

Contention 1 – Housing.

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

Staff Response:

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

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

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

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

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

Contention 2 – Access to second story units.

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

Staff Response:

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

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

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

Contention 3 – Entitlements.

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

Staff Response:

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

If the 2019 project approval is upheld it would simply permit the restoration/rehabilitation of the main building, uses (commercial/residential) and size of the development. If the 2019 project is not constructed, and remains valid, it would not approval a larger project/development, but could be used to analyze/compare any future projects. Regardless, any future projects would need to stand-alone and would need to be found consistent with applicable zoning, general plan, and development standards.

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

Contention 4 – Parking.

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

Staff Response:

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

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

Contention 5 – Secretary of Interior Standards NOT Met.

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

a) Preservation of Historic Fabric and Character Defining Features.

The appellant states that the Casa Rosas is an important historic structure. The appellant contends that the current project would “remove siding, the delicate Victorian detail on front overhang, and probably remove the historic doors”, leaving nothing historic but pink paint.

Staff Response:

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

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

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

b) Stairs.

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

Staff Response:

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

The Secretary of Interior Standards pertaining to new additions states:

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

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

c) Compatibility of New Addition.

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

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

Staff Response:

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

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

d) Historic Context.

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

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

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

Staff Response:

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

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

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Vazquez Edge, Mayor

ATTEST:

Laura Cent, City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

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

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

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

- 31) Prior to issuance of a building permit, the Applicant/Owner shall show location of storage of trash, recycle and green waste containers.
- 32) All retail/restaurant uses within the Casa Rosa main building shall be done in compliance with Section 11-04-110 of the San Juan Bautista Municipal Code. Any future retail/restaurant use(s) of a “large scale retail, formula retail/restaurant” shall be subject to additional discretionary review by the Planning Commission, pursuant to additional application(s) and appropriate fee(s) for each proposed “large scale retail” and/or “formula retail/restaurant” use.
- 33) Prior to issuance of building permits, the Owner/Applicant shall prepared full plans, including site plan, elevations, and proposed colors boards (paint, materials, etc.) and submit plans to San Juan Bautista planning staff for routing to the Planning Commission for consideration and final approval.
- 34) Any commercial/business use conducted within the mixed use portion of the building, shall be consistent/compliant with the noise restrictions of the City of San Juan Bautista. Additional business hours, including deliveries, shall be limited to no later than 10pm Monday – Sunday, 365 days/year.



SHEET NOTES

- PROPERTY LINES & EXISTING STRUCTURES BASED ON A SURVEY PREPARED BY SAN BEATO ENGINEERING & SURVEYING, INC., DATED 2/15/2017
- REQUIRED ATTIC VENTILATION PER 2016 CBC 1203.2.

FRONT ATTIC
 AREA 31X31' = 961 SF
 REQ. VENTILATION
 961 SF / 150 = 6.4 SF = 521.6 SQ IN
 (LOW IN VENT BOTH EAVES)
 6.75 SQ IN / LF x 82 LF = 418.5 SQ IN
 FURNISHED VENTILATION
 17 SQ IN / LF x 31 LF = 527 SQ IN
 TOTAL:
 527 SQ IN > 418.5 SQ IN = 345.5 SQ IN

KITCHEN ATTIC
 AREA 44.5X14.5' = 645 SF
 REQ. VENTILATION
 645 SF / 150 = 4.3 SF = 619.2 SQ IN
 619.2 SQ IN / 3' = 206 SQ IN / VENT
 (TOTAL OF 3)
 FURNISHED VENTILATION
 17 SQ IN / LF x 31 LF = 527 SQ IN
 A = 13.14' : 1 SQ ROOT (A/3.14)
 = SQ ROOT (206 / 3.14)
 = 8' R. USE 16' 0" VENT

REAR ATTIC
 AREA 45X6' = 270 SF (L-SHAPED ATTIC)
 REQ. VENTILATION
 270 SF / 150 = 1.8 SF = 257.4 SQ IN
 FURNISHED VENTILATION
 (2 GABLE END OPENINGS)
 419 SQ IN / 2' = 209 SQ IN
 419 SQ IN > 257.4 SQ IN GABLE END VENT
 TOTAL:
 512 SQ IN (GROSS)

- REQUIRED UNDER FLOOR VENTILATION PER CBC 1203.4

AREA
 FRONT 31X31' = 961 SF
 REAR DINING ROOM / KITCHEN: 915 SF
 (IRREGULAR SHAPE)
 TOTAL = 1,867 SF

REQUIRED VENTILATION OPENINGS:
 1,876 SF / 150 = 12.5 SF
 TOTAL VENT AREA

FURNISHED OPENINGS:
 TYP. FDN. VENT
 12.5 SF / 1.8 SF / VENT = 8 SF
 12.5 SF / 1.8 SF / VENT
 = 21 FDN. VENTS TOTAL
 ARRANGE TO PROVIDE
 REQ'D CROSS-VENTILATION

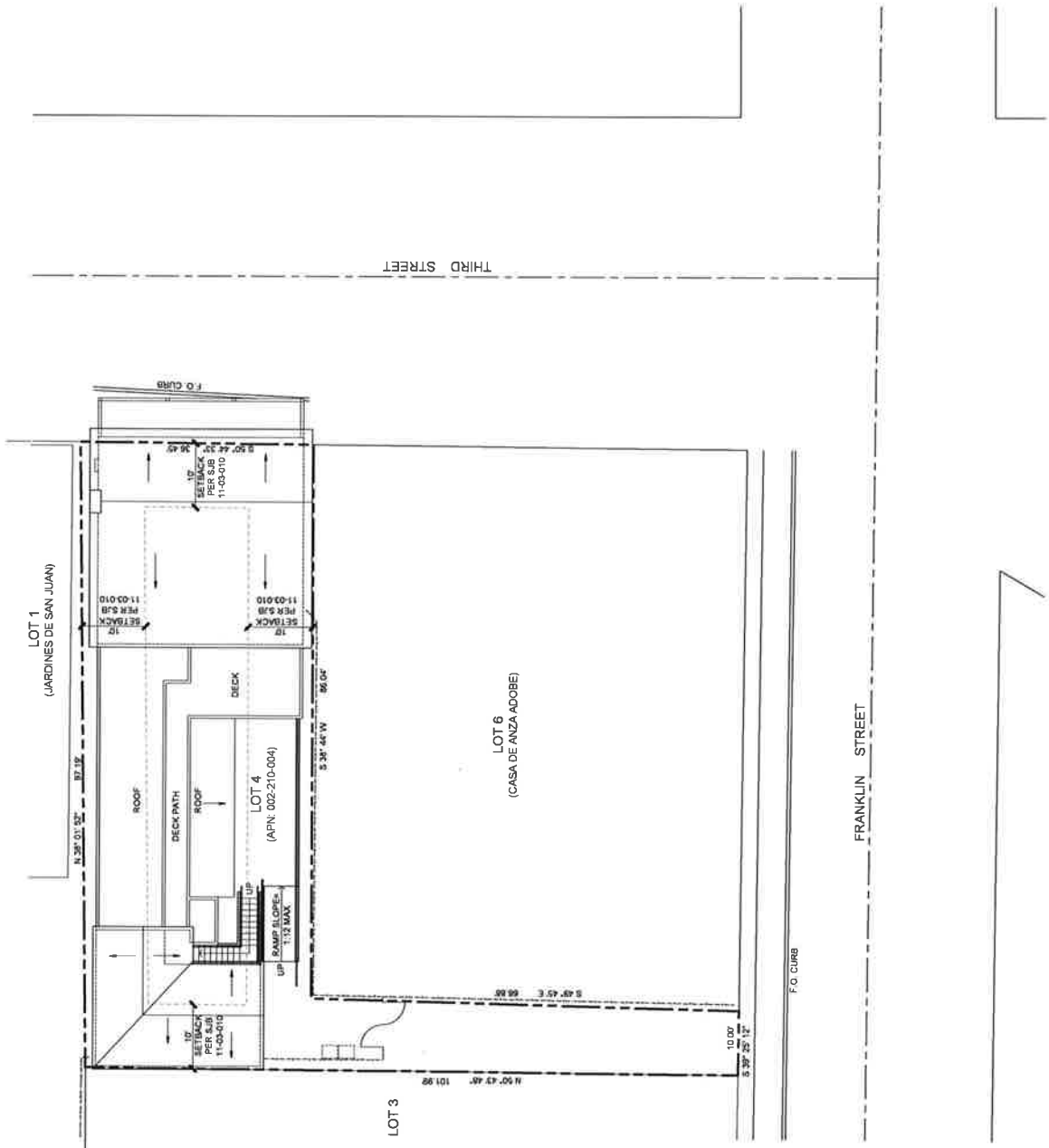
KEY NOTES

- TWO-STORY EXISTING BUILDING: REPAIR AND MAINTAIN EXISTING RESIDENTIAL ON 2ND FLOOR.
- ONE-STORY BUILDING: RESTAURANT KITCHEN & SUPPORT AREAS.
- 2ND STORY REAR ADDITION OVER GARAGE.
- 2ND FLOOR ROOF DECK.
- PARAPET WALL TO CONCEAL MECHANICAL EQUIPMENT, ALJON HEIGHT 10'0" TO SIDE.
- (B) BALCONY OVER SIDEWALK.
- (B) BRICK PAVING: EXPANDED FOR DRIVEWAY USE.
- ELECTRICAL SERVICE ENTRANCE.
- (N) TRASH CONTAINER LOCATION.
- (N) RAMP.
- (E) W/O FENCE.
- COMPOSITION SHINGLE ROOFING.
- CAP SHEET ROOFING.
- ACCESSIBLE PATH OF TRAVEL.
- PRECAST CONC. STAIRS.



1 SITE PLAN

SCALE: 1/8" = 1'-0"



FIRST
EXISTING / DEMO

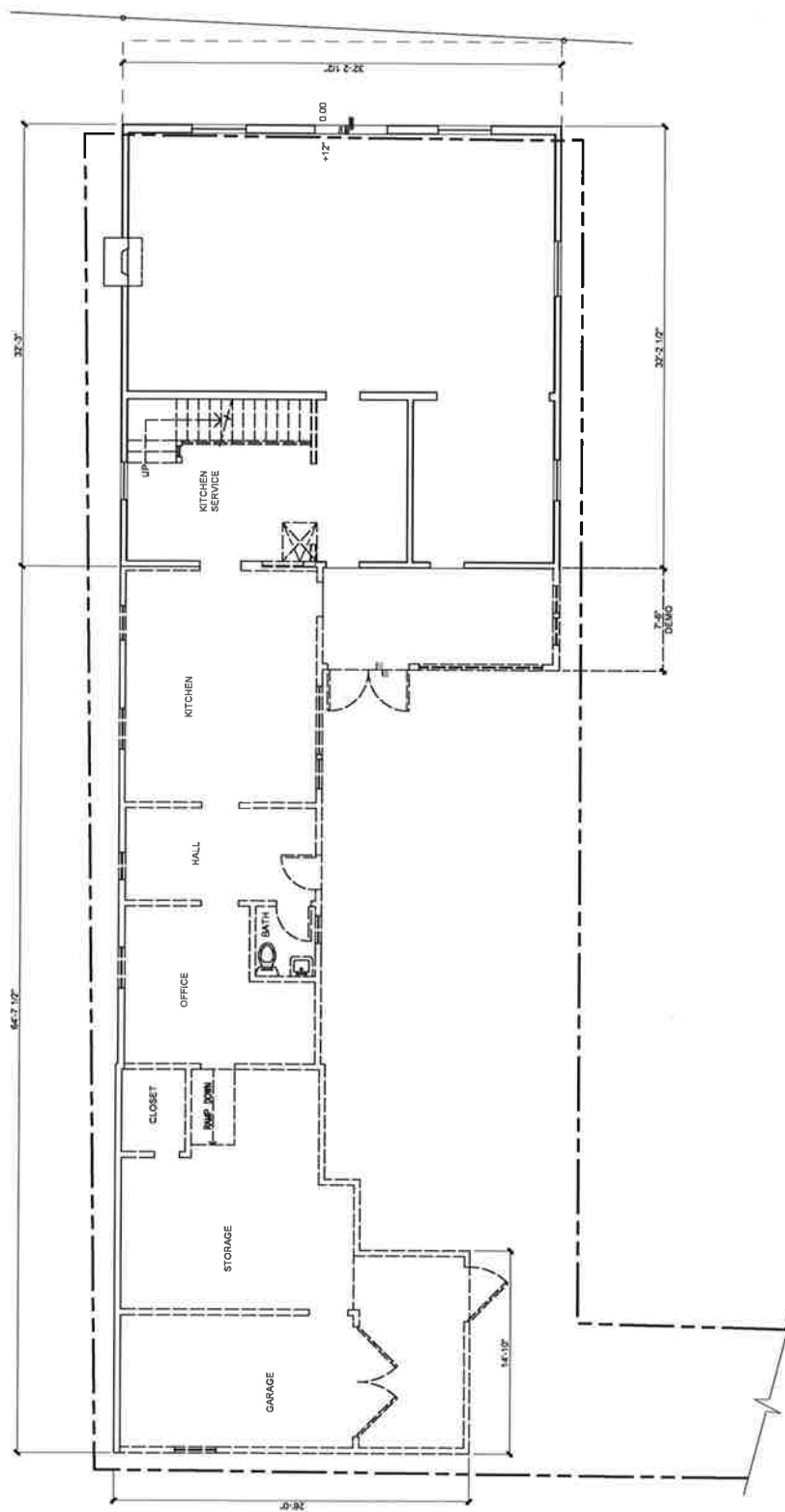
PROJ NO	2019_089
SCALE	AS NOTED
DATE	27 DEC 2016
PHASE	SD
DRAWN	HA
CHECKED	AW

NO	DATE	REVISION
	23 SEP 2019	PLANNING SUBMITTAL

HEETNO
1054
1054

- 1 REMOVE (E) HEATH & PACE OF PREPARE BACK FLUSH W/F O.S.
- 2 PROTECT IN PLACE ALL (E) STEPS TO REMAIN AT BUILDING ENTRANCE.
- 3 REMOVE (E) WINDOWS & TRIM.
- 4 PROTECT (E) WINDOW.
- 5 REMOVE BUILT-OUT BASE IN FRONT OF (E) DOORS. PROTECT (E) DOORS.
- 6 REMOVE FURRING.
- 7 REMOVE PORTION OF STRUCTURE TO BE REBUILT.

1.	PROTECT IN PLACE ALL EXISTING ELEMENTS TO REMAIN, TO PREVENT DAMAGE DURING DEMOLITION OF ADJACENT AREAS.	5.	REMOVE (E) ROOFING DOWN TO (E) SHEATHING.	10.	COORDINATE DEMOLITION DRAWINGS WITH OWNER FOR ANY DEMOLITION ITEMS TO BE SALVAGED.
2.	REMOVE (E) ROOFING DOWN TO (E) SHEATHING.	6.	REMOVE ALL (E) MECHANICAL EQUIPMENT, U.O.N.	11.	REMOVE (E) HISTORIC WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS ARE TO REMAIN IN PLACE, U.O.N.
3.	PROTECT IN PLACE ALL (E) FLOORING TO REMAIN, U.O.N.	7.	REMOVE (E) INTERIOR PANELS, WRING, LIGHTING & OTHER ELECTRICAL EQUIPMENT, U.O.N.	12.	COORDINATE STORAGE LOCATION WITH OWNER FOR ANY DEMOLITION ITEMS TO BE SALVAGED.
4.	REMOVE (E) BOARD & BATTEN SIDING TO THE GREATEST EXTENT POSSIBLE FOR RE-INSTALLATION ON EXTERIOR WALLS.	8.	REMOVE (E) PLUMBING FIXTURES, FITTINGS, PIPING & HOT WATER HEATERS, U.O.N.		
		9.	REMOVE MISCELLANEOUS NON-REAL PERSONAL PROPERTY, U.O.N.		



FIRST FLOOR PLAN

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



107 HIRD STREET
SAN JUAN BAUTISTA
REMODEL

FLOOR PLAN
FIRST
PROPOSED

PROJ NO. 2019-089
SCALE: AS NOTED
DATE: 27 DEC 2019
PHASE: SD
DRAWN: HA
CHECKED: AX

NO. DATE REVISION
2 SEP 2021 PLANNING SUBMITTAL

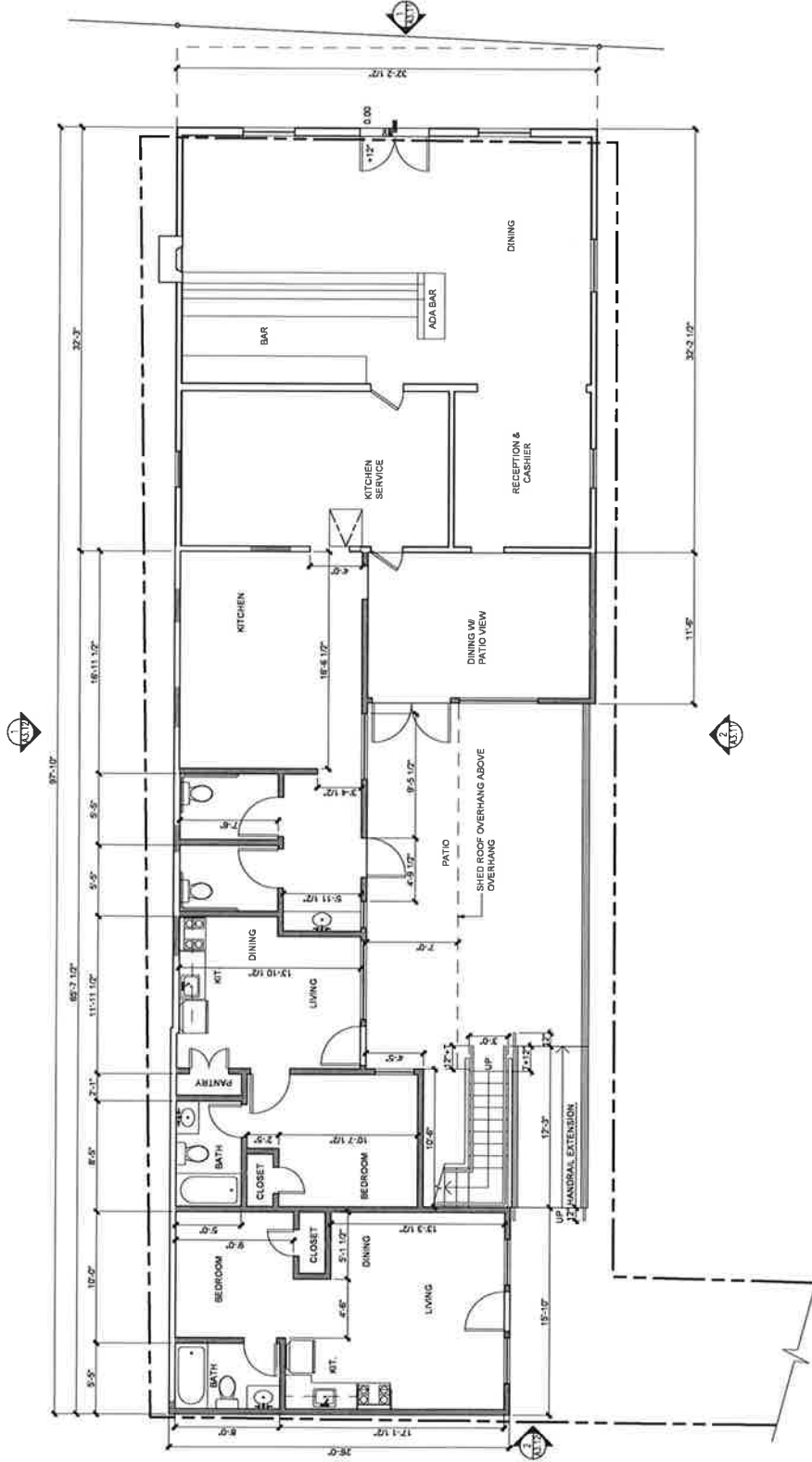
CLIENT NO.
A-2.11
ALVARADO & GARCIA ARCHITECTS
107 HIRD STREET
SAN JUAN BAUTISTA, CA 95124
TEL: 408.937.9023
WWW.PAMELA.COM

KEY NOTES

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

SHEET NOTES

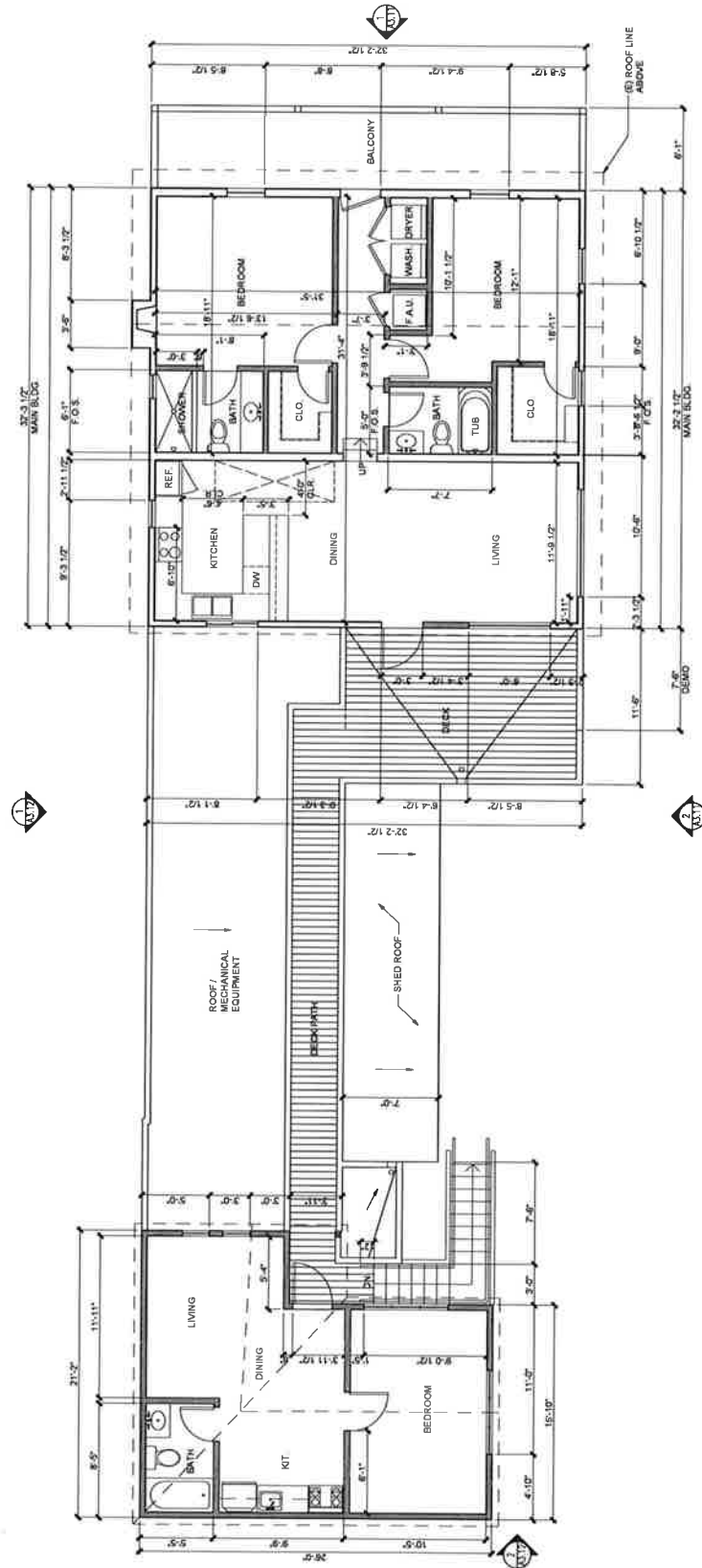
- PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN. TO PREVENT DAMAGE TO EXISTING CONSTRUCTION OF (N) PROPOSED ADJACENT AREAS.
- COORDINATE PROPOSED SCOPE OF WORK WITH EXISTING FOUNDATION LOCATIONS OF NEW (N) FOOTINGS, SHEAR WALLS & OTHER BUILDING ELEMENTS.



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

KEY NOTES

- PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN, TO PREVENT DAMAGE TO EXISTING STRUCTURE. (N) PROPOSED ADJACENT AREAS.
- COORDINATE PROPOSED SCOPE OF WORK WITH EXISTING CONDITIONS AND LOCATIONS OF NEW (N) FOOTINGS, SHEAR WALLS & OTHER BUILDING ELEMENTS.
- ALL (E) HISTORIC WINDOWS & DOORS, TRIM & OTHER SIMILAR ELEMENTS ARE TO REMAIN AND ARE TO BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION, U.O.N.
- EDGE OF ROOF OVERHANG, 5' OVERHANG TYP. AT (N) REAR 2ND-STORY ADDITION.
- INSTALL (N) WALL FINISH OVER (E) PRE-PLACE OPENING.
- ROOF SHED ABOVE.
- (N) CAP SHEET ROOFING BELOW DECKING, OR (N) STRUCTURAL BRACING, MINIMUM 1/4" PT. SLOPE TO DRAIN.
- (N) 42" HIGH GUARD WALL.
- (N) 36" WIDE BLIND GATE, WITH WD. CAP AND FINISH SIDING TO MATCH ADJACENT PARAPET WALL.
- (N) ROOF DRAIN W/ OVERFLOW THRU-WALL SCUPPER.
- (N) WD. PALLETIZED DECKING.
- PATCH FLOOR AT FORMER STAIRS.
- REPAIR (E) BALCONY OVER SIDEWALK.
- (N) STAIRS W/ HANDRAILS.
- ALIGN TO PARAPET W/ T.O. GUARD @ DECK.
- DOOR TO BE KEPT LOCKED, NO ACCESS TO FRONT BALCONY.
- ADD REQUIRED FIRE PROTECTION AT WINDOWS AND EXTERIOR WALLS AS REQUIRED BY CALIFORNIA FIRE PROPERTY LINES, PER 2016 CHBC 8-402.1.
- METAL RAILING.



1 SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"



FLOOR PLAN SECOND PROPOSED

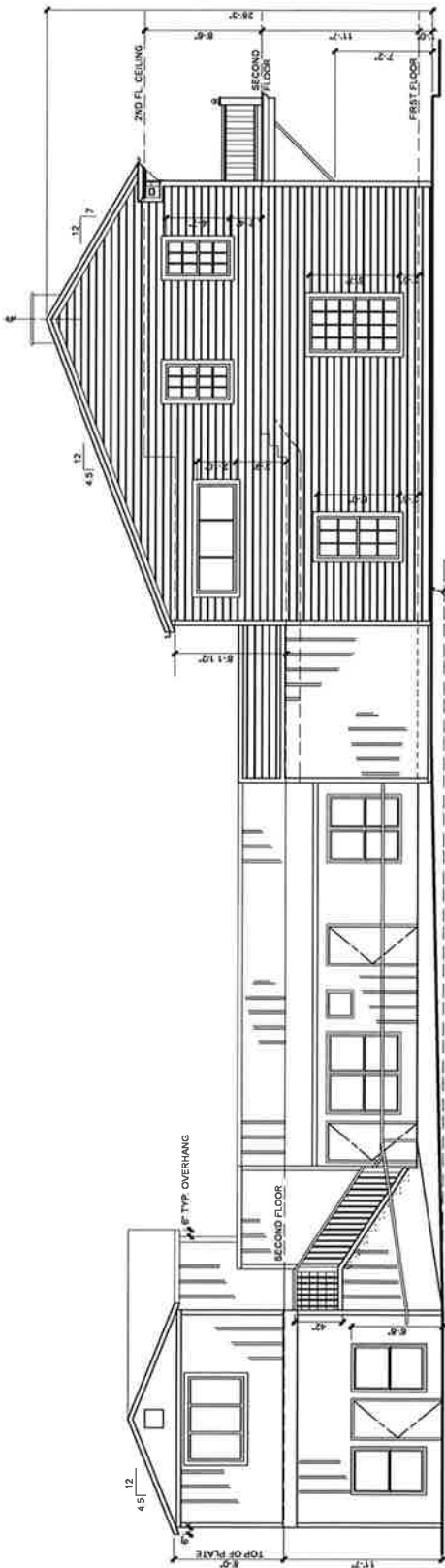
PROJ NO: 2010-089
 DATE: 12/02/2016
 PHASE: SD
 DRAWN: LIA
 CHECKED: AX

NO. DATE REVISION
 29 SEP 2016 PLANNING SUBMITTAL

KEY NOTES

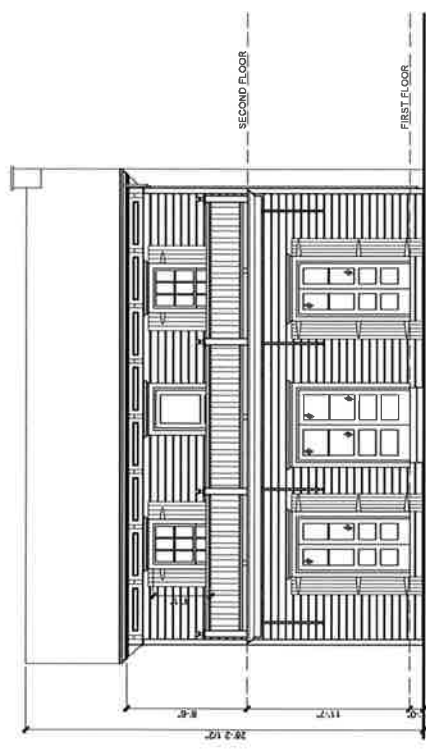
- (E) W.D. SIDING, REPAIR AS REQUIRED
- (N) W.D. BOARD-&-BATTEN SIDING, TO MATCH PROFILE OF (E).
- (E) FRONT BALCONY OVERLOOKING STREET, REPAIR AS REQUIRED.
- 42" HIGH GUARD WALL.
- COORDINATE PROPOSED SCOPE OF WORK WITH EXISTING DRAWINGS FOR CONSTRUCTION OF STRUCTURAL & OTHER BUILDING ELEMENTS.
- (N) LAP SIDING.
- (N) SHED ROOF.
- THRU-WALL OVERFLOON SCUPPER.
- (N) "CARRIAGE STYLE" SECTIONAL OVERHEAD GARAGE DOOR.
- (N) WOOD WINDOWS.
- (N) HANDRAIL @ RAMP.
- REPAIR (E) DOORS, ADD FULL PERMETER WEATHER STRIPPING AND FIXED CLOSED.
- RIDGE VENT: SEE DET. 13A-601.
- GABLE END ATTIC VENT.

- PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN, TO PREVENT DAMAGE DURING CONSTRUCTION OF (N) PROPOSED ADJACENT AREAS.
- PROTECT IN PLACE ALL (E) EXTERIOR ROOF OVERHANGS & OTHER TRIM, U.O.N.
- COORDINATE PROPOSED SCOPE OF WORK WITH EXISTING DRAWINGS FOR CONSTRUCTION OF STRUCTURAL & OTHER BUILDING ELEMENTS.



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

INTERIOR ELEVATIONS
PROPOSED



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

PROJ NO: 2010-086
 SCALE: AS NOTED
 DATE: 27 DEC 2010
 PHASE: SD
 DRAWN: HA
 CHECKED: AW
 NO DATE REVISION
 28 SEP 2012 PLANNING SUBMITTAL

RESOLUTION 2019-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN BAUTISTA MAKING A DETERMINATION FOR A CATEGORICAL EXEMPTION FOR SITE AND DESIGN REVIEW (SDR 2019-03) FOR A MIXED USE DEVELOPMENT CONSISTING OF A RESTAURANT, BAR, AND RESIDENTIAL UNITS LOCATED AT 107 THIRD STREET, SAN JUAN BAUTISTA (APN: 002-021-004).

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

WHEREAS, the application was timely processed and brought before the Planning Commission for consideration on December 3, 2019, at which time the Planning Commission held a duly noticed public hearing, received oral comments, received public input, and received the staff report for the application; and

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

WHEREAS, the Historic Resources Board evaluated the application materials and found that the project met the requirements of California Environmental Quality Act (CEQA) Guidelines Section 15331, "Historical Resource Restoration/Rehabilitation", and recommended that the Planning Commission adopt a resolution making a determination for a categorical exemption; and

WHEREAS, based upon the whole record before the Planning Commission and in light of the proposed project situated at 107 Third Street (APN: 002-021-004) the Planning Commission determined that the project is Categorically Exempt under CEQA Section 15331, "Historical Resource Restoration/Rehabilitation", because the proposed project will restore/rehabilitate a designated historical building within the San Juan Bautista Historic District, in manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings", and in compliance with the previously prepared historical report (2017).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of San Juan Bautista hereby approves the Categorical Exemption of Section 15331 of the CEQA Guidelines for a Site and Design Review Permit (SDR 2019-03) for a mixed use development, consisting of a restaurant, bar, and 4 residential units, located at 107 Third Street (APN: 002-021-004), San Juan Bautista.

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on this 12th day of December, 2019, by the following vote:

AYES: **Freels, Brewer, Medeiros**

NOES: **None**

ABSENT: **Matchain, Delgado**

ABSTAIN: **None**



Scott Freels, Chairperson

ATTEST:



Trish Paetz, Deputy City Clerk

RESOLUTION 2019-27

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

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

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

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

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

WHEREAS, the Planning Commission received a recommendation from the Historic Resources Board that they adopt a resolution making a determination that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15331 (Class 31), “Historical Resource Restoration/Rehabilitation”, because the proposed project will restore/rehabilitate a designated historical building within the San Juan Bautista Historic District, in manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings”, and in compliance with the previously prepared historical report (2017); and

WHEREAS, the Planning Commission received a recommendation from the Historic Resources Board that they adopt a resolution approving a Site and Design Review Permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units, located on the subject site; and

WHEREAS, the Planning Commission timely conducted a public hearing on December 3, 2019 to consider approval of a Site and Design Review Permit (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units, located on the subject site; and

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

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

SECTION 11-06 HISTORIC RESOURCES FINDINGS:

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

1) If the structure is more than forty-five (45) years old;

This structure was originally built in 1870 and is more than forty-five years old.

2) If the property has been previously inventoried as part of a Citywide comprehensive survey and what the current status code for the property is (see SJBMC 11-06-090 for status codes);

This property was previously inventoried as part of the citywide comprehensive survey, and has a status code of 5D1.

3) If the property is listed on the City Register of Historic Resources;

This property is listed on the City Register of Historic Resources.

4) If the Property is located within the boundaries of a designated historic district regardless of individual significance;

This property is located within the boundaries of the designated historic district.

5) If the property will require additional evaluation as part of the application process; and

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

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

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

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

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

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

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

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

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

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

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

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

There is no evidence on the record that the proposed project is inconsistent with the San Juan Bautista Design Guidelines. The proposed project will restore and rehabilitate the front (historical) portion of the existing structure, and the proposed rear addition will be constructed in a manner to compliment and blend in with the historical construction on site.

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

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

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

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

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

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

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

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

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

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

Policy LU-2.1.3 – Encourage mixed-use and commercial developments along the corridor of Muckelemi Street, 3rd Street, and The Alameda.

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

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

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

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

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

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

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

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

The City is required to construct 41 “affordable housing” units under its assigned Regional Housing Needs Assessment (RHNA), of which 8 units shall be at the “moderate income” level. If entitled, this project would provide 50% (4) of the required 8 “moderate income” units; and nearly 10% (4 of 41) of the overall RHNA “affordable units” assigned to San Juan Bautista.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 11-03 – MIXED USE STANDARDS:

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

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

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

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

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

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

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

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

project could be subject to payment of a parking in-lieu fee, in an amount determined by the Planning Commission.

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

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

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

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

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

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

26) AFFORDABLE HOUSING – GOVERNMENT CODE 65915 COMPLIANCE:

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

The Mixed Use zoning classification allows densities between 8-15 units/acre, which would allow a baseline of approximately 1-2 units. A density bonus of 35%, as afforded through Section 65915, would allow 1 extra unit to be constructed, for a total

of 3 units. The Project will provide 4 total units (1-2bd/2bth unit; 3-1bd/1bth units) all of which would be available as “affordable housing” at the “moderate income” level.

The applicant/developer is requesting to his entitled incentive/concession to allow one additional unit to be constructed on site, for a total of 4 units. The justification for this request, is due to the cost of the required restoration/rehabilitation of the historic structure. Without the ability to generate additional rental income/revenue from the residential portion of the development, the overall project is not economically feasible.

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

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

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

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

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

Findings for denial of the incentive/concession cannot be made, as the increased density allowance is: 1) not contrary to state or federal law; 2) will not have a specific adverse impact upon public health and safety or on the physical environmental or on real property that is in the California Register of Historical Resources (the rear of the property is not historic and the three units are not within the historic main building);

and 3) the without the incentive/concession the project is not economically feasible to construct (restoration/rehabilitation of the main building) and would render the construction of affordable housing unachievable.

The City is required to construct 41 “affordable housing” units under its assigned Regional Housing Needs Assessment (RHNA), of which 8 units shall be at the “moderate income” level. If entitled, this project would provide 50% (4) of the required 8 “moderate income” units; and nearly 10% (4 of 41) of the overall RHNA “affordable units” assigned to San Juan Bautista.

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

PASSED AND ADOPTED by the Planning Commission of the City of San Juan Bautista on this 12th day of December, 2019, by the following vote:

AYES: Freels, Brewer, Medeiros

NOES: None

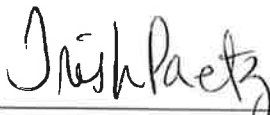
ABSENT: Matchain, Delgado

ABSTAIN: None



Scott Freels, Chairperson

ATTEST:



Trish Paetz, Deputy City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

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

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

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

- 31) Prior to issuance of a building permit, the Applicant/Owner shall show location of storage of trash, recycle and green waste containers.
- 32) All retail/restaurant uses within the Casa Rosa main building shall be done in compliance with Section 11-04-110 of the San Juan Bautista Municipal Code. Any future retail/restaurant use(s) of a "large scale retail, formula retail/restaurant" shall be subject to additional discretionary review by the Planning Commission, pursuant to additional application(s) and appropriate fee(s) for each proposed "large scale retail" and/or "formula retail/restaurant" use.
- 33) Prior to issuance of building permits, the Owner/Applicant shall prepared full plans, including site plan, elevations, and proposed colors boards (paint, materials, etc.) and submit plans to San Juan Bautista planning staff for routing to the Planning Commission for consideration and final approval.
- 34) Any commercial/business use conducted within the mixed use portion of the building, shall be consistent/compliant with the noise restrictions of the City of San Juan Bautista. Additional business hours, including deliveries, shall be limited to no later than 10pm Monday – Sunday, 365 days/year.

PROPERTY LINES & EXISTING
STRUCTURE ARE BASED ON A SURVEY
PREPARED BY DAN BENTON
ENGINEERING & SURVEYING, INC.
DATED 2/15/2017

- 2 REQUIRED ATTIC VENTILATION PER
-
- 2018 CBC 1203.2.

FRONT ATTIC
AREA: 31'x31' = 961 SF
REG'D VENTILATION
961 SF / 150 = 6.4 SF = 621 B SQ IN
FURNISHED VENTILATION
(LOW) IN VENT-BOTH SAVED:
6.75 SQ IN / 150 SF = 4.5 SQ IN
FURNISHED VENTILATION
(HIGH) COR-A-VENT V-CODE:
17.50 SQ IN / 150 SF = 117 SQ IN
TOTAL
507.50 SQ IN = 118.3 SQ. IN = 945.5 SQ IN

KITCHEN ATRIC
AREA: 44.5114 S' = 645 SF
REQ'D VENTILATION:
645 SF / 150 = 4.3 SF
619.2 SQ IN / 3 = 206.40 IN² / VEN²
(TOTAL OF 3)
FURNISHED VENTILATION
A = (3.14) r² r = SQ ROOT (A / 3.14)
= SQ ROOT (206 / 3.14)
= 8" Ø, USE 16" Ø VEN -

REAR ATTIC
AREA: 426 SF (L SHAPED ATTIC)
READ VENTILATION
 $426 \text{ SF} \div 750 = 2.8 \text{ SF} = 418 \text{ SQ IN}$
PURNISHED VENTILATION
(2 GABLE END OPENINGS)
 $418 \text{ SQ IN} \div 2 = 209 \text{ SQ IN}$
 $= 16" \times 16" \text{ SQ IN GABLE END VENT}$
TOTAL:
512 SQ IN (GROSS)

REQUIRED UNDER FLOOR VENTILATION
PER CBC 1203.4

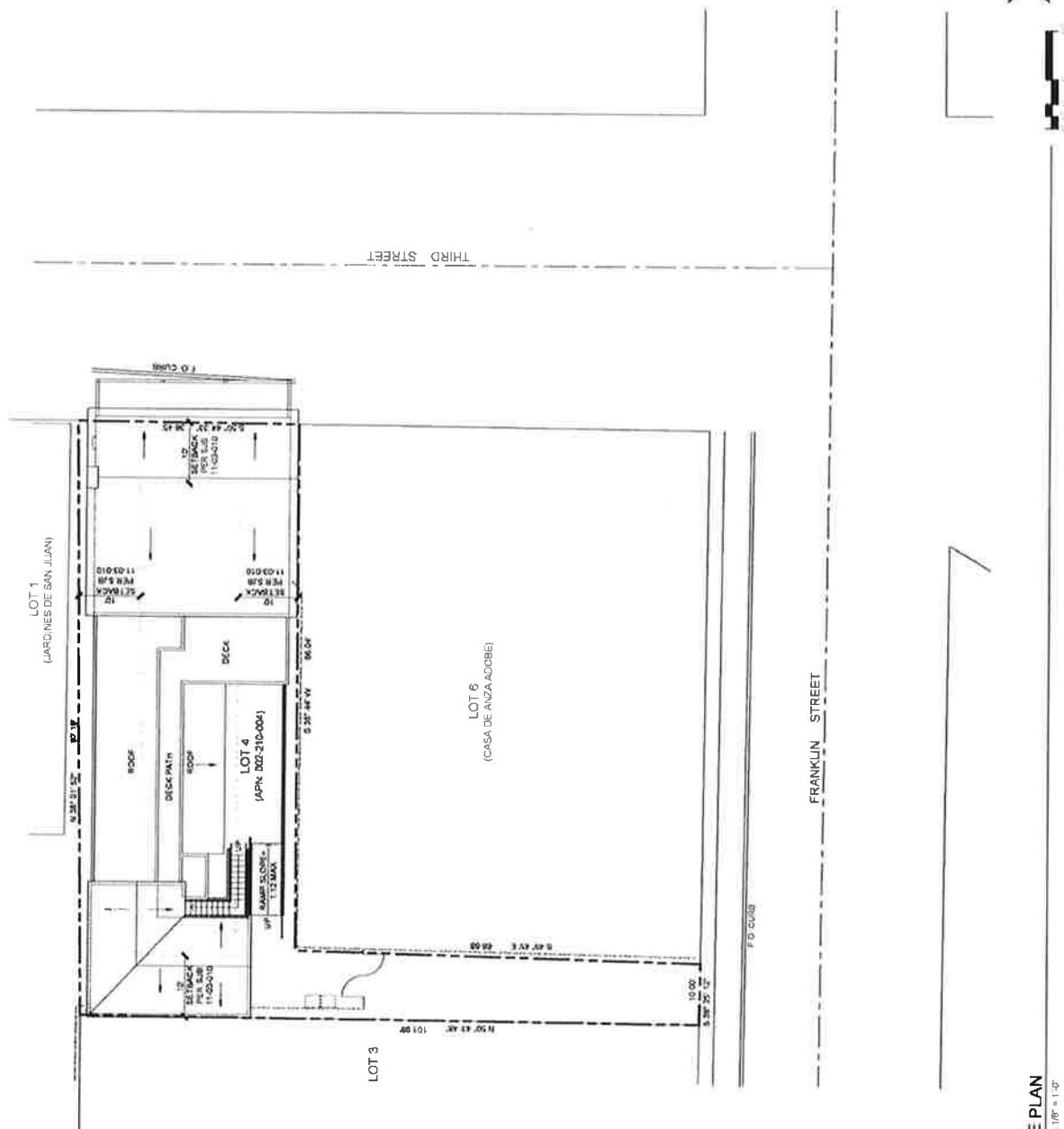
AREA
FRONT: 31'x31' = 961 SF
REAR CARING ROOM / KITCHEN 17.5 SF
(IRREGULAR SHAPE)
TOTAL = 978.5 SF

REQUIRED VENTILATION OPENINGS:
= 576 SF / 150 = 12.5 SF

FURNISHED OPENINGS
TYP FDN VENT
• 6" x 14" • 64 SQ IN • 8 SF
= 21 FDN VENTS TOTAL
ARRANGE TO PROVIDE
REQD CROSS-VENTILATION

KEY NOTES

1. THROATLICK EXHAUSTING RESTAURANT ON 1ST FLOOR
2. RESIDENTIAL ON 2ND FLOOR
3. ONE-STORY BUILDING, RESTAURANT KITCHEN & SUPPORT AREAS.
4. 2ND STORY REAR ADDITION OVER GARAGE
5. 2ND FLOOR ROOF DECK
6. PARAPET WALL TO CONCEAL MECHANICAL EQUIPMENT ALONG REAR WARDEN SIDE
7. (B) BALCONY OVER SIDEWALK DRIVEWAY USE
8. ELECTRICAL SERVICE ENTRANCE
9. IN TRASH CONTAINER LOCATION
10. (N) DUMP
11. (S) WDG
12. COMPOSITION SHINGLE ROOFING
13. GAP SHEET ROOFING
14. ACCESSIBLE PATH OF TRAVEL
15. PRECAST CONC STAIRS

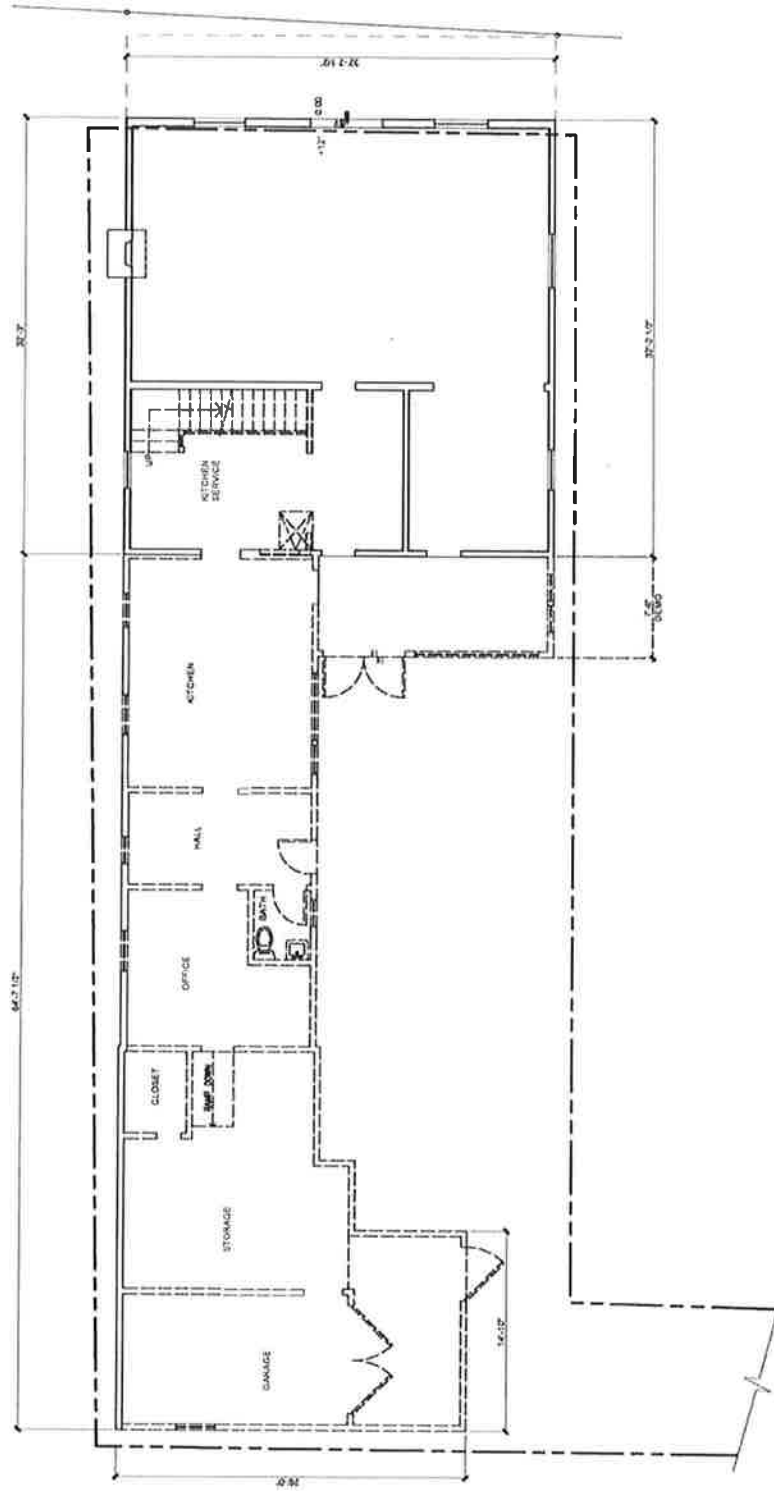


SHEET NOTES

- PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN, TO PREVENT DEMOLITION OF ADJACENT AREAS.
- REMOVE (E) EXISTING (E) BUILDING ELEMENTS, SHOWN DOTTED, INCLUDING PARTITIONS, DOORS, FLOOR / ROOF PARTITION & CEILING.
- PROTECT IN PLACE ALL (E) FLOORING TO REMAIN, U O N.
- SALVAGE (E) BOARD & BATTEN SIDING TO THE GREATEST EXTENT POSSIBLE FOR RE-INSTALLATION ON EXTERIOR WALLS.
- REMOVE (E) ROOFING DOWN TO (E) SHEATHING.
- REMOVE ALL (E) MECHANICAL EQUIPMENT, U O N.
- REMOVE (E) EXTERIOR PANELS, MARKING, LIGHTING & OTHER ELECTRICAL EQUIPMENT, U O N.
- REMOVE (E) PLUMBING FIXTURES, FITTINGS, PIPING & HOT WATER HEATERS, U O N.
- REMOVE MISCELLANEOUS NON-RENTAL PERSONAL PROPERTY, U O N.
- COORDINATE DEMOLITION DRAWINGS WITH STRUCTURAL DRAWINGS FOR LOCATIONS OF NEW (N) FOOTINGS, FOUNDATIONS & OTHER STRUCTURAL ELEMENTS.
- ALL (E) EXISTING WINDOWS, DOORS, TRIM & OTHER FINISH ELEMENTS ARE TO REMAIN IN PLACE, U O N.
- COORDINATE STORAGE LOCATION WITH OWNER FOR ANY DEMOLITION ITEMS TO BE SALVAGED.

KEY NOTES

- REMOVE (E) HEARTH & FACE OF FIREPLACE BACK FLUSH WITH F.O.S.
- PROTECT IN PLACE ALL (E) STEPS TO REMAIN AT BUILDING ENTRANCE.
- REMOVE (E) WINDOWS & TRIM.
- PROTECT (E) WINDOW.
- REMOVE BUILT-UP BASE IN FRONT OF (E) DOORS, PROTECT (E) DOORS.
- REMOVE FLOORING.
- REMOVED PORTION OF STRUCTURE TO BE REBUILT.



1 FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



605 THIRDS (PH) 1
SAN JUAN BAUTISTA
REMÓDUL

605 THIRDS (PH) 1
SAN JUAN BAUTISTA
REMÓDUL

605 THIRDS (PH) 1
SAN JUAN BAUTISTA
REMÓDUL





1000 S. GARCIA STREET
 SAN ANTONIO, TEXAS 78205
 REMODEL

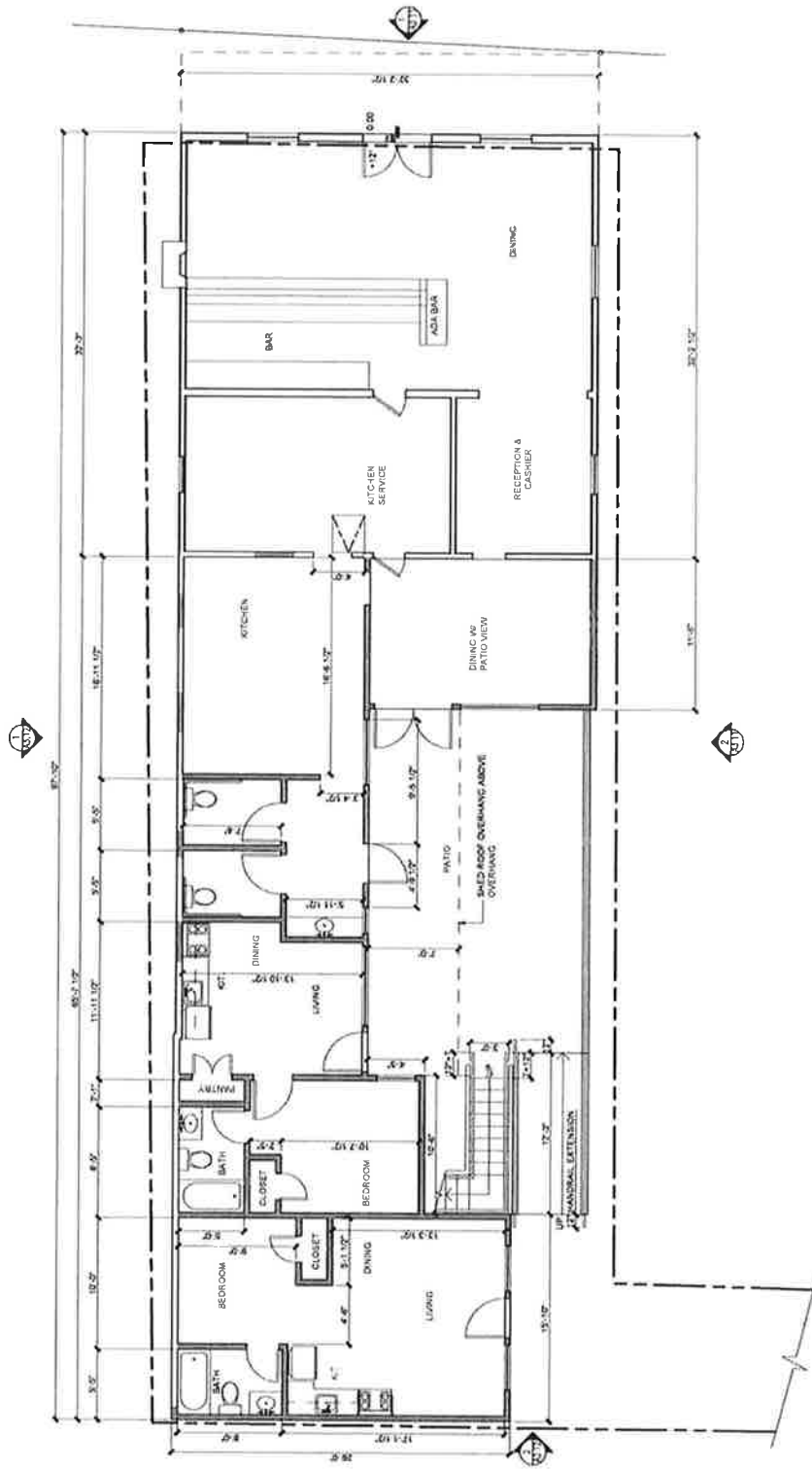
SHEET NO.
 A-211

KEY NOTES

1. PROTECT IN PLACE ALL EXISTING (E) HISTORIC WINDOWS & DOORS. IF ANY DAMAGE OCCURS DURING CONSTRUCTION OF PROPOSED ADJACENT AREAS, TO REMAIN IN PLACE & BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION U.O.N.
2. COORDINATE PROPOSED SCOPES OF WORK W/ ENGINEERING DRAWINGS FOR LOCATIONS OF MOVING FOOTINGS, FOUNDATIONS, WALLS & OTHER BUILDING ELEMENTS.
3. ALL (E) HISTORIC WINDOWS & DOORS. IF ANY DAMAGE OCCURS DURING CONSTRUCTION OF PROPOSED ADJACENT AREAS, TO REMAIN IN PLACE & BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION U.O.N.
4. (N) EXT. SIDING TO MATCH & ALIGN W/ (E) ADJACENT SIDING.
5. (N) PERMEABLE PAVING MAX. SLOPE 2% SLOPE TO DRAIN.
6. ADD REQUIRED FIRE PROTECTION AT WINDOWS AND EXTERIOR WALLS ADJACENT TO SIDE AND REAR LOTTY LINE PER DSH CHC 8.402.
7. METAL RAILING.
8. DRAINAGE SPACE ACCESS.

SHEET NOTES

1. PROTECT IN PLACE ALL EXISTING (E) HISTORIC WINDOWS & DOORS. IF ANY DAMAGE OCCURS DURING CONSTRUCTION OF PROPOSED ADJACENT AREAS, TO REMAIN IN PLACE & BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION U.O.N.
2. COORDINATE PROPOSED SCOPES OF WORK W/ ENGINEERING DRAWINGS FOR LOCATIONS OF MOVING FOOTINGS, FOUNDATIONS, WALLS & OTHER BUILDING ELEMENTS.



1 FIRST FLOOR PLAN
 SCALE 1/4" = 1'-0"

1000 S. GARCIA STREET
 SAN ANTONIO, TEXAS 78205
 REMODEL

1000 S. GARCIA STREET
 SAN ANTONIO, TEXAS 78205
 REMODEL

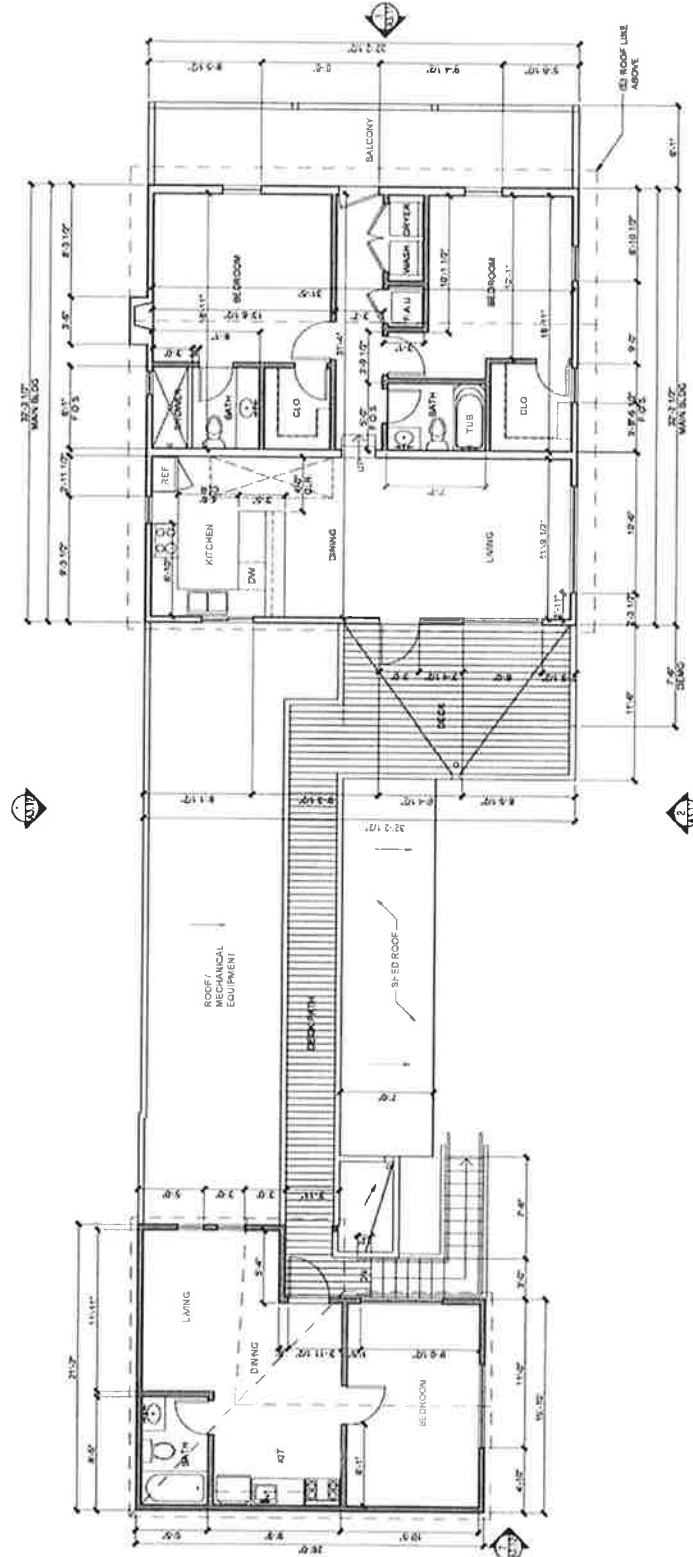
1000 S. GARCIA STREET
 SAN ANTONIO, TEXAS 78205
 REMODEL

SHEET NOTES

1. PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO REMAIN. TO PREVENT DAMAGE DURING CONSTRUCTION OF (N) PROPOSED ADJACENT AREAS
2. COORDINATE PROPOSED SCOPE OF WORK WITH EXISTING DRAWINGS FOR FOUNDATION, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, SHED WALLS & OTHER BUILDING ELEMENTS
3. ALL (E) EXISTING WINDOWS & DOORS TRIM & OTHER SMALL COMPONENTS ARE TO REMAIN IN PLACE & BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION. U.O.N.

KEY NOTES

1. EDGE OF ROOF OVERHANG 5" MINIMUM. AT (N) REAR AND STAIR ADDITION
2. INSTALL (N) WALL FINISH OVER (E) PARAPET OPENING
3. ROOF RIDGE ABOVE
4. (N) CAP SHEET ROOFING BELOW DECKING. (N) STRUCTURAL SHEETING MINIMUM 1/4" TILT SLOPE TO DRAIN
5. (N) 4" HIGH GUARD RAIL
6. (N) 3" WIDE BLIND GATE WITH (N) CAP AND FINISH. SLOPE TO MATCH ADJACENT PARAPET WALL
7. (N) ROOF DRAIN WITH (N) FLOW THROUGH WALL SCUPPER
8. (N) WD PALLETIZED DECKING
9. PATCH FLOOR AT FORMER STAIRS
10. REPAIR (E) BALCONY OVER SIDEWALK
11. (N) STAIRS WITH HANDRAILS
12. ALIGN T.O. PARAPET WITH T.O. GUARD & DECK
13. DOOR TO BE KEPT LOCKED. NO ACCESS TO FRONT BALCONY
14. ADD REQUIRED FIRE PROTECTION AT WINDOWS AND EXTERIOR WALLS ADJACENT TO SIDE AND REAR PROPERTY LINES PER 2018 OBC 8-402.1
15. METAL RAILING



SECOND FLOOR PLAN

SCALE 1/4" = 1'-0"



ARCH. DES.	10.0.00
DATE	10.0.00
SCALE	1/4" = 1'-0"
DESIGN	10.0.00
CONSTRUCTION	10.0.00
NO. SHEETS	10.0.00
NO. SHEETS	10.0.00

SHEET NOTES

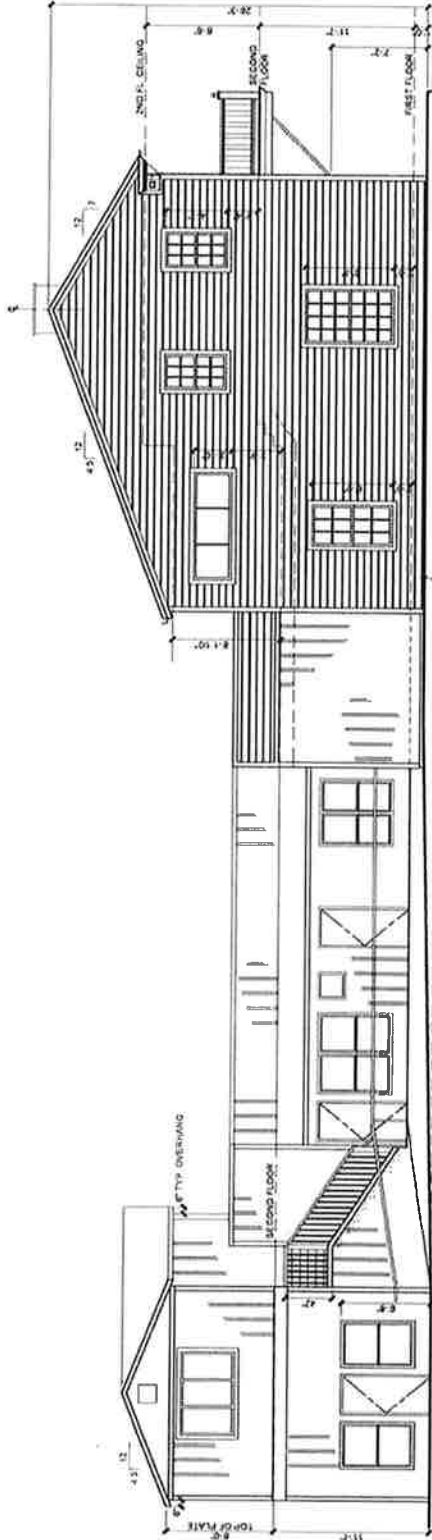
1. PROTECT IN PLACE ALL EXISTING (E) ELEMENTS TO PREVENT DAMAGE DURING CONSTRUCTION OF (N) PROPOSED ADJACENT AREAS
2. PROTECT IN PLACE ALL (E) EXTERIOR ROOF OVERHANGS & OTHER TRIM, ETC.
3. COORDINATE PROPOSED SCOPE OF WORK WITH ENGINEERING DRAWINGS FOR EXISTING STRUCTURE, FOUNDATION & OTHER BUILDING ELEMENTS

1. (E) HISTORIC WINDOWS & DOORS TO REMAIN IN PLACE & BE PROTECTED FROM DAMAGE FOR THE DURATION OF CONSTRUCTION, U.O.N.
2. (E) FRONT BALCONY OVERHANG DURING STREET REPAIRS REQUIRED.
3. (E) FRONT BALCONY OVERHANG DURING STREET REPAIRS REQUIRED.
4. 6" HIGH GUARD RAIL.
5. ALIGN TO PARADE WITH GUARD B DECK

6. (N) LAD SIDING
7. (N) SHED ROOF
8. THRU WALL OVERFLOW SCUPPER
9. (N) "CARBIDE STYLE" SECTIONAL OVERHEAD GARAGE DOOR
10. (N) FRONT WINDOWS
11. (N) HANDRAIL @ RAMP
12. REPAIR (E) DOORS, ADD FULL PERIMETER WEATHER STRIPPING AND FIXED CLOSED
13. RIDGE VENT SUE DET 13A-002
14. SABLE END ATTIC VENT

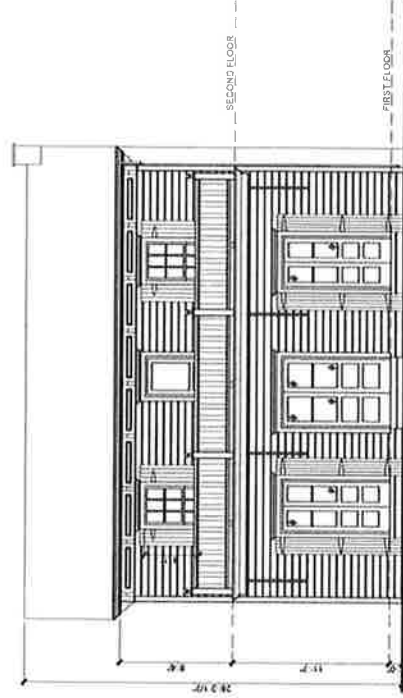


100 THIRD STREET
SAN JUAN BAUTISTA
REMODEL



1 SOUTH ELEVATION
SCALE 1/4" = 1'-0"

PROPOSED



2 EAST ELEVATION
SCALE 1/4" = 1'-0"

DATE	10/10/2018
BY	ARCHITECT
CHECKED	ARCHITECT
DATE	10/10/2018
BY	ARCHITECT
CHECKED	ARCHITECT
DATE	10/10/2018
BY	ARCHITECT
CHECKED	ARCHITECT

DEC 18 2019

RECEIVED

APPEAL FORM

- ☒ Appeal to the City Council
☐ Appeal to the Planning Commission

An appeal filed for action by the Planning Commission or Planning staff is to be filed with the City Clerk within ten days of the Planning Commission's action or planning staff decision. If you have any questions regarding the Planning Commission action you can contact the Planning Department between 8:00 A.M. to 11:00 P.M. and 2:00 P.M. to 5:00 P.M. In addition to the appeal form complete, a filing fee, agreement to reimburse the City for all costs associated with processing the appeal and pre-addressed stamped envelopes to be sent (no return address) to all persons within 300 feet of the subject property must be submitted with the appeal.

In accordance with the San Juan Bautista Municipal Code, I hereby appeal the actions of the Planning Commission or Planning Staff decision of 12/12/19 (date)

Regarding SDR-2019-3 Categorical Exemption / Site + Architectural Design Review (Application Number of Applicant)

Location of Project: 107 Third Street, STB "La Casa Rosa"

Action Being Appealed: Determination of Categorical Exemption and Site and Design Review Permit for a Mixed Use Development consisting of a restaurant, bar, and four residential units.

Reason for the Appeal: Project does not comply with the Secretary of Interior's Standards, is too dense, and provides no parking or in-lieu parking fees. **See my attached letter and my letters to the Planning Commission.**

Name of Appellant: EMILY M. RENZEL

Address of Appellant: 101-103 THIRD STREET, STB "Casadelaanza"

Telephone No. (Appellant): 831-623-9971

Signature: Emily M. Renzel

Signed this 18th day of December, 2019
CITY OF SAN JUAN BAUTISTA

Date filed or received:

DEC 18 2019

Deputy City Clerk: J. Pachtz

December 18, 2019

Dear Mayor Flores & Members of the City Council:

Due to the closure of City Hall next week, I have had to prepare this appeal in somewhat of a hurry. I am providing my reasons for the appeal and hope that you will carefully consider the ramifications of this proposed project not only on my historic property, but also on other future projects in our precious Downtown San Juan Bautista Historic District. New (hopefully better) information accounts for some discrepancies among my various communications

Approval of this overly generous and very dense proposal could trigger other proposals that will seriously endanger our Historic District. Staff has worked with the Developer and essentially conceded every conceivable benefit. Under this approval it appears that La Casa Rosa could be stripped of all the remaining historic fabric (including siding & stone foundation) and left with nothing but pink paint. I hope you will address some of the concerns I raise as a neighbor with respect to preservation of historic fabric, density, outdoor stairs, noise, water supply, sewer, lighting, and business hours. I hope you will also consider the concerns raised at the Planning Commission by the San Juan Bautista Historical Society, Rachel Ponce, Tony Guaracha, and Cara Vonk.

Sincerely,

Emily M. Renzel

101-103 Third Street (Casa de Anza)

San Juan Bautista, CA

Attachments:

1. List of Problems with the Proposed Project
2. Concessions in the 10/1/19 Staff Report
3. CEQA Categorical Exemptions
4. Background on Unpermitted work by the Burda's & City's failure to enforce.
5. March 5, 2017 letter to HRB/PC
6. November 27, 2019 letter to HRB/PC, including 10/1/19 letter and more

Attachment 1

Problems with the proposed project

Housing

Staff has approved TWO units where 1.35 would normally be allowed and then allowed TWO more units in exchange for just 8 years of controlled affordable rent at a rent higher than currently charged at Mission Gardens Apartments which has onsite parking. The main part of the property is c. 37' x c. 102' (3774 sf) and there is a 10' x 65.5' (655 s.f.) right of way out to Franklin. That right of way will be the only access to the four housing units.

Access to second story units

The Secretary of Interiors Standards are not met. The outdoor staircase and access are not compatible with a building over 150 years old. Staircases would have been interior to the building. An exposed outdoor staircase will be the access to both of the second story units. At the top of the stairs in the rear, an approximately 50' long second story walkway above the shed roof will be the sole access for the second story housing in the original building. This will be intrusive on the quiet and privacy of Casa de Anza. Since this building will be sprinklered, interior staircases should be safe in the case of fire.

Entitlements

When the Burda's brought their plans to the Planning Commission in March 2017, the Use of the building was going to be approximately the same as historically - a 2 bedroom housing unit above and a restaurant/bar with storage and office in the back. Staff is interpreting this to be an entitlement for a physical structure AND the much more intense proposed use. If this project is now approved and becomes an entitlement, there is no guarantee that such entitlement might not be leveraged still further - if for some reason the project does not get built.

Parking

No off-street parking can be provided on the Casa Rosa site. Staff says that THREE parking spaces is all that is required for FOUR housing units and a restaurant/bar. That strains credulity. Furthermore, our parking ordinance downtown allows all parking within 150' to be counted for each and every business. It doesn't take a rocket scientist to figure out that housing at the Casa Rosa and at other historic sites will have more permanent long term parking requirements than the much more variable commercial parking use - where 8 or 10 cars might park in the same space over a 12 hour period. Parking is already in short supply on Franklin Street. Staff also cited another exemption if there is a public parking lot nearby, but at the present time there, to my knowledge, are NO true public parking lots anywhere in San Juan. Staff appeared to believe that Washington between Second and Third was a public lot. The School District's hockey field parking was also cited. Those are NOT public lots. At a minimum, in-lieu fees for parking should be required and the money used to lease existing private lots or acquire some of those lots.

Secretary of Interiors Standards are not met

CEQA review may only be waived if a project is in compliance with the Secretary of Interior's standards. I believe that this project does not comply.

1. Preservation of Historic Fabric and Character Defining Features. The Casa Rosa itself is a very important historic structure. It is tragic that the defaulted owners were allowed to remove so much of the historic fabric of this building. If the plans before you are allowed to go forward, removing siding, removing the delicate victorian detail on the front overhang, and probably removing the historic doors, there will be nothing historic left but pink paint, hardly a testimony to our stewardship of historic buildings

2. Stairs: The Casa Rosa currently has an interior staircase that is proposed to be removed. Such an interior staircase would have been typical of a building in 1870. The current staircase is still present and even if rehabilitation is needed, it should be incorporated into the building, perhaps creating a lobby entry to separate it from the commercial use.

The staircase to the new second story housing unit in the back, likewise should be an interior staircase as would have been typical in the 1870's.

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

4. Historic context. "New construction should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site **and setting.**" This property wraps around the historic Anza Adobe which I have worked hard to preserve and restore, receiving an award from the City for this last year. The very dense project at 107 Third will drastically impact its setting.

Attachment 2

Concessions in 10/1/19 Preliminary Review Staff Report

"The proposal does not include any changes to the facade of the building except, of course, the need to structurally retro-fit it and re-side and paint the building. It will remain pink with blue shutters. Therefore, staff has determined that changes to the exterior fall under the "Minor Alteration" of the Historic Preservation Ordinance 11-06-120(C)3. Minor alterations including paint, roofing and re-siding do not require HRB review. If the structural retrofit changes any of the exterior features, HRB will have to review the design."

Mixed uses permit 8-15 units per acre. This parcel would allow 1.35 units.

With a Conditional Use permit, it can have 2 units.

If the units are affordable and deed restricted, a density bonus could be applied for four units total.

ER NOTE: Cara Vonk reported that there was little feedback from the HRB/PC. Emily could not attend.

Staff report for Item 5C

Consider a Resolution finding the project categorically exempt per Section 15331 of CEQA Guidelines and consider a Resolution to approve a Site and Design Review (SDR 2019-03) for a mixed use development consisting of a restaurant, bar, and residential units located at 107 Third Street (APN 002-021-004)

Attachment 3

CEQA Section 15331. Historical Resource Restoration/Rehabilitation.

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

Discussion: This section establishes an exemption for projects involving the maintenance, rehabilitation, restoration, preservation, or reconstruction of historical resources, **provided that the activity meets published federal standards for the treatment of historic properties.** These federal standards describe means of preserving, rehabilitating, restoring, and reconstructing historic buildings without adversely affecting their historic significance. **Use of this exemption, like all categorical exemptions, is limited by the factors described in section 15300.2 and is not to be used where the activity would cause a substantial adverse change in the significance of a historical resource.**

15300.2. Exceptions

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464

Discussion: In *McQueen v. Mid-Peninsula Regional Open Space* (1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment.

Public Resources Code Section 21084 provides several additional exceptions to the use of categorical exemptions. Pursuant to that statute, none of the following may qualify as a categorical exemption: (1) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a scenic highway (this does not apply to improvements which are required as mitigation for a project for which a negative declaration or EIR has previously been adopted or certified); (2) a project located on a site included on any list compiled pursuant to Government Code section 65962.5 (hazardous and toxic waste sites, etc.); and **(3) a project which may cause a substantial adverse change in the significance of a historical resource.**

Attachment 4

Background on unpermitted work

It should be noted that much of the historic fabric of the Casa Rosa was lost because the City failed to enforce its laws, despite several notices that they were being broken. The neighborhood is now being asked to bear the burden of this failure.

July 2016. Greg Burda purchased La Casa Rosa in July 2016. The Burda's immediately began to sell off the furnishings.

November 2016. By mid-November 2016 substantial demolition had occurred on the rear buildings

December 2016. I brought my concern about the debris pile to the City Manager's on 12/7/16 and 12/29/16 and followed up with an email on 1/9/17. The City did nothing.

October 2017. I wrote the City Manager on 10/24/17 that the Burda's were doing lots of work on the site on weekends.

2018. The Burda's appear to have abandoned the project sometime in 2018 and moved to Las Vegas.

c. November 2018. The City condemned the property as unsafe for occupation sometime in 2018 and blocked the sidewalk for FIVE months from about November 2018 through March 2019 with sawhorses and orange plastic fencing. Finally the City hired a contractor to secure the front overhang and unblocked the sidewalk.

October 2019. The property was purchased in October 2019 for \$225,100, less than 1/3 of the price of a median priced home in San Juan Bautista (per Zillow \$790,160).

Attachment 5

March 5, 2017

Dear Chairman Hopper & Members of the Historic Resources Board and the Planning Commission:

I hope that in your role as members of the Historic Resources Board you will pay particular attention to preserving the character defining features of 107 Third Street in order to maintain the authenticity and integrity of this historic 1860's structure. In the photo following this letter you will see the exquisite detail on the balcony and the symmetry of the windows with their shutters as well as the original doors. The street facade of this 1860's building is charming. I hope that you will mention the importance of preserving them in your design review. In my hasty reading of the packet, I may have missed mention of these important characteristics in the reports provided to you. You need to be sure they are mentioned in your record.

As the next door neighbor, there are a few characteristics of the property that affect my property very directly — particularly since the use contemplated here is much more intense than the lunchroom that has operated here for the last fifty years.

Sewer Line. This property and mine share a common sewer line that goes under the garage and driveway of the neighbor west of us and then through the Jardines property to Fourth Street. I hope that a proper sewer cleanout will be provided because heavy use of this line by the new larger restaurant use could impact sewer discharge for both of our properties.

Water Line. Currently the water supply for 107 Third Street runs at a diagonal across the garden in the back of my property. It is very shallow (3" or so deep) and somewhat vulnerable. My property used to be served from a meter on Third Street between my property and 107 Third. Several years ago I was able to get a new meter on Franklin which serves the Casa de Anza and the meter on Third was shut off. It would make a lot of sense to use that abandoned meter to serve 107 Third Street and then the shallow galvanized pipe running through my garden could be removed.

Property Line. The property line between 107 and my property is basically an extension of the line of the former Casa Rosa building. The existing fence is not on the boundary but a foot or so on my property. (12/18/19 ER Note: This is not correct.) It appears that the plans take that into account, but I mention it here so that the substantial improvements contemplated at 107 do not encroach onto my property. OVER>>>>>

Drainage. The back patio of 107 is currently a foot or so higher than the grade of my property. Currently there is a modest brick "retaining" wall which marks that grade change. It will be important to pay attention in this back area so that there is no increased drainage onto my property.

Large Tree. At the back corner of my property, adjacent to my carport, and partially on my property is a fairly large deciduous tree that shelters that back corner. I see no description of this tree in the plans for 107 Third Street, but it is an important existing landscape feature.

The Burdas have ambitious plans for 107 Third Street and I think they bring a lot of energy toward making this a reality. I hope that you will make sure that this important historic structure will be preserved as this project goes forward.

Sincerely, Emily Renzel, Casa de Anza, 101 & 103 Third Street



Attachment 6

November 27, 2019

Planning Commission, City of San Juan Bautista

Dear Chairman Freels and Members of the Planning Commission & HRB:

I am writing to express some of my concerns about the proposal for Casa Rosa at 107 Third Street. I am also attaching my previous correspondence.

I have endeavored over the last twelve years to preserve and restore the adjoining Casa de Anza adobe, including new lime plaster and a new roof. Your Commission gave me an award for this effort. The amount of activity and construction proposed at the Casa Rosa site will drastically impact the Casa de Anza. I hope you will do what you can to make sure that this proposed project meets the Secretary of Interior's Standards - in particular "Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting." Indeed, CEQA review may only be waived if a project meets the Secretary's standards.

As I mentioned in my previous letter, the character defining roof overhang in the front with its delicate Victorian must be preserved.

Here are other parts of the project as proposed that concern me.

1. Stairs.

The Casa Rosa currently has an interior staircase that is proposed to be removed. Such an interior staircase would have been typical of a building in 1870. The current staircase is still present and even if rehabilitation is needed, it should be incorporated into the building, perhaps creating a lobby entry to separate it from the commercial use. The staircase to the new second story housing unit in the back, likewise should be an interior staircase as would have been typical in the 1870's.

2. Strange walkway from the back second story unit to the front second story unit.

In an apparent effort to NOT count the staircases as part of the Floor Area Ratio limitation, just ONE exterior staircase has been proposed in the rear of the property with a long walkway to the front building located ABOVE the shed roof of the first floor addition - an awkward design - and impractical in inclement weather.

This strange design is indicative of the attempt to cram too much activity into this very constrained site.

3. Lighting. I hope the Commission will require that all lighting be indirect, shielding my property from spillover lighting.

4. Noise. I hope the Commission will set some reasonable hours of operation - like the 10 p.m. limit at Jardines, so that my neighbors and I are not subjected to motorcycle noise at 2 a.m.

5. Utilities, including Refuse. As mentioned in my previous letter, the water supply for Casa Rosa currently traverses my property diagonally across my back yard. And my sewer line currently crosses the Casa Rosa property, joins the Casa Rosa sewer and then goes out to Fourth Street under a million tons of granite in the back yard of the Zeller house. Finally, all of the garbage from the Restaurant, Bar and FOUR housing units will have to be hauled out to Franklin.

6. Rooftop equipment. Heating & Air Conditioning equipment should be installed in a way that does not impact the neighbors. You should require that all such equipment be maintained in such a way that it does not create a nuisance.

7. Deliveries. There is no discussion of how deliveries will be made to the proposed restaurant & bar. That should be a consideration in your decision.

I hope that you will pay close attention to all these concerns and include conditions on the proposed project to make sure it does not become a neighborhood nuisance.

Sincerely,

Emily M. Renzel

Emily M. Renzel

Casa de Anza

103 Third Street

San Juan Bautista, CA 95045

Attachments:

my 10/1/19 letter

Various Secretary of Interior Standards

Attachment 1 to 11/27/19 letter

October 1, 2019

Dear Chairman Freels and Members of the Planning Commission:

I am sorry that I will not be able to attend the Planning Commission meeting, but **I would like my comments to be included in the record.** I am the owner of the historic Anza Adobe which adjoins the Casa Rosa property and is surrounded on two sides by it. I hope the Commission will address the impacts of this very dense proposal.

Preservation of Historic Fabric and Character Defining Features. The Casa Rosa itself is a very important historic structure. It is tragic that the defaulted owners were allowed to remove so much of the historic fabric of this building. If the plans before you are allowed to go forward, removing siding, removing the delicate victorian detail on the front overhang, and probably removing the historic doors, there will be nothing historic left but pink paint, hardly a testimony to our stewardship of historic buildings.

Sidewalk Overhang with Victorian detail. The proposal substitutes the character defining shed roof overhang in front and converts it to a balcony which requires 4' high railings. That will remove one of the most important street facing character defining features that has been there more than 80 years. It is also creating useable space above the City right of way which should be of concern. The City only recently went to some trouble to preserve this character defining feature with broad public support.

Density. The density of this project, both physically and use-wise, will definitely impact my property. Imagine 4 homes in a 35' x 90' space along with the bar/restaurant proposed on the first floor of the existing structure. Almost all of the people residing there will be parking along Franklin and using the 10' driveway as access.

Parking. There is NO PARKING at all provided on-site. And even if the original driveway is reinstated in the sidewalk, adjoining mine, only one car will be able to park there without blocking other cars.

Floor Area Ratio. While the zoning code allows increased unit density, the 1.5 Floor Area ratio should NOT be exceeded. This parcel is 3910.4 s.f. and should only be allowed 5865 square feet of construction. As it is, that FAR includes about 800 square feet of unbuildable driveway space (10' x 80').

Setbacks. The Mixed Use Zone requires setbacks to be 10 feet or 10% of the lot depth, which ever is less. The depth of this parcel is about 90 feet, so there should be 9 feet setbacks. None of the buildings meet that setback requirement. I believe the new

construction has almost no setbacks along the Jardines side.

Affordable Housing Bonus. How is the City planning to enforce the Affordable Housing Bonus??? Will the developer be required to apprise the City every year of his compliance with the affordability limits? Is the City equipped to enforce this?

Noise. What sort of noise requirements will be applied to this site? Currently a faulty Air Conditioning Unit at Jardines runs 24 hours a day and sounds like an out-of-balance drier.

Finally, there are all the issues I raised with the previous proposal on this site.

1) **Sewer.** We share a common sewer line that runs along the Zeller/Jardines boundary out to Fourth Street. 2) **Water.** The water supply for Casa Rosa currently runs from a meter along Franklin and through my yard. 3) **Landscaping.** The one remaining tree at the corner of my property and Casa Rosa should be preserved. It will be impossible to provide a comparable substitute tree with the amount of paving and development proposed on the Casa Rosa site. 4) **Grade/Drainage.** I believe that the Casa Rosa site is slightly higher than my property. Previous paving and landscaping kept all the drainage on-site at Casa Rosa. That should be incorporated into any plans for this proposed over-development.

I believe that Staff has been over-zealous in granting exceptions and bonuses for this project and I hope that the Planning Commission will reduce some of these to help maintain the Historic Character of Casa Rosa and the Anza Adobe.

Thank you for considering these comments.
Sincerely,

Emily M. Renzel

Emily M. Renzel
Casa de Anza
101 Third Street
San Juan Bautista, CA

Attachment 2 to 11/27/19 letter

Various relevant Secretary of Interior's Standards

<<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>>

New Exterior Additions and Related New Construction

A new exterior addition to a historic building should be considered in a rehabilitation project only after determining that requirements for a new or continuing use cannot be successfully met by altering non-significant interior spaces. If the existing building cannot accommodate such requirements in this way, then an exterior addition or, in some instances, separate new construction on a site may be acceptable alternatives.

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

New additions and related new construction that meet the Standards can be any architectural style—traditional, contemporary, or a simplified version of the historic building. However, there must be a balance between differentiation and compatibility to maintain the historic character and the identity of the building being enlarged.

New additions and related new construction that are either identical to the historic building or in extreme contrast to it are not compatible. Placing an addition on the rear or on another secondary elevation helps to ensure that it will be subordinate to the historic building. New construction should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site and setting. In urban or other built-up areas, new construction that appears as infill within the existing pattern of development can also preserve the historic character of the building, its site, and setting.

Stairs

Replacing in kind an entire interior feature that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. Examples could include wainscoting, window and door surrounds, or stairs. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

Enclosing a character-defining interior stairway, when required by code, with fire-rated glass walls or large, hold-open doors so that the stairway remains visible and its historic character is retained.

Adding an exterior stair or elevator tower that is compatible with the historic character of the building in a minimally-visible location only when it is not possible to accommodate it on the interior without resulting in the loss of significant historic spaces, features, or finishes.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: CHANGING SIGNATURE RESPONSIBILITIES ON
CITY BANK ACCOUNTS

MEETING DATE: January 21, 2020

DEPARTMENT HEAD: Trish Paetz, Administrative Services Manager

RECOMMENDED ACTION:

Authorize the Mayor to sign checks.

BACKGROUND INFORMATION:

Mayor Edge requests authority to sign checks on City bank accounts with Union Bank. Reviewing the checks while signing helps electives to become familiar with the city's expenses, and provides an opportunity to ask questions of the staff. It is standard procedure for the Mayor to be a check signer.

With Council approval, there will be a total of 6 check signers on city bank accounts; City Treasurer Geiger, City Manager Reynolds, Councilmembers Flores, Freeman, Jordan, and Edge. All expense checks require two signatures.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Resolution

RESOLUTION 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING CHANGES TO THE DESIGNATED SIGNERS ON THE CITY'S BANK ACCOUNTS AT UNION BANK

WHEREAS, Mary Vasquez Edge was appointed by the City Council as the Mayor for the City of San Juan Bautista.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL hereby requests Union Bank add Mary Vasquez Edge as an authorized signer on City bank accounts.

FURTHER, the City Council hereby confirms that the total list of signatories consists of Charles Geiger, Don Reynolds, César Flores, John Freeman, Leslie Jordan, and Mary Vasquez Edge. This shall be in effect for the checking account, and

FURTHER, the City Council hereby authorizes Wendy Cumming, CPA to have access to bank information but *not* added as a check signer.

PASSED AND ADOPTED this 21st day of January 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Mary Vasquez Edge, Mayor

Laura Cent, City Clerk



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: STRATEGIC PLANNING COMMITTEE AD-HOC COMMITTEE ASSIGNMENTS

DATE: JANUARY 21, 2020

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION:

That the Mayor and City Council appoint the members of the Strategic Planning Committee Ad-Hoc Committee to recommend changes to the By-Laws.

BACKGROUND:

At its December 17, 2019 Council meeting, staff provided the City Council with a discussion item and request from the Strategic Planning Committee ("SPC") to appoint new members. It was pointed out that perhaps an Ad-Hoc Committee be appointed first, to clarify and further refine what Committee membership entails, as defined in the SPC's by-laws. Several things in the By-Laws require further refinement including the term of office, the number of Committee members, and the role of the officers to include a Secretary position not currently in the By-Laws. The staff report suggested that the Ad Hoc Committee consist of five members, two from the Council, two from the current SPC roster, and the City Manager.

Because this was just for discussion purposes, no action was taken.

DISCUSSION:

Since the December City Council meeting, the SPC has met once in an awkward fashion, beginning the meeting 40-minutes late while forming a quorum. The Agenda did not reference the Council's discussion and the meeting did not include a conversation about forming an Ad Hoc Committee. The Notes from that meeting are attached. Following the meeting, one original member of the SPC has resigned.

The City Council is planning a Strategic Planning workshop for February 15, 2020. This may be a good time for the Ad Hoc Committee to report out on its findings and conclusions. It is best if this Ad Hoc Committee can be appointed at the January Council meeting to facilitate this work ahead of the Council's strategic planning workshop.

FISCAL IMPACT:

None.

Attachments: January 2, 2020 SPC Draft Minutes

City of San Juan Bautista
STRATEGIC PLANNING COMMITTEE (SPC) MEETING MINUTES
Thursday, January 2, 2020

Call to Order: The meeting was called to order at 7:13 p.m. No quorum was present at regular/agenized time of 6:30 pm. Members present included Jennifer Colby and Todd Kennedy, two members of the public, City Manager – Don Reynolds, and Mayor – Mary Edge. Both committee members got text messages and phone call from the Chair at 6:55 pm stating members are on the way to make a quorum. They included John Freeman, Mandisa Snodey (Chair), and Ramona Hill. They all arrived making a quorum and the meeting was called to order at 7:13 pm.

Roll Call: Mandisa Snodey (Chair)
Jennifer Colby
John Freeman
Ramona Hill

Staff present: Todd Kennedy – Associate Planner (Secretary)
Don Reynolds – City Manager (left at 6:45 pm)
Mary Edge – Mayor (left at 6:45 pm)

Public present: David Medeiros
Valerie Eglan

Public comment on items not on agenda:
No Public Comment received

Approval of the December 5, 2019 Regular Meeting Minutes:
A motion was made to approve the minutes from the December 5, 2019 Committee meetings. The motion was seconded and the vote was unanimous to approve the minutes.

Sub-Committee Reports:

Government of Communications Subcommittee:
No Report

Arts, Culture, Recreation & Wellness Sub-Committee:
Subcommittee Member Jennifer Colby spoke. She described the presentation given by Philip Orabuena at the previous subcommittee meeting. He presented to the Committee in December his proposed art mural for the community. In response to his presentation, the subcommittee developed an art policy to be used for any art project. Committee Member John Freeman discussed the Caltrans policy for public art on Right-of-Ways. The policy is needed to be met before any art project gets underway.

Jennifer and Mandisa asked Philip to join the group. It was stated that Philip is no longer interested in doing this project for the community. Committee Member asked specifically why Phillip canceled this project. Both Chair Mandisa Snodey and Committee Member Ramona Hill stated Phillip was confused. He was unclear on the type of mural to produce. Also, there was a great deal of discussion and some of the attendees had difficulty being heard.

Jennifer stated the need is there for an art policy to be in place because of this discussion and this proposal.

Committee Member John Freeman stated the water and sewer study are underway and have been in the works for a while. In the last two months is when a great deal of work and progress has been done on both studies.

Jennifer continued to explain that the Strategic Planning Committee Website on the City Website needs to be updated.

Agricultural, Environment & Land use Subcommittee:

A Chair of this subcommittee is needed. No other report was presented.

Business, Development & Tourism Subcommittee:

Committee Member Ramona Hill stated there have been some past correspondence with the subcommittee chair, but no meetings have been attending.

Historic Preservation & Community Design Subcommittee:

No report

Chair Mandisa Snodey stated that the subcommittees all need to be clarified of who their members are and their subcommittee chairs.

- Government and Communication – Shawna Freels, Dave, and Bev Meamber
- Arts, Culture, Recreation, and Wellness – Jennifer Colby, Mandisa Snodey, Bob Quaid, Theresa, and Ramona Hill
- Agriculture, Environment, and Land Use – A Subcommittee Chair is needed.
- Business, Development & Tourism – Maria Madrigal and Ramona Hill
- Historic Preservation & Community Design – Ann Fritch

Where needed, new subcommittee chairs are needed. The Mission Voice was suggested as a good place to advertise for new members.

Chair Mandisa Snodey stepped out for a phone call at 7:45 pm. Secretary Todd Kennedy took over as chair of the meeting and as agreed by the committee, we continued with the meeting.

Discussion and Review of SJB 150, Sesquicentennial Celebrations and Management of Budget by the Strategic Planning Committee.

Committee member John Freeman spoke. Discussed when City Council made the motion to authorize \$10,000 to come out of the general fund. This money was to cover all the expenses necessary for those events. The City should have a record where this is all listed. There is room for improvement on the process. This matter will be discussed further at the February meeting.

Recommendation to City Council to adopt the Public Art Policy generated by the SPC Subcommittee on Art, Culture, Recreation, and Wellness- Jennifer Colby

Committee member Jennifer Colby spoke and continued from her subcommittee report. This item was a full report of the draft Arts Policy that was handed out to the committee on the day of the meeting. This document was reviewed previously by the committee and changes were identified at that time. This current document should reflect all those changes.

Secretary Todd Kennedy spoke and recommended this item be postponed after the committee members have had a chance to review it and provide questions, comments, or edits.

David Mederios spoke and suggested that a note be sent out that this action will be voted on at a following meeting so any edits, changes, or comments be incorporated prior to that meeting date.

Chair Mandisa Snodey came back to the meeting at 8:05 pm.

Committee member Jennifer Colby continued her point about the arts policy and referenced the San Benito County Arts Council.

Valerie Egland suggested this document be reviewed before next month and state any comments need to be turned in first.

David Medeiros asked about having public participation on this document before any action take place.

Committee member Ramona Hill asked about having locations for this art policy.

A Motion was made to adopt this Draft Art Policy by Chair Mandisa Snodey and Seconded by Jennifer Colby. Committee member John Freeman, Todd Kennedy and Ramona Hill all voted no on this action.

The motion failed to pass.

The majority want more time to review this document. It is intended to have this action item on next month's agenda.

Chair Mandisa Snodey requested that the previous agenda item covering the *"Discussion and Review of SJB 150, Sesquicentennial Celebrations and Management of Budget by the Strategic Planning Committee"* be discussed further.

Chair Mandisa Snodey wanted to discuss this item and put it on the agenda for a purpose. The purpose is to emphasize that any of the subcommittees are not places where budgets are to be managed. They need to be discussed at the committee meeting.

A report from the City Manager is requested to discuss this item.

Chair Mandisa Snodey stated that many people were upset about being left out of the 150th celebration events. Money needs to be discussed of where it was allocated.

Committee member John Freeman discussed that this committee receives a share of the budget along with the SJB Committee. It is unclear of how their money is used. A report should be requested from them as well.

Chair Mandisa Snodey stepped out for phone call at 8:30 pm. Secretary Todd Kennedy took over as chair of the meeting.

Future Committee Member Recommended Agenda Items

Discussion of the scheduling of when subcommittee reports need to be turned in.

A report from the City Manager and the Historic Preservation and Community Design on the review of SJB 150, Sesquicentennial Celebrations and Management of Budget by the Strategic Planning Committee.

Review and Action of the San Juan Bautista Arts Policy Document

A presentation by Mayor Mary Edge to the Strategic Planning Committee

A presentation by the City Manager Don Reynolds.

Adjournment to the Next Regular Meeting of February 6, 2020 at 8:50 pm. Four Members voted, the Chair had stepped out.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **MAYOR TO SELECT REPRESENTATIVES TO LOCAL
BOARDS AND COMMITTEES**

MEETING DATE: January 21, 2020

DEPARTMENT HEAD: Trish Paetz, Administrative Services Manager

RECOMMENDED ACTION:

Request the Mayor to authorize and name members of the Council as City representatives to various agency bodies in San Benito and Monterey Counties.

BACKGROUND INFORMATION:

It is traditional for the new mayor to make their own appointments to the various committees where Council represents the City. A list of the various committees, their location and time of meeting is attached for review and to update tonight.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Mayor's Selection of Representatives to Boards and Committees

City Council Board and Committee Membership Responsibilities

Organization	Primary	Secondary	Meeting Times	Remuneration
LAFCO	Cesar Flores	Dan DeVries	2 nd Thursday 5:00 pm	None. (GC56325(b))
AMBAG	John Freeman	Leslie Jordan	2 nd Wednesday 7:00 pm	\$50
COG	Cesar Flores	Mary Edge	3 rd Thursday 2:00 pm + daytime special mtgs	\$100
Water Resources Assn (w/SBC Water Dist.)	John Freeman		Monthly 1 st Thursday	None
West Nile Virus (San Benito County)	Mary Edge		As needed, 4 th Wednesday 3:15 pm	None
Integrated Waste Mgmt.-Local Task Force	John Freeman		Meets annually.	None
Monterey Bay Unified Air Pollution Control District Board (alternates between Hstr/SJB & S.Cruz Co. cities)	Hollister (Rotating membership)	S. Cruz County City	3 rd Wednesday 1:30 pm	\$100
CMAA	Art Testani	---	Monthly	None
Intergovernmental Committee	John Freeman	Leslie Jordan	Monthly, 1 st Thursday 10:30 am	None
Ad Hoc Committee for Pkg w/in the City	Mary Edge & Leslie Jordan	---	As needed.	None
Ad Hoc Committee for Sheriff Contract	Dan DeVries & Mary Edge	---	As needed.	None
Ad Hoc Committee for Cannabis	Dan DeVries & John Freeman	---		None
Investment Advisory Committee	Dan DeVries, CM, Treas., Accountant	---	As needed.	None
San Benito Homeless Planning Group (County)	Mary Edge	---	Monthly, 2 nd Monday 2:00 pm	None
Mont./S.Benito Co. Continuum of Care Leadership Council	Mary Edge	---		None
Monterey Bay Comm. Power Authority Policy Board	John Freeman	Leslie Jordan	2 nd Wednesday, 8 meetings/year 10:30 a.m.	\$100
Area Agency on Aging	Mary Edge	---		None



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: FISCAL YEAR 2019/20 MID-YEAR BUDGET ADJUSTMENTS

DATE: JANUARY 21, 2020

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION

It is recommended that the City Council adopt a resolution approving the fiscal year 2019/20 Mid-Year Budget Adjustments.

BACKGROUND

Each budget is adopted with several projections and estimates based on historic spending and earning patterns. Every line item within each Department's budget included projected expenditures for the last quarter of FY19, for the year ending June 30, 2019. Revenues are also estimated with year-end balances. It is not until the books are closed, and all the receipts are recorded and bills are paid, that can the City be certain that the budget projections and assumptions are reasonable. Typically, the assumptions are conservative leaving lower than expected fund balances. The budget for FY 18/19 was completed by the former City Manager, and the assumptions and projections are therefore left to the new City Manager to confirm and uphold. The annual audit then explains the whole story and suggests room for changes if necessary.

The City Council received the audit for FY 18/19 at its December City Council meeting. The auditors opinion letter was unmodified, meaning it was a "clean" audit, with no material findings. The conservative estimates contained within the FY 18/19 budget proved to yield higher fund balances than anticipated which is good. This puts the City on positive ground moving forward. The General Fund unrestricted fund balance is solid at \$4.4 million. FY19 and annual expenditures were \$1.7 million. This is a reserve of 2.5 fiscal years, and it continues to grow.

The budget itself also includes several conservative assumptions, projecting revenues and expenditures into June 30, 2020, based on a full twelve-month spending plan. Several projects and staffing assumptions do not incur expenses immediately when the new fiscal year begins. Other programs and projects that were assumed to be completed FY 18/19, may have been delayed and carried into the new fiscal year. The current budget was also prepared by a different City Manager and some projections and assumptions are subject to new interpretations. At the half-way point, there is a need to make some adjustments. Two projects in need of attention of this

nature are the City's Housing Element adopted in December 2019, and the Speed Hump Capital Improvements on Fourth Street, that were assumed to be completed before July 1, 2019.

One of the biggest "savings" between July 1 and December 30, 2019 was the Deputy City Manager vacancy which was budgeted at \$50 per hour for 30 hours per week. As described earlier this fiscal year, it will remain vacant and the savings will be used to fund the Code Enforcement Officer position that was filled in October, at only 20-hours per week.

All of these factors combine for the need to have a conclusive review of the past fiscal year and progress at the mid-year into the new fiscal year. When savings occur and or revenues fluctuate compared to prior year assumption, mid-year corrections may be necessary. In a good year such as the past fiscal year, fund balances may increase. The City's Fund Balance Reserve Policy stipulates that fund balances can be used for three things: reduce debt, increase reserves, or pay for special one-time expenses or projects.

The Mid-Year budget adjustments describe for the City Council at least five different measures:

- 1) Are costs being managed? Are there areas of concern? Are there savings?
- 2) Are revenues experiencing a negative trend that the City needs be alerted to? Will there be deficiencies?
- 3) Do the three major fund balances (General Fund, Water and Sewer Enterprise Funds), have growing fund balances, or declining fund balances between FY 18/19, 19/20 and for 20/21?
- 4) Can the City afford a few adjustments or new one-time expenses in light of these facts?
- 5) How will the City use these fund balances in respect to its Reserve Policy?

DISCUSSION

The Mid-Year budget review, using expenditure trends ending November 30, (or at 42% of the fiscal year), indicates that the majority of City general fund expenditures are being managed underbudget at 31% of the total estimated expenditures. In the General Fund, a conservative estimate for year-end savings is roughly \$190,000.

The Sewer and Water Operations are operating at 36% and 33% of budgeted expenses, respectively (compared a metric of 42%). One year ago, the City initiated two new large contracts to operate the Water and Sewer utilities, and both require a mid-year budget amendment to keep up with current costs.

Revenues are also stable in the general fund at 41%, and no changes are being recommended. The utilities are earning a slightly higher than expected rate. A few special state funded programs are higher than expected, and they help pay for public safety (COPS Grant is coming in higher than budgeted by at least \$20,000), and street improvements (SB1 Gas Tax revenues (\$151,000).

It is proposed that \$86,622 of the estimated \$190,000 in General Fund savings be allocated for one-time expenses to help the City improve its organizational structure, secure its long-term financial future, and make the City's financial status more transparent. In order to do this, it is proposed to use the savings to help pay for the Senior Planner (that started to work for us in November), and conduct two studies at an estimated cost of \$50,000. These studies are being recommended in a separate report to the City Council included in this Agenda, which will be completed by year-end and define a long-term fiscal strategy for the City. The remaining \$100,000 recommended to increase the General Fund Reserves.

The Capital Improvements (CIP) for streets need a few adjustments. The City received \$116,000 after submitting a claim from FY 17/18 for past expenses related to the reconstruction of a portion of San Juan Hollister Road. This new income will pay for the speed humps on 4th Street, that were not carried forward from FY 18/19 to FY 19/20. The design of the Third Street project is completed and it is ready to be bid. Additional Street improvement revenues will be applied here as well as an additional \$192,000 from the Water Enterprise Fund balance and \$230,000 from the Sewer Enterprise Fund balance. The original CIP estimated only \$50,000 for each of the enterprise funds for the cost of new water and sewer lines.

In summary, the City is functioning at a conservative pace, spending below budgeted costs in most every aspect of its business. Fund reserves are growing. There is sufficient capacity for the City to take on a few one-time expenses in its general fund, while contributing the majority of its savings to Reserve.

FISCAL IMPACT

The fiscal impact of the FY 2019/20 Mid-Year Review is best summarized in Exhibits A and B in the attached Resolution.

Attachment

Proposed Resolution for FY 2019/20 Mid-Year Adjustments

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA MAKING CERTAIN FINDINGS IN RELATION TO THE FY 2019/20 BUDGET AND APPROVING CERTAIN ADJUSTMENTS AT THE MID-YEAR TO ACCOUNT FOR SEVERAL SMALL VARIANCES FROM THE ORIGINAL FY 2019/20 BUDGET

WHEREAS, at its June 18, 2019 Council meeting, the City adopted its budget for FY 2019/20; and

WHEREAS, on December 17, 2019, the City Council received its audit for FY 2018/19, and the auditor opinion is unmodified, or it is a “clean” report with no material findings; and

WHEREAS, in the attached staff report, analyzing the audit results and final fund balances moving forward, and after reviewing City’s budget performance over the past five months staff has summarized its Mid-Year budget review in the two attachments (“Exhibits A” and “B”), one for revenue adjustments and one for expenditure adjustments; and

WHEREAS, as a result of its review, staff anticipates savings at year-end in the General Fund, Sewer and Water Enterprise Funds, and consistent with Council’s Reserve Policy, Exhibit B outlines a few one-time expenditures that account for less than 46% of the projected savings as described in staff’s report and that the remaining 54% be used to increase the Reserves for these funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Juan Bautista:

- 1) That the Staff report submitted for the January 21, 2020 Council meeting and its conclusions are hereby deemed to be true and correct, and are made a part of this resolution by reference.
- 2) The details of the recommended Mid-Year Budget adjustments for Fiscal Year 2019/20 are provided in Exhibit “A” for revenues, and Exhibit “B” for expenditures.
- 3) That the completed Audit of the FY 2018/19 has confirmed and finalized the fund balances heading into FY 2019/20, and that a Mid-Year Budget review of this fiscal year’s activity has been completed and that the assumptions and projections made in prior budget preparations have been confirmed and quantified.
- 4) That sufficient savings have occurred to increase one-time expenditures in the General Fund by \$86,622, to pay for a portion of the Senior Planner position, two special fiscal studies, and to meet staffing and training needs for the balance of the fiscal year.
- 5) Sufficient savings have occurred in the Water and Sewer Enterprise Funds to increase the capital improvements to match the final design estimates for the Third Street reconstruction project.
- 6) That the balance of savings in all funds will be used to increase the reserve amounts in each of the three funds.

PASSED AND ADOPTED at a regular meeting of the San Juan Bautista City Council on the 21st day of January, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary Edge, Mayor

Laura Cent, City Clerk

EXHIBIT A

FY 2019/20 MID-YEAR BUDGET REVENUE ADJUSTMENTS

REVENUES	Annual	Proposed		
Fund	Budget	Revised	Difference	Footnotes
Budget	Budget			
General Fund	1,854,841	1,854,841	-	
Special Revenue Funds:				
Capital Projects Fund	1,722,000	1,722,000	-	C
Community Development	553,058	553,058	-	
COPS	100,000	120,000	20,000	A
Parking & Restroom Fd	32,200	32,200	-	
Gas Tax Fund	53,851	204,851	151,000	B
Valle Vista LLD	21,717	21,717	-	
Rancho Vista CFD	92,744	92,744	-	
Copperleaf CFD	34,390	34,390	-	
Development Impact Fee Funds:				
Public/Civic Facility	25,000	25,000	-	
Library	33,000	33,000	-	
Storm Drain	80,000	80,000	-	
Park In-Lieu	10,000	10,000	-	
Public Safety	15,000	15,000	-	
Traffic	10,000	10,000	-	
Zone 1 TIMF	30,000	30,000	-	
Internal Service Funds:				
Blg Rehab. & Replace	38,000	38,000	-	
Vehicle Replacement	60,000	60,000	-	
Enterprise Funds:				
Water				
Operations	979,000	979,000	-	
Capital	100,000	100,000	-	
Sewer				
Operations	1,010,600	1,010,600	-	
Capital	600,000	600,000	-	
TOTAL Funds	7,455,401	7,626,401	171,000	

Footnotes ~

A ~ Funding for law enforcement has exceeded the budget for the year to date. At minimum an additional \$20,000 is expected.

B ~ Unbudgeted SB1 revenue anticipated to be \$35,000 for the year. Restricted for road improvements.
Plus received \$116,000 RST funding from prior road project from the County, State passthrough.

C~ Several Revenue sources anticipated in 2019 rely on Fed., State and other sources that have not yet materialized

EXHIBIT B

FY 2019/20 MID-YEAR EXPENDITURE ADJUSTMENTS

EXPENDITURES <u>Fund</u>	Annual	Proposed	Variance	Footnotes
	<u>Budget</u>	<u>Budget</u>		
General Fund	1,740,248	1,826,870	86,622	A/D/F/H
Special Revenue Funds:				
Capital Projects Fund	1,763,000	1,763,000	-	J
Community Development	553,058	608,392	55,334	B
COPS	100,000	100,000	-	
Parking & Restroom Fd	15,000	15,000	-	
Gas Tax Fund	53,851	53,851	-	
Affordable Housing Fund	18,877	18,877	-	
Valle Vista LLD	26,717	26,717	-	
Rancho Vista CFD	40,904	40,904	-	
Copperleaf CFD	21,523	21,523	-	
Development Impact Fee Funds				
Public/Civic Facility	33,000	33,000	-	
Library	24,000	24,000	-	
Storm Drain	196,000	196,000	-	
Park In-Lieu	115,000	115,000	-	
Public Safety	25,000	25,000	-	
Traffic	109,000	109,000	-	
Internal Service Funds:				
Blg Relab. & Replace	20,000	20,000	-	
Vehicle Replacement	11,890	11,890	-	
Enterprise Funds:				
Water:				
Operations	738,921	910,921	172,000	A/C/G
Capital	349,979	541,979	192,000	I
Sewer				
Operations	1,608,450	1,650,450	42,000	A/E
Capital	638,979	868,979	230,000	I
TOTAL Funds	8,203,397	8,981,353	777,956	

Footnotes:

- A ~ Removed budgeted position for deputy city manager, added part-time positions for code enforcement and water and sewer special projects. Savings of \$20,000. Allocated to impacted departments.
- B ~ Increase budget for planner contract which was unbudgeted. Expected annual cost to be \$90,000. Duties for the Sr. Planner described for Council 11.19.19, and include processing of current planning applications and CEQA review.
- C ~ Contract services for All Clear have exceeded budget and area expected to continue. Overall increase expected to be \$60,000.
- D ~ Added \$4,000 to general fund for additional training and education for City Council and Manager.
- E ~ Added \$50,000 for unbudgeted cost for sewer lift station chemicals, water testing and parts.
- F ~ Added \$50,000 for general government fiscal sustainability studies with City Gate and Clear Gov.
- G ~ Added an additional \$120,000 for increase in operational contracts.
- H ~ Added \$5,000 for public works uniforms.
- I ~ Third Street Recon. Budget = \$50,000/ea for Water and Sewer & completed design estimates = additional funds
- J ~ Capital Projects are in flux as many revenues were estimates and funded by State and other resources not yet available
- The most significant CIP is 3rd Street recon. Design is done & will be bid soon at an estimated cost of \$1.6 million



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: ESTABLISHING TAX RATES FOR CANNABIS BUSINESS OPERATORS

MEETING DATE: January 21, 2020

SUBMITTED BY: Don Reynolds, City Manager

RECOMMENDED ACTION:

Review, discuss and adopt a proposed Resolution establishing Tax Rates for City licensed Cannabis operators.

BACKGROUND INFORMATION:

This report is being generated to review and consider adoption of cannabis business tax rates for the City of San Juan Bautista.

On June 19, 2018, City Council adopted an ordinance (Ordinance 2018-05) that added a new chapter to the San Juan Bautista Municipal Code (Chapter 5.31). That ordinance initiated the process to allow cannabis operations in the city and began the review of Rules, Regulations and Operating procedures for local operators. In November of 2019 the City Council adopted its cannabis application, Rules & Regulations. At its December meeting, the City Council initiated the process to rescind its ban on cannabis operations, removing this conflict from the code. This 60-day process continues January 21st, and if the second reading is approved and not appealed, the City's cannabis laws will become effective the third week of February. This will be the soonest the City would start accepting applications from cannabis operators that would like to conduct business in the city.

The final regulatory component is the adoption of tax rates for each cannabis business type. On November 6, 2018, City of San Juan Bautista voters passed ballot initiative Measure I, "Marijuana Tax" by a margin of 65%-35%. Measure I set the parameters for taxing cannabis businesses in the city by adopting a range for each type of operation. Staff is prepared to make a recommendation to the City Council.

ANALYSIS:

As stated above, City Staff has prepared a resolution with recommended tax rates for your review. Below you will find the tax range for each cannabis business that was adopted by the voters in 2018 via Measure I.

- Between \$3-\$12 per square foot for Cannabis Cultivation
- Between 0.5-8% percent for distributors
- Between 2-8% percent for manufacturers

- between 3-10% percent for retailers
- between 1-5% percent for testing laboratories
- between 2-8% percent for microbusinesses

After careful review of cannabis tax rates of regional jurisdictions, staff is recommending the tax rates included in your resolution as exhibit A.

Regional Tax Rates for Comparison

REGIONAL CANNABIS TAX RATES	
San Benito County	
Cultivation	\$5/Sq-Ft
Manufacturing	4%
Retail	N/A
Hollister	
Cultivation	\$5/Sq-Ft
Manufacturing	5%
Retail	7%%
Santa Cruz County	
Cultivation	6%
Manufacturing	6%
Retail	7%
Monterey County	
Cultivation	\$9/Sq-Ft (\$6 for Mix)
Manufacturing	4.5%
Retail	5%
Salinas	
Cultivation	\$15/Sq-Ft
Manufacturing	5%
Retail	5%

ATTACHED:

1. Draft Resolution
2. Exhibit A

RESOLUTION NO. 2020-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ADOPTING CANNABIS BUSINESS TAX RATES**

WHEREAS, the Citizens of San Juan Bautista overwhelmingly adopted Measure I “Cannabis Activities Business Tax” on November 6, 2018; and

WHEREAS, California Government Code authorizes the City to levy a cannabis tax, for revenue purposes, upon business transacted in the City; and

WHEREAS, San Juan Bautista will, therefore, implement these taxes on cannabis business activity operators, and

WHEREAS, the proposed Cannabis Business Activities Tax Rates included on the schedule attached hereto as Exhibit A falls within the applicable minimum and maximum rates set forth in Section 5-32 of the San Juan Bautista Municipal Code as approved by the voters of San Juan Bautista on November 6, 2018; and

WHEREAS, San Juan Bautista is committed to expanding revenues for its citizens to expand services through these taxes; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Juan Bautista hereby adopts these Cannabis Business Activities Tax Rates as allowed by 2018 Measure I and that the San Juan Bautista City Council hereby adopts the Cannabis Business Activities Tax Rates set forth in Exhibit A attached hereto, to be imposed immediately upon all cannabis business within the city limits of the City of San Juan Bautista and collected beginning July 1, 2020, and on July 1 of each succeeding fiscal year thereafter.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting duly held on the 21st day of January 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mary Vasquez Edge, Mayor

Laura Cent, City Clerk

EXHIBIT A

CANNABIS BUSINESS ACTIVITIES TAX RATES	
Cannabis Business Activity Type: Cultivation	Per Square Foot
Indoor/Mixed light	\$5.00
Cannabis Business Activity Type: Distribution	% of Gross Receipts
Distributor	4%
Cannabis Business Activity Type: Manufacturing	% of Gross Receipts
Manufacturing	5%
Cannabis Business Activity Type: Retail	% of Gross Receipts
Retail	5%
Cannabis Business Activity Type: Lab. Testing	% of Gross Receipts
Laboratory Testing	3%
Cannabis Business Activity Type: Microbusiness	% of Gross Receipts
	5%



City of San Juan Bautista

The "City of History"

CITY COUNCIL REPORT

AGENDA TITLE: PLASTICS/DISPOSABLE FOOD WARE DRAFT ORDINANCE STATUS

DATE: JANUARY 21, 2020

FROM: DON REYNOLDS, CITY MANAGER

RECOMMENDATION

It is recommended that the City Council receive a report describing the status of the draft Plastics and Disposable Food Ware Ordinance.

BACKGROUND

In May 2019, it was requested that the City consider restrictions on the public use of "one-time" use plastic food ware. In July, this matter was presented for discussion together with a video describing how damaging the use of plastics can be to the environment, and the Council agreed to move forward with a draft ordinance. An ordinance was drafted in August, and the City partnered with CSUMB students in a project to explore how the City may implement a ban on single use plastics.

Between September and December 2019, City waste hauler Recology worked with a team of six CSUMB students to learn more about the details of how waste is processed in relation to plastic ware, what the State and other cities are doing to control the widespread use of plastic food ware, how the City's draft ordinance answers these questions, and how the business community feels about a reduction of single use plastics, leading eventually to a potential ban of all single use plastics. To accomplish these tasks, there was an initial kick-off meeting at Jardines de San Juan Restaurant, samples of outreach materials for CSUMB students to model were provided, a tour of the South Valley Organics composting plant, a survey of approximately 20 of 48 businesses, and a review and recommendation to improve the draft Ordinance. A final meeting at Vertigo occurred in an attempt to bring the data together into a report. By January 9, 2020, a draft report was submitted for the City's consideration.

DISCUSSION

The draft report from the CSUMB students does an excellent job of defining the background and history of the use of plastics, and places the negative environmental impacts into context. Plastic does not disintegrate, it causes serious environmental conditions that endanger wildlife and the

ecology, and pollutes the environment. San Francisco was the first City to ban single use plastics in 2007. Visitors expect the same when they visit San Juan Bautista. The State has taken a few steps towards the use of plastic bags at grocery stores (SB270), and few other vague steps to address the issue (SB228- labeling plastics), but the most effective policies to control the use of plastics originate from local government.

The second issue that CSUMB students and Recology have to share is the distinction between what can be recycled or composted and what actually is compostable. "Biodegradable" and "compostable" are not the same thing, especially when the City relies on a third party to complete the recycling systems (Marina Landfill). At South Valley Organics, there are two types of composting that occur. Materials delivered here have to work well in small pieces that compost rapidly. In these systems, there are biodegradable food wares that do not compost rapidly enough for use as compost.

The CSUMB survey returned mixed results. As drafted, the general feeling from the responses reflect a positive attitude and open-mindedness from business owners interested in learning more. But there were a few business owners that simply want nothing to do with this policy. The draft ordinance does include limited exceptions to the policy if necessary and justified. Certainly, more outreach is needed.

More than 17 edits were suggested to the draft Ordinance. Many are technical, and a few help the policy to be more "user friendly." They add a definition to distinguish "compostable plastics" from "biodegradable plastics." The plastic may be made of corn and be biodegradable, but that doesn't necessarily mean that South Valley Organics can compost it. Explaining that Polystyrene is also known as "Styrofoam" will help the public understand its intent to ban the use of Styrofoam in San Juan Bautista. Defining the standards set forth by the BPI (Biodegradable Products Institute) help distinguish qualified food ware from non-certified food ware. The complete edited version is attached as Exhibit A using the "red-line" format to indicate the proposed amendments.

Some of these recommendations will be answered outside of the Ordinance language. A list of Frequently Asked Questions will be prepared to help with outreach. Enforcement was a big concern and examples from Carmel by the Sea, Monterey and Pacific Grove are provided (Exhibit B). Some of these cities incorporate fines and violations directly into the Ordinance. It seems common to distinguish special event violations from stand-alone retail business practices. In San Juan Bautista, enforcement itself is addressed in a separate part of the City Code and fines are handled administratively with a bail schedule adopted by Resolution. While considering the Ordinance, changes to the City's fine schedule should also be considered by adding fines specific to this policy.

In conclusion, with the City Council's approval, the amended draft ordinance can be refined and re-submitted to the City Council for adoption at its February or March meeting. If approved, the City will have 60 days to complete more outreach before it takes effect.

Recology and CSUMB students have been great partners in this effort. They can assist the City to prepare business owners for this transformational change toward a more positive outcome.

Attachments: Exhibit A – Suggested Draft Ordinance Revisions

Exhibit B – Fine Schedules from other cities

Ex 'A'

DRAFT

Chapter 5-28

SUSTAINABLE FOOD SERVICE WARE AND RETAIL BAGS ORDINANCE

Commented [CS1]: Perhaps "Sustainable" is a good, shorter replacement for "Environmentally Acceptable"

WHEREAS, it is in the best interest of the City, the environment, and visitors to the City, to encourage sustainable food service ware, and to the highest extent possible, eliminate the distribution of all single use plastics and single use plastic bags ; and

WHEREAS, reduction and eventual elimination of single use plastic products that include but are not limited to Styrofoam, food bags, to-go containers and food service ware will improve health and safety by eliminating disposable wares that do not decompose, cause pollution and are harmful to humans and marine life ; and

will use PG + Monterey's

WHEREAS, the City is showing leadership to reduce litter and prevent plastics from entering the stormwater discharge system that flow to our creeks and rivers and eventually drains to the ocean.

NOW THEREFORE, by adopting this Ordinance, the City commits to this policy to ban single use plastics and single use carry-out bags.

Commented [CS2]: Several minor edits here.

Sec. 5-28.1. Definitions

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Unless otherwise expressly stated, whenever used in this Chapter, the following terms shall have the meanings set forth below:

(A) "Affordable alternative" means a compostable or recyclable product that costs up to ~~15~~20 percent more than the purchase cost of the noncompostable or nonrecyclable alternative(s).

(A)(B) "Biodegradable Products Institute" or "BPI" is a North America's leading certifier of compostable products and packaging. Products bearing this certification have been scientifically verified by a third party testing to biodegrade when diverted for the recovery of compostable materials.

(C) "Compostable" means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet BPI Certified Compostable ASTM standards for composability and any compostable product containing a bioplastic or plastic-like material must be clearly labeled as compostable in accordance with California Public Resources Code Section 42357 et seq. and all State and Federal labeling laws pertaining to the identification of compostable products.

Commented [CS3]: I think BPI Certified Compostable should be addressed in the "compostable" definition. Currently Recology only accepts BPI Certified compostable products in their organics program. BPI meets ASTM standards. Visit <https://www.bpiworld.org> for more information. If we allow all "compostable" labeled products there may be increased contamination in organics recycling.

(D) "Dine-in services" means prepared food provided to a customer for consumption on the provider's premises.

(E) "Dine-out services" means prepared food provided to a customer for consumption not on the provider's premises.

(F) "Disposable" means designed or intended for a single use or few uses, or not intended for reuse, recycling or composting.

(G) "Food provider" means any vendor located or providing food within the City which provides prepared food on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, food/catering truck or vehicle, including vendors located outside of the City when delivering prepared food into the City.

- (H) "Food service ware" means products used in the restaurant and food service industry for consuming, packaging, serving, and transporting ready-to-consume food and beverages, including, but not limited to, utensils, straws, beverage stirrers, plates, bowls, cups, cup lids, trays, boxes, clamshells, packaging, and containers.
- (I) "Plastic" means a material derived from a petroleum based polymer. It does not include BP! certified products that are made from vegetable based polymers and are compostable, such as corn or other plant sources.
- (J) "Polystyrene foam" (aka "Styrofoam") means and includes expanded polystyrene that is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). To include but not limited to polystyrene foam plate, bleached paperboard plate with low density polyethylene coating and bleached paperboard plate with polystyrene coating.
- (K) "Prepared food" means food or beverage prepared for consumption using any cooking or food preparation technique. This does not include any raw uncooked meat, poultry, fish or eggs unless provided for consumption without further food preparation.
- (L) "Recyclable" means any material that is accepted by a local waste collector under franchise with the City to provide a recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs.
- (M) A "Recycled paper bag" is defined as a bag that contains no old growth fiber and a minimum of 40 percent post-consumer recycled content, is 100 percent recyclable, and has printed in a highly visible manner on the outside of the bag the words "reusable" and "recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- (N) "Reusable" means designed or intended for more than a single use or few uses, or intended for reuse, in contrast to "disposable."
- (O) A "Reusable bag" is defined as a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.
- (P) A "Single-use carryout bag" is defined as a bag, other than a Reusable Bag or Recycled Bag, provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Bags do not include bags, a maximum of 11 inches by 17 inches, without handles provided to the customer (1) to transport produce, bulk food or meat from a product, bulk food or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag.
- (Q) "Special event participant" means a person providing prepared food at any special event, regardless of size, sponsored by any person, commercial or nonprofit organization, group, or individual, which is held within the City, regardless of whether the prepared food is prepared within or outside of the City limits.
- (R) "Straw" means a tube through which beverages, slurries, smoothies, and similar ingestible products may be ingested by the consumer.

Define "Retail Bag"
 P.b. Ord. 11-98-030(F)
 vs "Food Packaging"
 Council Ord. "J"

5-28.2 Prohibited Disposable Food Service Ware.

(A) All persons within, at, or upon any City facility are prohibited from:

(1) Distributing Prepared food using Polystyrene foam (aka Styrofoam);

Commented [CS4]: I've capitalized all defined words throughout ordinance

(2) Distributing Plastic Straws (except when a consumer self-identifying as a person with a disability making the use of a Plastic Straw necessary specifically requests a Plastic Straw, whereupon the person shall provide a Plastic Straw to the consumer); and

Commented [CS5]: This may be the current standard for defining persons with mobility limitations. However, in City of Carmel and Monterey ordinances, they removed the "self-identifying" language. Natalie revealed to us that the City of Portland amended their ordinance which included language that required patrons to self-identify with a disability to say that anyone can ask. This is because the city "recognizes the need to ensure that plastic beverage straws remain available to those who require them... and seeks to protect the privacy and dignity of those requesting a plastic beverage straw"

(3) Distributing Disposable Food service ware that is not Recyclable or Compostable unless there is no Affordable alternative.

(B) Food providers and Special event participants operating within City limits are prohibited from:

(1) Using or distributing Polystyrene foam (AKA Styrofoam) for prepared food or in any Food service ware;

(2) Using or distributing Plastic Straws, except when a consumer self-identifying as a person with a disability making the use of a Plastic Straw necessary specifically requests a Plastic Straw, whereupon the Food provider or Special event participant shall provide a plastic straw to the consumer; and

(3) Using or distributing any Disposable Food service ware when providing Dine-In services, unless the consumer requests a Straw, whereupon a food provider may distribute a Straw that is Compostable such as one made from paper, sugar cane, pasta, or bamboo, though not a Plastic Straw, except when a consumer self-identifying as a person with a disability making the use of a Plastic Straw necessary specifically requests a Plastic Straw, whereupon the Food provider or Special event participant shall provide a Plastic Straw to the consumer.

(4) When providing Dine-out services, using or distributing Disposable Food service ware that is not Compostable or Recyclable, unless:

(a) A consumer self-identifying as a person with a disability making the use of a Plastic Straw necessary specifically requests a Plastic Straw, whereupon the Food provider or Special event participant shall provide a Plastic Straw to the consumer.

(b) There is no Affordable alternative to Disposable Food service ware that is not Compostable or Recyclable, whereupon the Food service provider may use or provide Disposable Food service ware that is not Compostable or Recyclable, though this exception shall not permit the use or distribution use of a Plastic Straw.

5-28.3 ~~Encouraged and Voluntary~~ Use of Reusable and Compostable, or Recyclable Food Service Ware.

(A) All persons, including supermarkets and vendors, are encouraged to eliminate the use of Polystyrene foam (AKA Styrofoam) for packaging of food and other items that are not Prepared food.

(B) All persons are encouraged to use and distribute reusable, rather than Disposable, Food service ware, even when not required to do so. When it is necessary to use or distribute disposable food service ware, all persons are encouraged to use and distribute Disposable Food service ware that is Compostable or Recyclable, even when not required to do so.

5-28.4 Retail Bag Regulations.

(A) No Single Use Plastic Bag Distribution No retail establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer shall provide a Single-use carryout bag to a customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section. A Reusable bag or a Recycled bag may upon request be provided to the customer, pursuant to this Section.

(1) Food providers which receives 90 percent or more of its revenue from the sale of food which is prepared on the premises, to be eaten on or off its premises, are not considered retail establishments for the purpose of this Section.

(2) Nonprofit charitable re-users, which is a charitable organization as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that re-uses and recycles donated goods or materials and receives more than 50 percent of its revenues from the handling and sale of those donated goods or materials, are not considered retail establishments for the purpose of this Article.

(B) CHARGE FOR RETAIL BAGS A retail establishment may make available for sale to a customer a Recycled paper bag for a minimum charge of up to \$0.25¹⁰. A retail establishment may also make available to the customer, a Reusable bag.

(1) Notwithstanding this Section, when a Recycled paper bag is distributed to the customer, the amount of the sale of the Recycled paper bag shall be separately itemized on the sales receipt. ~~(a) All retail establishments shall keep complete and accurate records or documents of the purchase and sale of any recycled paper bag by the retail establishment, for a minimum period of one year from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Section. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information, including incomplete records or documents, to the City shall be a violation of this Section.~~

Commented [CS6]:

Commented [KG7]: DON WAS THE ONE THAT INCLUDED THIS

IT SHOULD NOT BE INCLUDED

Commented [DR8]: Why would we make them account for this data- seems like there is another related policy that this may refer to- like a recycle use fee or something the City would collect to pay for outreach and enforcement.. Don

(2) A retail establishment may provide a customer participating in the California Special Supplement Food Program, for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with one or more Recycled paper bags at no cost or Reusable bags.

5-28.4. Application for Exemption Caused by Undue Hardship.

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(A) A person or business seeking an exemption must apply in writing for consideration of this exemption from the requirements set forth in Section 5-28 if said application is submitted within one year of the date this Ordinance is adopted. The application must include all information necessary for the City Manager to make a determination, including but not limited to a statement of the supporting facts made under penalty of perjury and documentation showing factual support for the exemption. The City Manager may require the applicant to provide additional information and may deny the application if the applicant fails to provide it.

(b) The City Manager may, within his or her discretion, approve an application for exemption from the requirements set forth in Section 5-28 for a one-year period only upon a finding and determination that application of Section 5-28 would create an undue hardship upon the applicant. The City Manager may, within his or her discretion, deny the application in whole, approve the application in whole, or approve the application in part and/or with conditions. The City Manager's decision shall be final.

Enforcement

- A violation is an infraction and is also punishable by administrative fines
- Adopts and makes part of its municipal code

Commented [CS9]: I'm sending you examples from other cities via email.

California Environmental Quality Act (CEQA) Finding.

This Policy is exempt from the environmental review requirements of CEQA pursuant to Section 15061 (b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the provisions contained herein may have a significant negative effect on the environment. Further, it is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 of Title 14 of the California Code of Regulations as actions taken by regulatory agencies to assure the maintenance, restoration, enhancement of natural resources, or protection of the environment.

> Part of the Process Not the Ord.

Commented [CS10]: Kathleen added this but you said was needed, right?

Effective 60-days after 1st reading.

EXHIBIT B

Fines and Penalties levied by other City for violating their Plastics Ban Ordinances

Carmel by the Sea

H. Violations of this chapter shall be enforced as follows:

1. For the first violation, City Administrator, Code Enforcement Officer, Environmental Compliance Manager, or her/his designated representative, shall issue a written warning to the food vendor or restaurant specifying that a violation of this chapter has occurred and which further notifies the food vendor or restaurant of the appropriate penalties to be assessed in the event of future violations. The food vendor or restaurant will have 30 days to comply.
2. The following penalties will apply for subsequent violations of this chapter:
 - a. A fine not exceeding \$250.00 for the first violation 30 days after the first warning. The City Administrator or designee may allow the violator, in lieu of a payment of a fine, to submit receipts demonstrating the purchase after the citation date, of at least \$250.00 worth of biodegradable, compostable, or recyclable products appropriate as an alternative disposable food service ware for the items which led to the violation.
 - b. A fine not exceeding \$500.00 for the second violation 60 days after the first warning.
 - c. If not in compliance 90 days after the first warning, the establishment may be scheduled for a business license revocation hearing with the Planning Commission in accordance with CMC [5.12.040](#).
3. Food vendors who violate this chapter in connection with commercial or noncommercial special events shall be assessed fines as follows:
 - a. A fine not to exceed \$500.00 for an event of one to 200 persons.
 - b. A fine not to exceed \$800.00 for an event of 201 to 400 persons.
 - c. A fine not to exceed \$1,000.00 for an event of 401 or more persons. (Ord. 2017-11, 2017; Ord. 2008-05, 2008; Ord. 89-14, 1989).

City of Monterey

Sec. 14-20. Penalties And Fines For Violations. Violations of this ordinance shall be enforced as follows: (a) For the first violation, a written warning shall be issued to the food provider specifying that a violation of this ordinance has occurred, and which further notifies the food provider of the appropriate penalties to be assessed in the event of future violations. The food provider will have 30 days to comply. (b) Upon failure of the food provider to comply within the 30-day period set forth in subsection (a) above, the City may pursue enforcement of this ordinance utilizing any of the remedies set forth in Section 14-19 above. (c) If issuance of an administrative citation is deemed to be the appropriate enforcement method, such citation shall

issue following the failure of the food provider to comply within the 30-day notice period set forth in subsection (a) above. The fine amount shall be set forth in the City's Administrative Fine Resolution. In lieu of said fine, the City may allow the violator to submit receipts demonstrating the purchase of at least \$100 worth of biodegradable, compostable, or recyclable products after the citation date, as an alternative disposable food service ware for the items which led to the violation. Mayor of Said City (d) Following the issuance of a first administrative citation, second and subsequent violations of this ordinance shall result in the issuance of additional administrative citations. The fine amounts of these subsequent violations shall be set as forth in the City's Administrative Fine Resolution. (e) Food providers who violate this ordinance in connection with special events, as defined in this Article, shall be assessed a graduated administrative fine which shall increase in amount depending upon the number of persons attending said special event. The amount of the graduated administrative fine shall be established and set forth in the City's Administrative Fine Resolution."

City of Pacific Grove

(e) Penalties. (1) The City, in accordance with applicable law, may inspect any food service provider's premises to verify compliance with this chapter. (2) Food service providers shall confirm compliance with this chapter on their annual business license renewal forms. 8 (3J Violations of this section shall be enforced as follows: (AJ For the first violation, the City Manager or designee shall issue a written warning to the food provider specifying that a violation of this chapter has occurred and notifying the food provider of the appropriate penalties to be assessed in the event of future violations. (BJ The following penalties shall apply for subsequent violations of this chapter: i. A citation imposing a fine in the sum of \$200 for the first violation that occurs more than 30 days after the warning issued pursuant to subsection (A) of this section. In lieu of payment, the person cited may submit receipts to the City Manager that demonstrate the purchase, following the service of the citation, of at least \$100 worth of BPI certified Compostable products appropriate as an alternative to the disposable Food service ware that led to the violation. ii. A fine in the sum of \$400 for a violation that occurs after issuance of the citation referenced in subsection (BJi. of this section. iii. A fine in the sum of \$900 for the third and each subsequent violation which occurs after issuance of the citation referenced in subsection (BJi. of this section. (4J Food service providers who violate this chapter in connection with Special events, defined in this chapter, shall be issued a citation imposing fines as follows:

(A) A fine of \$200 for each violation associated with an event of one to 200 persons; (BJ A fine of \$400 for each violation associated with an event of more than 200 but less than 400 persons; (CJ A fine of \$600 for each violation associated with an event of more than 400 but less than 600 persons; and (C) A fine of \$1,000 for each violation associated with an event of more than 600 persons.



CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: **CITATION FOR DRIVING OVER-SIZE VEHICLES ON CITY STREETS**

MEETING DATE: January 21, 2020

DEPARTMENT HEAD: Rich Brown, Code Enforcement Officer

RECOMMENDED ACTION:

Review and discuss. Provide direction to staff.

BACKGROUND INFORMATION:

Consider an ordinance amending Section 7-3-105 (Limitations of travel) of the San Juan Bautista Municipal Code, authorizing citations to be issued to commercial vehicles violating said section without effecting a traffic stop, and list on the bail schedule a fine of \$165, by Council Resolution.

The San Juan Bautista Municipal Code has a section prohibiting vehicles over three (3) tons from utilizing the city streets with specific exemption as follows:

San Juan Bautista Municipal Code Section 7-3-105 (Limitation of Travel) states: *It shall be unlawful for any vehicle exceeding a maximum gross weight limit of three (3) tons to drive on any street within the City limits of San Juan Bautista, except as follows:*

- (A) For ingress and egress by direct route to and from restricted streets for the purpose of picking up or delivering goods, wares, and merchandise to or from and building or structure located within the City limits;*
- (B) To deliver materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure within the City limits for which a building permit has previously been obtained therefor;*
- (C) As may otherwise be allowed under the California Vehicle Code.*

In order to enforce San Juan Bautista Municipal Code Section 7-3-105 (Limitation of Travel) a traffic stop needs to be conducted to determine who is driving the vehicle. There is an ever-increasing danger associated with conducting traffic stops for Law Enforcement Officers in fully marked vehicles and Officers/Deputies in full uniform with all needed safety equipment. A Code Enforcement Officer in plain clothes and an unmarked patrol-type vehicle is also subject to increased hazard while attempting to conduct a traffic stop. In the current code, if the word "drive" was changed to "drive/utilize," the vehicle and not the driver would be in violation and the owner of the vehicle would be responsible for the citation and any associated fines, much the same situation as with a parking citation.

By only requiring necessary vehicle identification to complete a Notice of Parking Violation (see attached Parking Citation), then a citation would be completed and submitted for processing.

The City's current parking citation can be utilized for violations of the new section by adding it on row #17. Another recommendation would be to change the title of the citations currently in use when citations are reordered.

FISCAL IMPACT:

Cost of processing citations \$200.00/Month

Potential fines based on two (2) citations/Week = \$1,320.00/Month

ATTACHMENTS:

1. Copy of Parking Citation
2. Copy of San Juan Bautista Municipal Code Section 7-3-105 (Limitation of Travel)

NOTICE OF PARKING VIOLATION
San Juan Bautista Police Department

No. SJB 901083

DATE		TIME	DAY OF WEEK S M T W Th F S	
VEH LIC. #:	STATE	EXPIRATION	VIN #:	
MAKE	MODEL	COLOR	BODY STYLE	VEH YEAR

LOCATION OF CITATION:

		CITY CODE VIOLATION	BAIL AMOUNT
1	7-4-100	Stopping in Specified Places	\$65
2	7-4-105	Unauthorized Standing or Loading	\$65
3	7-4-105A	Exceeding Loading Time	\$65
4	7-4-115A	Wheels further than 18" of Curb	\$65
5	7-4-120	Parking on Streets for Purpose of Sale	\$65
6	7-4-130	Parking & Storage of Boats	\$65
7	7-4-135	Parking on Private Property w/o Consent	\$65
8	7-4-140	Parking/Standing – Vendors (permit req.)	\$65
9	7-4-140	Selling from a Parked Vehicle	\$65
10	7-4-205	No Parking – Yellow Zone (30 min)	\$65
11	7-4-210	Exceeding Loading Time (10 min)	\$65
12	7-4-215	Exceeding Parking Time (Green/15 min)	\$65
13	7-4-420	Restricted Parking – Handicapped Zone	\$290
14	7-4-515	Parking on City Streets for Repairs	\$65
15	7-4-710	No Parking in Excess of 72 hours	\$65
16	7-4-715	Parking of Oversized Vehicles	\$165
17			
18			
19			
20			
21			

REMARKS _____

OFFICER SIGNATURE	ID NUMBER
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Chapter 7-3
WEIGHT LIMITATION ON VEHICLES USING CITY STREETS

Sections:

Article 1. Weight Limits

- 7-3-100 Maximum weight limit established.
- 7-3-105 Limitations of travel.
- 7-3-110 Buses exempt.
- 7-3-115 Signage.
- 7-3-120 Violation.

Article 1. Weight Limits

7-3-100 Maximum weight limit established.

Except as otherwise provided in this Chapter, or as required by the California Vehicle Code, any commercial vehicle or any vehicle exceeding a maximum gross weight limit of three (3) tons is prohibited from using any City street.

7-3-105 Limitations of travel.

It shall be unlawful for any vehicle exceeding a maximum gross weight limit of three (3) tons to drive on any street within the City limits of San Juan Bautista, except as follows:

- (A) For ingress and egress by direct route to and from restricted streets for the purpose of picking up or delivering goods, wares, and merchandise to or from any building or structure located within the City limits;
- (B) To deliver materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure within the City limits for which a building permit has previously been obtained therefor;
- (C) As may otherwise be allowed under the California Vehicle Code.

7-3-110 Buses exempt.

The provisions of this Section shall not apply to (1) passenger buses under the jurisdiction of the Public Utilities Commission, or (2) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

7-3-115 Signage.

The City Manager is hereby directed to cause appropriate signs to be posted on streets providing notice of the prohibitions on use of City streets imposed by this Chapter.